



COUNCIL ORDINANCE NO. 20623

COUNCIL BILL 5217

**AN ORDINANCE CONCERNING RESTRICTIONS ON
THE USE OF POLYSTYRENE CONTAINERS AND
ADDING SECTIONS 6.874, 6.876, AND 6.878 TO
THE EUGENE CODE, 1971.**

ADOPTED: November 25, 2019

SIGNED: November 26, 2019

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: December 27, 2019



ORDINANCE NO. 20623

**AN ORDINANCE CONCERNING RESTRICTIONS ON THE USE OF
POLYSTYRENE CONTAINERS AND ADDING SECTIONS 6.874, 6.876,
AND 6.878 TO THE EUGENE CODE, 1971.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 6.874, 6.876, and 6.878 of the Eugene Code, 1971, are added

to provide as follows:

6.874 **Polystyrene Container Use - Definitions.** For purposes of sections 6.874 to 6.878 of this code, the following words and phrases mean:

City sponsored event. Any event organized or sponsored by the city or any department of the city.

Polystyrene container. A container that is made, in whole or in part, of a thermoplastic polymer, including, but not limited to, a solid polystyrene plastic or a polystyrene plastic foam, made for the purpose of and ordinarily used once for the purpose of serving, containing, preserving or consuming prepared food before being discarded. Types of polystyrene containers include, but are not limited to cups, bowls, plates, trays, and clamshell containers. Polystyrene containers do not include:

- (a) A cooler or other container that is made of a polystyrene foam, that is intended for more than one use and that is enclosed by a solid plastic shell;
- (b) A tray or container used solely to store, ship or otherwise transport an ingredient or food product that is not prepared food; or
- (c) Polystyrene plastic material that is used solely for packing or protecting items other than prepared food during storage, shipping or other transportation.

Prepared food. Food or a beverage that a retail food and beverage establishment prepares on their premises or that another person prepares and provides to the retail food and beverage establishment for sale to the public and that a person may consume immediately or without the need for additional preparation. Prepared food does not include raw meat, fish, or eggs that have not been prepared for immediate consumption.

Retail food and beverage establishment. Full service restaurants, limited service restaurants, fast food restaurants, food carts, bars, coffee and tea shops, grocery stores, convenience stores, hotels and motels, caterers, and food service contractors.

Undue hardship. Circumstances or situations unique to the retail food and beverage establishment, such that there are no reasonable alternatives to polystyrene containers.

6.876 Polystyrene Container Use – Regulations. Except as exempted in section 6.878 of this code:


- (a) Retail food and beverage establishments shall not use, provide, or make polystyrene containers available to members of the public in the course of selling, offering for sale, serving, or dispensing prepared food to members of the public.
- (b) No person shall sell, offer for sale, serve or dispense prepared food in a polystyrene container at any city facility, city sponsored event, or city permitted event.
- (c) City departments may not purchase, acquire, or use polystyrene containers for prepared food.
- (d) Retail food and beverage establishments under contract with the city may not use polystyrene containers for prepared food in city facilities and while performing under a city contract.

6.878 Polystyrene Container Use - Exemptions. Notwithstanding section 6.876 this code, the city manager or designee may exempt a retail food and beverage establishment from the requirements set forth in section 6.876 of this code for a period of not more than one year upon the retail food and beverage establishment showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. Requests for exemptions will not be accepted after December 31, 2020. The decision to grant or deny an exemption shall be in writing, and the city manager's or designee's decision shall be final.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

25th day of November, 2019



Deputy City Recorder

Approved by the Mayor this

26 day of November, 2019



Mayor