

(Underlined sections are new or replacement;  
[bracketed] sections are deleted)

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. 635

An ordinance to amend Ordinance 614, relating to polystyrene foam, and changing the effective date of certain provisions therein.

Multnomah County ordains as follows:

Section I. Findings.

Since the adoption of Ordinance 614 additional issues have been raised regarding the polystyrene foam ban and recycling alternatives. The following amendments provide clarification of these issues.

Section II. Ordinance 614, Section II, subsection C is amended to read as follows:

(C) On or after [January 1, 1990] April 1, 1990, neither Multnomah County nor any food vendor operating in facilities controlled by the County, nor any restaurant or retail food vendor shall use or serve food to patrons in any polystyrene foam products unless the County, restaurant, or vendor has a recycling program for polystyrene foam products used on the premises and for take-out food, and unless the Board of County Commissioners has found there exists in Multnomah County a recycling system actively supported by the plastics industry. Any recycling program operating pursuant to this section must collect all types of polystyrene foam products including take out products and must meet the following minimum requirements:

[1. The County, restaurant, or vendor must collect all polystyrene foam products including take-out products; and

2. The County, restaurant, or vendor must document that delivery of these plastic products to a recycling processor is occurring.]

1. Bins on the premises for collecting sorted polystyrene containers;

2. If the restaurant or retail food vendor relies on customers to clear their own tables, posted notices to customers about where and how to dispose of polystyrene on the premises;

3. If the restaurant or retail food vendor staff is responsible for clearing eating surfaces and/or premises, posted notices for staff about sorting and disposing of polystyrene;

4. Information to customers that cleaned take-out polystyrene packaging can be returned to the restaurant or food vendor or dropped off at a polystyrene foam recycling drop-off site. Notice to this effect can be made either by posting a sign or by providing some notice on the to go container; and

5. Documentation of delivery of the polystyrene foam product to a recycler/processor. Documentation should be dated and signed by the recycler and should include the estimated amount of polystyrene foam delivered and the location of the recycling station. All documentation should be kept for one year following its issuance.

[3] 6. Further specifications [shall] may be adopted by the Board of County Commissioners upon recommendation by the task force created by this ordinance.

Section III. Ordinance 614, Section II, subsection D, paragraph 1(f) is amended to read as follows:

f. To recommend whether on or after [May 1, 1990] January 1, 1991 restaurants and food vendors, both for profit and/or non-profit, shall be prohibited from serving foods to patrons in any nondegradable plastic products unless a recycling program for disposable plastic products is in place. Toward this end, the task force shall recommend to the Board of County Commissioners additional standards governing recycling programs for disposable plastics used on premises and for take-out food.

Section IV. Ordinance 614, Section II, subsection H is repealed.

Section V. Ordinance 614, Section II, subsection I is amended by addition of the following:

13. Polystyrene foam means any material composed of polystyrene and having a closed cell air capacity of 25 percent or greater, or a density of less than .787 grams per cubic centimeter based on an average polystyrene density of 1.05 grams per cubic centimeter, as determined by an analytical testing laboratory.

Adopted this 28th day of December, 19 89 being  
the date of its 2nd reading before the Board of County  
Commissioners of Multnomah County, Oregon.

By Gladys McCoy  
Gladys McCoy  
Multnomah County Chair

Reviewed:

John DuBay  
John DuBay, Chief Deputy County Counsel  
of Multnomah County, Oregon

