

CITY OF PORTLAND, MAINE
Standing Committee on Sustainability and Transportation
Councilor Spencer Thibodeau (D2), Chair
Councilor Belinda Ray (D1)
Councilor Jill Duson (D3)

Agenda
July 17, 2019
5:30 PM
Council Chambers

1. Review and approve minutes
 - a. Draft minutes from June 19
2. Sustainability Program Updates
 - a. Sustainability Updates for July
3. Presentation and Discussion
Public comment may be taken
 - a. Proposed changes to federal navigation channel by Maine Yacht Center in the area of Back Cove
 - b. Amendments to Chapter 12 of City Code, Garbage, Waste, and Junk, re: banning plastic straws
4. Other Business

CITY OF PORTLAND, MAINE

Standing Committee on Sustainability and Transportation

Councilor Spencer Thibodeau (D2), Chair

Councilor Belinda Ray (D1)

Councilor Jill Duson (At large)

Draft Minutes June 19, 2019

Members Present: Councilor Thibodeau, Councilor Ray, Councilor Duson

Staff Present: Troy Moon, Ashley Krulik, Mike Murray

Meeting was called to order at 5:30 PM. Councilor Duson moves to approve the minutes from May 15, 2019. Councilor Ray, seconded. All those in favor of approving 3-0 with one typo revision.

Sustainability Program Updates

Troy Moon reviewed the items on the Sustainability Program Update memo.

Ocean Ave solar farm testing to be done on wells in August.

Amendments to Chapter 12 of City Code, Garbage, Waste and Junk re: banning plastic straws and plastic bags

Councilor Batson presented memo and proposed amendment. Will not be discussing plastic bags based on recent State legislature.

- Aligns with City goals to reduce greenhouse gas emissions
- Opportunity to step up as a leader to inspire other municipalities in the state

Mr. Moon presented background materials.

- Communities across the country have taken up this issue -
 - Bans in communities in California, Florida, Seattle, and more
 - Limitations on straws across the country and on cruise lines

Public Comment:

- Melissa Gates, Northeast Regional Manager Surfrider Foundation - working to stop pollution at the source.
 - Vermont has passed comprehensive single use plastics policy - straws available upon request
 - New Hampshire bill did not pass
 - Would like Portland to consider a ban on all single use plastic straws, and use natural material straws as an alternative
 - Biodegradable plastic straws are not up to snuff yet
 - Estimated that every American uses 1.5 straws per day

- A regulation at the local level will influence consumers to think about their behaviors
 - A voluntary program is not enough
- Maggie Wolf, 28 St. Lawrence
 - Will pass along news to Phoebe who has been involved in this conversation in the past

Councilor Ray

- Is there an organization that would certify a biodegradable straw once they are up to snuff? Ms. Gates: Not exactly, requires education and proper disposal. Mr. Moon: Things that are allegedly biodegradable will not biodegrade if they do not end up in a composting facility.
 - Sounds like we could not add that biodegradable straws could be added to the ordinance if they are ever certified by X.
- Do we need to add anything to ordinance to allow people to bring their own straws? If there a health inspection issue? Mr. Moon - not that we are aware of but will get confirmation from health department. Ordinance as written bans plastic straws in beaches and parks.
- How could we enforce not using straws at beaches and parks? Councilor Batson: Beaches are a bigger issue because straws end up in the ocean. Mr. Moon: Precedent communities are all beach communities and ordinances have been implemented because of impact on water. Councilor Batson: do other ordinances specifically ban use on beaches?
- Given that we aren't banning juice boxes that come with a straw, how do we handle those at the beach? Councilor Batson: It would be on the citizen to dispose of that straw appropriately.
- What is the transition period? Mr. Moon - up to the committee to determine.
- We should ask the schools if they would like an exemption or not.
- Add in language about providing natural straws in restaurants when requested
 - Mr. Moon: Amend language to ban plastic straws and offer natural straws upon request? You don't need to make the change, let's consider that change.

Councilor Thibodeau

- Question on Vermont law - why did they end up with straws on request vs. ban? - Ms. Gates - It was political, Vermont bill did not change much during review process.
- Will need to vote in July to allow for some wordsmithing
- Need to discuss exemptions for beverage providers around pre-packaged drinks that come with straws and packages of straws sold by beverage providers.
- Need to request straws at restaurant, but still available to buy at a grocery store. Mr. Batson: Yes.
- Should we discuss additional single use items or stay narrowly focused? Decision to stay narrowly focused.

