

ORDINANCE No. ____ - 2009

**AN ORDINANCE RESTRICTING THE USE OF EXPANDED POLYSTYRENE
MATERIALS IN FOOD SERVICE CONTAINERS
AND PROVIDING PENALTIES FOR VIOLATIONS**

BACKGROUND

- A. Expanded polystyrene food service containers are non-degradable and create difficulties for the operation of an environmentally and financially responsible program of solid waste management;
- B. Expanded polystyrene products often enter the County's storm drains and watersheds, thereby posing a threat to the natural environment;
- C. Some medical studies have indicated that chemicals in expanded polystyrene are carcinogenic and may leach into food or drink, thereby causing health risks to humans;
- D. Products which are degradable and easily recyclable offer an environmentally preferable alternative to products that contain expanded polystyrene;
- E. In order to decrease the use of certain expanded polystyrene products in San Juan County, it is necessary to regulate such use.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, Washington as follows:

Section 1. Prohibition.

- A. Effective on the date set forth in section 4 below, food service businesses located in San Juan County shall be prohibited from selling or providing food, for consumption on or off the premises, in or on packaging made wholly or partially of expanded polystyrene, except as otherwise provided under subsection B.
- B. Food service businesses that sell or otherwise provide food to their customers in prepackaged expanded polystyrene containers that have been filled and sealed prior to receipt by the food service businesses or that sell or otherwise provide to their customers meat, fish or shellfish products in or on containers made wholly or partially of expanded polystyrene shall be exempt from the prohibition established in subsection A.

Section 2. Definition.

For purposes of this Ordinance, the following definitions shall apply.

A. "Expanded polystyrene" means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

B. "Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, bending trucks or carts, business or institutional cafeterias, and any other businesses selling or providing food for consumption on or off the premises.

Section 3. Violation and Penalties.

A. Violations.

1. The first violation of any provision of this Ordinance shall be a Class 3 civil infraction.

2. The second violation of any provision of this Ordinance by the same person within a one-year period shall be a Class 2 civil infraction.

3. A third or subsequent violation of any provision of this Ordinance by the same person within a one-year period shall constitute a Class 1 civil infraction.

B. Penalties.

The penalties for committing a civil infraction under this Ordinance are set forth in Chapter 7.80 of the Revised Code of Washington, as it may be amended from time-to-time.

Section 4. Effective Date.

This Ordinance is effective April 22, 2010.

Section 5. Codification.

Sections 1 to 4 shall be codified.

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ADOPTED this ___ day of _____ 2009.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council


Lovel Pratt, Member
District 1, San Juan South

By: _____
Ingrid Gabriel, Clerk
Date:

Rich Peterson, Chair
District 2, San Juan North

REVIEWED BY COUNTY
ADMINISTRATOR

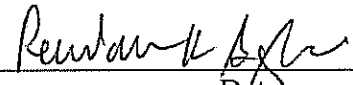
Howard Rosenfeld, Member
District 3, Friday Harbor



Pete Rose Date: 11-16-09

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

Richard Fralick, Vice Chair
District 4, Orcas West/Waldron

By: 

Date: 11/19/2009

Gene Knapp, Member
District 5, Orcas East

Bob Myhr, Member
District 6, Lopez/Shaw

