

Sec. 12-____. Findings; purposes.

The City Council hereby finds as follows:

- (a) The City of Portland is committed to environmental leadership; and
- (b) The City Council desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and
- (c) Discarded plastic beverage straws threaten wildlife and degrade and litter the beaches and water off Maine's coast, including areas within the City; and
- (d) Reducing the distribution of plastic beverage straws provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and
- (e) The City finds there are reasonable, environmentally friendly alternatives to plastic beverage straws; and
- (f) The City Council has determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by amending Chapter 12 to enact procedures and prohibitions regarding the distribution of plastic beverage straws to reduce waste.

Sec. 12-____. Definitions.

As used in this Ordinance, the following words, terms, and phrases, including their respective derivatives have the following meanings:

Beverage means any liquid, including any slurry, frozen, semi-frozen, or other forms of liquids, intended for drinking.

Beverage Provider means any business, organization, entity, group, or individual located within the City that offers beverages to the public for consumption.

Food Provider means any person located within the City that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

Person means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

Plastic Beverage Straw means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker.

Plastic Beverage Straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

Special Event Permittee means a person who has obtained a Special Event Permit from the City pursuant to Section 32-702 of the City Code.

Sec. 12- ____ . Prohibition on Distribution, Sale or Use of Plastic Beverage Straws.

(a) A plastic beverage straw shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-____ below.

(b) A plastic beverage straw shall not be used on public beaches or in public parks within the City of Portland.

(c) Nothing in this section precludes a food provider, beverage provider, special event permittee, or any person from using, providing, distributing, or selling non-plastic alternatives to plastic beverage straws, such as those made from paper, sugar cane, or bamboo, available to customers.

Sec. 12- ____ . Exceptions

(a) Exceptions. The prohibition outlined in this Article shall not apply to:

1. Pre-packaged drinks sold at commercial establishments.
2. Use by medical or dental facilities.
3. Use by the school district.
4. Use during a locally declared emergency.
5. Use by individuals with a disability or other impairment requiring use of plastic straw.

Sec. 12-___. Violations and Enforcement.

The City Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. If the City Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the person in violation notifying that person that a violation has occurred. Subsequent violations of the Article shall be subject to the penalties set forth below.

Violations of this Article shall be punishable by fines as follows:

- (a) A fine not exceeding \$100 for the first violation in a one-year period;
- (b) A fine not exceeding \$200 for the second and each subsequent violation in a one-year period.

Sec. 12-___. Severability.

Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Sec. 12-___. Effective Date

The provisions of this ordinance shall become effective on _____, 20__.