Councilor Duson

- Can we establish a plan to analyze the effectiveness of the ordinance? Mr. Moon - yes. Many similar ordinances have a reporting mechanism and we can reference those.
- Good straightforward, compact proposal that we can make minor revisions to
- Do I need to toss my plastic reusable straws when this ordinance goes into effect? Need to discuss.
- Need to consider point of sale signage
- Offer a straw disposal day?

Councilor Thibodeau: next steps will be to schedule July workshop and a vote. Send communication to schools, Chamber of Commerce and Portland Downtown.

Councilor Batson: Like suggestions of contacting schools and organized events to get rid of straws - could donate them to dental and medical organizations that need the straws.

Amendments to Chapter 30 of City Code, Vehicles for Hire, re: Golf Carts

Mike Murray presented memo.

Steve Anderson, Chair of Transportation Committee of Peaks Island Council, presented.

- Thank you for listening as golf carts impact our quality of life
- Community met to develop 11 actionable recommendations related to rental golf carts
- Most carts are older gas powered carts and not efficient or environmentally friendly
- Asking City to move forward 11 recommendations and 5 clarifying enhancements

Public Comment:

- Steve Clayman, 960 Seashore Ave - have lived on Peaks for 11 years. On a summer day, golf carts are frequent and noisy. Ask committee to take into consideration the quality of life on the island. Great opportunity to find a solution that addresses carbon footprint, noise and pollution. Golf carts degrade Peaks experience for all.
- Joann Mac Issac - 499 Island Ave - have lived on Peaks for 60 years. Always welcomed daytrippers. Rental golf carts have become very problematic. Welcome economic growth. Would like to step back and think about how it affects the quality of Peaks. Safety and environmental hazard. Tourism will continue to grow, but feels that the max number of golf carts has been reached and would like to cap number.
- Ron Delucia - Peaks Island - approximately 50 rental golf carts. Observed 68 golf carts pass by in 20 minutes. Golf carts are big polluters. The fabric of the island is being destroyed. The pollution, smell and fumes from golf carts drive people into their homes. Rental golf carts not provide a service for anyone on the island. Would like Council to consider reducing the number of rental golf carts, switching to electric and limiting rental time.
- Ann Carlson - has lived on Peaks Island for over 15 years and have never seen such a mess as there is now from the golf carts driving around. There is a golf cart inundation.

Would prefer to not have any rental golf carts. Heartbroken about what is happening on the island. Would like to see a minimal amount of golf carts operated by owners of property on Peaks Island.

- Deborah Montgomery - summer resident of Peaks Island - in addition to fossil fuels and noise, there are safety issues. Amazed that no one has gotten seriously injured. Not nice Peaks, it's crazy Peaks.
- Fred Summers - Peaks Island - asked a few weeks ago where they could rent the "go carts" which highlights how they are viewed. Golf cart companies are run with minimal regulation and residents are bearing the burden. Would like to achieve some balance.
- Judy Walsh - Peaks Island - have discussed nuisance, pollution, and safety. There is no way to identify golf cart users to report. Cannot see number of the cart or the rental agency from a distance. There needs to be a better way to label the carts in order to file complaints and leverage some control.

Councilor Ray

- Where are we with electric scooters, segways, etc? Councilor Thibodeau: prohibited in City. Have talked with electric scooter provider but nothing has been brought forward.
 - Need to be proactive on that front to avoid future issue of electric conveyances as being viewed as "go carts"
- How are we going to accomplish the City inspecting all golf carts? Mr. Murray: the inspection would be for compliance and would be done through business licencing office or island Officers could do that inspection. Would be yearly.
- Increase size of golf cart identification labels. Mr. Murray: proposed size came from taxi regulation.
 - Propose amendment to increase size to 5 inches.
 - Councilor Thibodeau: suggest size of identification part of rules and regulations that are enforced.
 - Send forward with expectation of providing amendment for size at Council.
 - Councilor Duson: agree that 1.5 inches is too small. Need to consider regulations.
- What is the difference between registration and license? Mr. Murray: The licensing of the cart is basically the licensing of the business. If there are multiple vehicles put out by one owner, owner pays for each vehicle. No value on licenses. City Manager can cap number of carts and number of operators. Can cap number of carts per island.
- Thank you to the Peaks Island Council for doing a tremendous job on this issue. Lots of public outreach and sessions to create comprehensive proposal.

