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**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12. GARBAGE, WASTES AND JUNK
RE: PLASTIC STRAWS, STIRRERS AND SPLASH STICKS**

**I. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That Chapter 12 is hereby amended to read as follows:

- Art. I. In General, § 12-1--12-15**
Art. II. Garbage and Solid Waste Removal/Recycling, §§ 12-16--12-45
Art. III. Health Nuisances, §§ 12-46--12-60
Art. IV. Public and Private Dumps, §§ 12-61--12-74
Art. V. Junked Motor Vehicles, §§ 12-75--12-99
Art. VI. Solid Waste Disposal, §§ 12-100--12-119
Art. VII. Rendering Wastes, §§ 12-120--12-205
 Div. 1. Generally, §§ 12-120--12-149
 Div. 2. Waste Transportation Licenses, §§ 12-150--12-199
 Div. 3. Construction and Operation of Rendering Facilities, §§ 12-200--12-209
Art. VIII. Polystyrene and Plastic, §§ 12-210--12-229
 Div. Polystyrene §§ 12-211--12-219
 Div. Plastic §§ 12-220--12-229
Art. IX. Waste Reduction, §§ 12-230--12-237
Art. X. Abandoned Bicycles, §§ 12-238--12-241

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ARTICLE VIII. POLYSTYRENE AND PLASTIC

DIVISION 1. POLYSTYRENE

Sec. 12-210. Findings; purposes.

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DIVISION 2. PLASTIC

Sec. 12-220. Reserved 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, stirrers, and splash sticks 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, stirrers, and splash sticks 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, stirrers, and splash sticks; 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 enacting procedures and prohibitions regarding the distribution of plastic beverage straws, stirrers, and splash sticks to reduce waste.

Sec. 12-221. Reserved 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.

On Request means any person located within the City seeking a beverage straw, stirrer, or splash stick must ask food and beverage providers for the items and not be able to access them on their own.

Non-Plastic Alternatives to Plastic Beverage Straws includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

Non-Plastic Alternatives to Plastic Stirrers and Splash Sticks includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

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 Stirrer means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed solely to mix liquids that are intended for internal human consumption and are contained in a single-serving container.

Plastic Beverage Splash Stick means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed to prevent heat and/or liquid from escaping a lidded cup.

Plastic Beverage Straw, Stirrer, and Splash Stick definitions include compostable and biodegradable petroleum or biologically based polymer straws, stirrers, and splash sticks but do not include straws, stirrers, or splash sticks that are made from non-plastic materials, such as paper, sugar cane, bamboo, pasta, metal, 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. 12-222. Reserved Prohibition on Distribution, Sale or Use of Plastic Beverage Straws, Stirrers, and Splash Sticks.

(a) Plastic beverage straws, stirrers, and splash sticks shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-223 below.

(b) 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, stirrers, or splash sticks available to customers on request.

Sec. 12-223. Reserved Exceptions

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

1. Pre-packaged drinks sold at commercial establishments;
2. Bulk packages of plastic straws sold by food or beverage providers;
3. Use by medical or dental facilities;
4. Use during a locally declared emergency; or
5. Use on request by individuals with a disability or other impairment requiring use of plastic straw.

Sec. 12-224. Reserved Violations and Enforcement.

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

(b) Violations of this ordinance shall be punishable by fines as follows:

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

Sec. 12-225. ~~Reserved~~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. 12-226. ~~Reserved~~Effective Date.

The provisions of this ordinance shall become effective utilizing a phased approach. As of April 1, 2020, a food provider may only supply a plastic beverage straw, stirrer, or splash stick on request. As of January 1, 2021, distribution or provision of plastic beverage straws, stirrers, and splash sticks is prohibited. Non-plastic alternatives to plastic beverage straws, stirrers and splash sticks may be provided on request.