

ARTICLE VI. PROHIBITION OF EXPANDED POLYSTYRENE FOOD SERVICE CONTAINERS

Sec. 11-78. Dispensing of Prepared Foods by Food Vendors.

- 1) It shall be unlawful for any food vendor to dispense prepared food to a customer in an expanded polystyrene food service container as enacted by Code of Virginia, § 10.1-1424.3.

Sec. 11-79. Exemptions.

- (a) Town Council may grant an exemption to allow a food vendor, serving in the Town's limits, to dispense prepared foods to customers if the vendor demonstrates to the satisfaction of the locality that compliance would impose an undue economic hardship on the food vendor. The exemption is valid for a period of one (1) year. The vendor may reapply to the locality before the expiration of the exemption, and the locality may grant an additional exemption not to exceed one year for each such reapplication if the food vendor demonstrates a continuing undue economic hardship at the time of reapplication to the satisfaction of the locality.
- (b) The food vendor shall provide the following with the exemption request:
 - i) Justification explaining why there is no reasonable alternative for using the expanded polystyrene containers;
 - ii) Justification explaining why compliance would cause the food vendor significant economic hardship.

Sec. 11-80. Enforcement Procedures.

- (a) Complaints shall be received by the Code Enforcement Officer. The Code Enforcement Officer will determine if the food vendor is dispensing prepared food in an expanded polystyrene container. The Code Enforcement Officer will determine whether the food vendor holds a current Town exemption and whether the observed conduct falls within the terms of the exemption.
- (b) If it is determined that the food vendor has dispensed prepared food in an expanded polystyrene container, the food vendor will be issued a compliance notice. The compliance notice shall include the observed conduct, applicable statute, and corrective action (including the ability to request an exemption).
- (c) Continued noncompliance shall be referred to the Town Attorney to determine whether the evidence warrants a civil action in circuit court seeking the statutory per-day civil penalty (\$50.00).

Sec. 11-81. Definitions.

Expanded Polystyrene Food Service Container – A type of lightweight, plastic foam used to make single-use food containers, cups, plates, and trays, in food service. These items, commonly recognized as disposable packaging, are typically used for transporting food and drinks.

Food Vendor – Any individual, business, or organization that prepares and sells prepared food for public consumption, either on or off the premises. This can include, but not limited to, restaurants, grocery stores, delicatessens, caterers, food trucks, pushcarts, and/or food stands.