Councilor Duson

- Would not be favorable toward adding language that requires City Manager involvement given that Peaks Island Council works directly with Portland City Council. Should not delegate a non-elected official to have authority on these issues. Encourage informal consultation and communication between Peaks Island Council and City staff. Based on this, encourage committee to not add language in red to Article B1 and Article B2.

- Recommendations from Peak Island Council approved during Peaks Island Council meeting? Mr. Anderson: Suggested changes dated June 18, 2019 were put together by Peaks Island Council Transportation Committee and have not gone to the full Peaks Island Council to vote. Mr. Murray: Memo from December has been voted on by the Peaks Island Council.
- Article D2 - staff proposal is adequate, not necessary for City to set up extra licensing authority
- Article E3 - need to determine what size of the letters is visible

Councilor Thibodeau

- Article A-1: wording is somewhat confusing - flag for corporation counsel to review
- Article B-2: agree with Councilor Duson
- Business license - do not want to create a valuable license - require registration and City review
- Size of the letters - 1.5 inches too small
- Email from Mike's Carts - operates 29 carts, 6 are electric. Change a third of carts to electric each year. Expect to be fully electric by 2024 season.

Councilor Ray moves to make a motion to forward along to City Council.

- Amendments:
 - Determine appropriate size of letters/numbers
 - Have corporation counsel review wording of public property piece of Article A-1

Councilor Thibodeau: need to make sure that everyone is on the same page regarding the effective date.

Councilor Duson: need to alert cart operators of effective date.

Councilor Duson seconded. Approved 3-0.

Keep current July meeting date as is.

Motion was made by Councilor Ray to adjourn the meeting at 7:09 pm. Motion was seconded by Councilor Duson. All in favor. 3-0.

Sustainability Updates

July 2019

Climate Action Planning

City staff, One Climate Future street team members, and citizen volunteers have been conducting extensive outreach to Portland and South Portland community members to educate residents on the OCF initiative and collect responses to survey #1. Events include:

- Troy presented to City Republican Committee
- Ashley attended Portland Climate Action Team's *One Climate Future* talk and screening of *Pittsburgh to Paris* at the Reiche Community Center
- Revision Energy hosted *One Climate Future* event - South Portland colleagues attended
- Street team attended and tabled at StartUp Maine Conference, Munjoy Neighborhood Association meeting and the Bug Light movie event
- *One Climate Future* volunteers have hosted events at 100 State Street, Harborview Terraces, the West End Neighborhood Association meeting, St. Luke's Episcopal Cathedral, First Parish Church, and more

We've received 441 responses to the first survey and will be wrapping that up in the next week. Survey #2, which is focused on better understanding the barriers to take action, is scheduled to launch at the end of July.

Mitigation workshop was held June 19th with Climate Planning Process Committee and select City staff and community members. Consultants presented initial greenhouse gas assessment findings and areas of greatest potential for mitigation to reach our climate action goals.

Energy Benchmarking

Working with the EPA, DEP, and Cambridge, MA to determine best practices for reporting link to be provided to single-occupant building owners to report energy usage.

Solar

Summer intern Luegi Phaphety and Kathy Alves are working to complete a solar site assessment for all municipal buildings to determine solar viability for all City owned buildings.

Pesticide Ordinance

Continuing to respond to resident complaints about applications of pesticides in their neighborhoods and sent reminder letters to several property owners. Providing guidance to applicators on appropriate treatments for specific issues.

Working with Cumberland County Soil and Water Conservation District to hold a YardScaping Workshop in Portland in late August/early September.

Outreach Events

See *Climate Action Planning* update for *One Climate Future* outreach events.

We continue regular social media posts. Follow us on Facebook and Instagram at @sustainableportlandme We invite people to participate in One Climate Future by visiting the webpage at www.oneclimatefuture.org



CITY OF PORTLAND
Economic Development Gregory A.
Mitchell, Director

Memorandum

To: Chair Thibodeau and members of the Sustainability and Transportation Committee

From: Bill Needelman, Waterfront Coordinator

Date: July 11, 2017

Re: Communication on proposed changes to federal navigation channel by Maine Yacht Center in the area of Back Cove

Introduction

Maine Yacht Center, a marina and boat yard located in Portland's East Deering neighborhood, has made requests to the Portland Harbor Commission to support changes to the federal navigation channel in the area of the outlet of Back Cove. If approved, the changes would allow for expanded mooring opportunities and potential expansion of the marina in the future.

The Portland Harbor Commission staff has reached out to City of Portland staff from Economic Development and Parks, Recreation, and Facilities to seek opinions on the proposal.

Staff suggested that the Committee receive a briefing on the proposal and the opportunity to ask questions.

Background

Federal navigation channels are regulated portions of the harbor maintained to support marine transportation. Fixed infrastructure, moorings, and other impediments to navigation must be located outside of designated channels. Channels have both a mapped geographic extent and a designated depth.

Given changes in transportation priorities and changes to uses on the water, channel locations change over time, but infrequently. Channels are created by an act of Congress and altering a federal channel requires a legislative act in Washington.

Maine Yacht Center, recognizing the abandonment of shipping activity into Back Cove, has requested that the Portland Harbor Commission sponsor legislation to alter the channel to allow expanded moorings and potential increased marina footprint.

The Commission has held several workshops on the concept and will hold their public hearing on the issue after the writing of this memo. The results of the public hearing will be presented to the Committee on July 17.

Staff Feedback to the Harbor Commission

The Portland Harbor Master has briefed City staff on the broad strokes of the proposal and sought feedback. Given the lack of details, City staff was not able to provide comment on the locational specifics. However, promoting boating and marina development is consistent with City programs and policies and Maine Yacht Center has developed into a premier facility in Portland Harbor. As a location for berthing, boat service and repair, ocean sailing, and general marine activity, Maine Yacht Center is a Portland success story. Economic Development staff supports their expansion under reasonable conditions. Staff from multiple departments related to the Harbor Master general support for the proposal with the following caveats:

- Traditional use of the water should not be blocked or significantly limited. Commercial and recreational fishing and boating access to Back Cove should be maintained.
- Access to expanded mooring opportunities should be open to all. While it is anticipated that Maine Yacht Center will expand commercial (transient or seasonal) moorings between the trestle bridge and Back Cove, the public and fishing community who has interest in moorage in this area should have access through the established mooring system managed by the Harbor Master.
- Future opportunities to develop public infrastructure should not be unreasonably constrained. No such infrastructure is planned, but given the proximity to the trail system, public access to the water in this area may be an opportunity in the future.

Role of the Sustainability and Transportation Committee

No action by the Committee is requested. The Committee is asked to hear the proposal, ask relevant questions, and to provide feedback to the Commission as warranted.

Additional Material

- Details on the proposal and results of the Portland Harbor Commission Public Hearing will be presented at the July 17 meeting

**Portland Public Schools
Food Service Department
Plastic Reduction Plan for SY19-20**

Elementary Schools

We will be switching from a "Spork Kit" (spork, napkin, and straw)

To individual fork, spoon, napkin, and straw.

This will give students the option to take only what they need, or want.

The fork, spoon, and straw will continue to be wrapped for sanitation and safety.

The green club at Ocean Ave will be making us wraps for the straw boxes to encourage students not to take a straw. (ex: save a turtle, skip the straw)

Ocean Ave and Rowe will be piloting a "real" silverware program at each elementary school. This has been funded thru PTA at Ocean and the Sustainability Arm of the Food Fuels Learning Group. This is able to happen, because each of these schools currently have dishwashers in their buildings.

Middle Schools and High Schools

Use individual fork, spoon, napkin and straw

Straw is available for them on a "request basis"

I request that we continue to have the exemption in the proposed ban.

In cafeteria's and classrooms daily many students, as young as five, are opening milk cartons and juice cups, without the aid of a straw, I would anticipate more spills and messes in these spaces.

Straw prices

Fall 2018 Comparison

		<u>Pack size</u>	<u>Description</u>	<u>Price/case</u>	<u>Price/each</u>
833188	paper straw	12/500	8.3" wrapped R&W	138.55	0.0231
833161	plastic straw	24/500	7.75" wrapped	45.61	0.0038
833163	plastic straw	20/250	7.75 unwrapped	38.71	0.0077
833121	Plastic milk straw	24/500	5.75" slim wrapped	27.35	0.0023

Plastic Straws we bid 300 cases for the upcoming school year

<u>Description</u>	<u>pack size</u>	<u># of cases</u>	<u>Price/case</u>	<u>Yearly cost</u>
Paper straw	12/500	600 cases	\$138.55	\$83,130.00
Plastic Milk Straw	24/500	300 case	\$27.35	\$8,205.00

For more information
 please call 1-800-555-1234
 or visit our website at
 www.ourcompany.com

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 and services to our clients. Our
 team of experts is dedicated to
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 cover letter to the address
 listed below.

For more information, please
 contact our HR department at
 1-800-555-1234.

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Financial Services Solutions			
Product	Price	Features	Availability
Basic Plan	\$100	10 users, 1GB storage	Available
Standard Plan	\$200	20 users, 2GB storage	Available
Advanced Plan	\$300	30 users, 3GB storage	Available
Enterprise Plan	\$500	50 users, 5GB storage	Available

Software Solutions for Financial Services			
Product	Price	Features	Availability
Basic Plan	\$100	10 users, 1GB storage	Available
Standard Plan	\$200	20 users, 2GB storage	Available
Advanced Plan	\$300	30 users, 3GB storage	Available

Committee Chair Thibodeau and Members of the Sustainability and Transportation Committee, my name is Greg Dugal and I am representing Hospitality Maine here this evening with some thoughts on how to deal with plastic straws. We believe a good first step would be an education initiative to alert restaurateurs and their consumers to the overuse of many single use plastic items, but specifically plastic straws. It would make sense to start an initiative that would train restaurants to use a straw upon demand approach for their customers. This would cover the concerns of individuals with disabilities that may result in swallowing disorders. Our preference would be to try this as a volunteer education-based program and then monitor its success in some way. If for some reason the program is not successful, then perhaps follow up with an ordinance that would require the straw upon demand approach. We do not support an all-out ban.

The ideal situation would be for a Maine based company like Huhtamaki to develop a good paper straw that could be used in Maine restaurant establishments, as well as, the same establishments around the US and the world. Currently none exists, most degrade too quickly. It would create an exporting opportunity for Maine's paper industry and a biodegradable product that would be good for the environment.

We are appreciative of the efforts put forth by the committee and its city staff liaison Tory Moon and look forward to helping in any way moving forward. We also appreciate having the ability to make public comments on this issue this evening.

OFFICE OF THE ATTORNEY GENERAL
MAINE

Committee Chair, Thibodeau and President of the Sustainability
and Transportation Committee, my name is Gary Hagan and I
am representing the town of Maine here this evening and
some thoughts on how to deal with plastic waste. It's better to
good first step we can be an education initiative to
recyclables and their containers to the extent of making
single use plastic items, but especially plastic containers, to
in the sense to start in bottles that would be the first step to
use a straw upon demand approach for their containers. This
would cost the consumers of individual items with the idea that
they would be recycling bottles that would be recycled and then
they would be a significant reduction in the amount of waste
that is generated in some way. If for some reason the
program is not successful, then I think it's better to
at least that would require the straw upon demand
approach. We do not suggest an all-out ban.

The ideal situation would be for a state based company that
is able to develop a good product that would be used in
the restaurant industry as well as the home.
at restaurants or even the little world, certainly none
exists most people too easily it would create an opportunity
eventually for a paper industry and a plastic bottle
product. It would be good for the environment.
who are supportive of the efforts but for the fact that
and the city staff have very much and they are not helping
in any way moving forward. We also appreciate having the
ability to make public comments on this issue this evening.



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

Comments in Support of a Plastic Straw Ordinance in Portland

Christine Adamowicz, Sustainable Maine Outreach Coordinator

June 19, 2019

Greetings Mr. Moon and members of Portland's Sustainability and Transportation Committee. My name is Christine Adamowicz and I am the Sustainable Maine Outreach Coordinator for the Natural Resources Council of Maine (NRCM). I appreciate this opportunity to submit comments in support of the ordinance prohibiting the sale, distribution, and public use of plastic straws.

Plastic pollution is a global crisis that deserves action from every level of government. Scientists predict that by 2050,¹ there will be more plastic in the ocean than fish, by weight. This crisis is hitting us here at home: The Shaw Institute of Blue Hill, Maine, has found an average of 177 pieces of microplastics in Penobscot Bay oysters.² We cannot continue to tolerate the use of plastic, a material that lasts for hundreds of years, in disposable products designed to be used for mere moments.

Disposable plastic straws are the fifth most common kind of plastic pollution³ and implementing an ordinance is a sensible way to reducing Portland's plastic impact. There are alternatives to disposable plastic straws, including not using any kind of straw at all, that don't have such a harsh impact on marine ecosystems or cause wildlife fatalities if they leak into the environment. Eco-friendly alternatives to plastic straws are abundant, accessible, and cost-effective, making straws an easy target for an ordinance.

Many businesses are already discontinuing their use of plastic straws, providing evidence and experience that it can be done and that people can adjust very easily. A city-wide ordinance will only help to strengthen this effort and make it more effective. History has shown that as Portland goes, so goes the state. Surely the work you are doing will inspire other communities to follow suit.

We commend Portland for taking action on single-use plastics. The City has proven itself a leader on this important issue. That is why in addition to the straw ordinance, we would like to suggest that the committee consider an additional ordinance for balloon releases.

Balloon releases are surprisingly common, and balloons are the 15th most commonly littered item found across the United States.⁴ In 2018 alone, the Blue Ocean Society for Marine Conservation

¹ The New Plastics Economy: Rethinking the future of plastics & catalysing action by the Ellen MacArthur Foundation

² The Shaw Institute Plastics & Microplastics Webpage: <https://www.shawinstitute.org/focus/plastics-and-microplastics>

³ Source: Better Alternatives Now (BAN) 2.0, An analysis and call-to-action to phase out the most polluting plastic products used in the United States

⁴ Source: Better Alternatives Now (BAN) 2.0, An analysis and call-to-action to phase out the most polluting plastic products used in the United States

in Portsmouth, NH, found more than 750 balloons littering the Gulf of Maine.⁵ Like plastics, balloons choke and tangle wildlife, and researchers have found that littered balloons are 32 times more likely to kill seabirds than hard plastic,⁶ and they are having a terrible impact on endangered sea turtle species. Contrary to popular belief, researchers have concluded that balloons do not meet the definition of biodegradable.⁷

Kennebunk recently passed a great ordinance prohibiting the outdoor release and display of balloons as a way to control balloon litter. Like with so many single-use plastic items, there are great alternatives to balloon releases for celebrations and commemorations. We have attached a draft ordinance for you to consider and would be happy to help the committee move forward on both of these policies.

Thank you for your consideration of common-sense policies that help us turn off the faucet for single-use plastic pollution.

Sincerely,

Christine Adamowicz, Sustainable Maine Outreach Coordinator

cadamowicz@nrcm.org

⁵ Source: BOSMC Beach Cleanup Results for 2018

⁶ Journal of Scientific Reports: Balloons the No. 1 marine debris risk of mortality for seabirds University of Tasmania, March 1, 2019 https://www.eurekalert.org/pub_releases/2019-03/uot-bt022719.php

⁷ Source: Standard soil biodegradation test on Balloon by Lynn Serbruyns, OWS, UK

Sample Balloon Release Ordinance Language

AN ORDINANCE of the [insert name of jurisdiction]

AMENDING [if ordinance is amended prior legislation, insert reference]

1. **Purpose.** The purpose of this Ordinance is to protect the wildlife and ecosystems of TOWN, the enjoyment of nature, and the health and safety of TOWN's residents and visitors by regulating the use of balloons in the Town. This Ordinance has been determined to be necessary because balloons are a common source of litter and pose a significant risk to wildlife, the environment, our economy, public health, and safety.

WHEREAS, the [relevant legislative body] of the [name of jurisdiction], has determined that balloons released into the atmosphere return to the earth as litter; and

WHEREAS, the [relevant legislative body] believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and,

WHEREAS, TOWN is home to [important organisms, habitats, nesting grounds, etc.]; and,

WHEREAS, animals, such as sea turtles [and abovementioned organisms, if applicable], mistake the remains from balloons as food, which may potentially damage their digestive systems, lead to starvation and/or death; and,

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and,

WHEREAS, the [relevant legislative body] wishes to prohibit the release of balloons; and,

WHEREAS, the [relevant legislative body] finds that these revisions to the TOWN's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

Be it ordained by the [relevant legislative body] of the TOWN as follows:

2. **Authority.** This Ordinance is adopted pursuant to the Town's Home Rule Authority granted under Art. VIII, Pt. 2, Sec 1 of the Maine Constitution and 30-A M.R.S. §3001.

3. Definitions.

Balloon: a flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with gases and fluids, such as helium, hydrogen, nitrous oxide, oxygen, air, or water and then sealed at the neck, usually used as a toy or decoration.

Exterior display: Any display of one or more balloons that occurs outside for any purpose, including but not limited to advertisements, events, commemorations, and celebrations. An exterior display is one where the balloon is attached to any kind of real or personal property.

Person: This term shall include the singular and the plural and shall include any person, trust, firm, club, joint stock company, corporation, cooperative, partnership, society, or association.

Public Building: Any building owned or leased by TOWN.

Release: Any knowing or intentional act resulting in balloons being displayed or released out of doors and allowed to fly in any manner that results in the loss of control over the balloon or the abandonment of the balloon.

4. Prohibited Conduct.

- a) No person shall knowingly or intentionally release any balloon or balloons or cause balloons to be released in any outdoor setting or in a public building for any reason.
- b) No person shall cause or allow an exterior display of balloons as defined in Section 3.
- c) No balloons shall be used in any public building owned or leased by the TOWN, even if the balloons are not released or otherwise allowed to fly in any manner.

This subsection does not apply to the following:

- 1) Balloons that are used by any governmental or scientific institution for scientific or meteorological purposes.
- 2) Hot air balloons that are recovered after launching.
- 3) Balloons that are used or released indoors only in a privately owned building that is not leased to the TOWN.

5. Enforcement and Penalties.

This Ordinance shall be enforced by the Police Department and/or the Code Enforcement Officer. Any violation of this Ordinance shall be considered a civil violation and subject to penalties as established in the TOWN's Fee and Fine Schedule for each release.

6. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance. Such decision shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

7. Effective Date.

This ordinance shall take effect immediately upon its passage and approval, as provided by law.



Troy Moon <thm@portlandmaine.gov>

Tandem Coffee Cup Initiative

Kathleen Pratt <kathleen@tandemcoffee.com>

Thu, Apr 18, 2019 at 10:47 AM

To: sthibodeau@portlandmaine.gov

Cc: Thm@portlandmaine.gov

Hi Councilor Thibodeau,

It was nice to see your familiar face at the bakery this past Saturday amidst the crowds and I really appreciate your kind words about our new cup initiative at Tandem. We're pretty excited to already see some results from flipping the switch on how people think about single-use cups. Already our numbers of single-use cups have decreased by 30%. Here's hoping that will just continue to grow! If you or anyone else from the city would like to talk to Will or myself a little bit more about this initiative, we'd be more than happy to do so!

I thought to ask you shortly after you left, but where does the city stand on potentially banning plastic straws? Tandem is in full support of the ban and do think this is the direction that many cities are going and hope Portland will be on that list!

Again, we'd love to discuss either of these topics with you. Thanks again for all of your support of our business. We sure do appreciate it!

Thanks,
Kathleen Pratt

--

tandemcoffee.com[tumblr](#)[facebook](#)



Troy Moon <thm@portlandmaine.gov>

Fwd: Please consider banning plastic straws

Jon Jennings <jpj@portlandmaine.gov>
To: Troy Moon <thm@portlandmaine.gov>

Mon, Jan 14, 2019 at 5:29 PM

FYI--for the record.

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
Date: Mon, Jan 14, 2019 at 4:42 PM
Subject: Fwd: Please consider banning plastic straws
To: Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **Robin Lea** <learob@portlandschools.org>
Date: Monday, January 14, 2019
Subject: Please consider banning plastic straws
To: jduson@portlandmaine.gov, nmm@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, jcosta@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, bsr@portlandmaine.gov, estrimling@portlandmaine.gov

Portland City, Council
389 Congress St,
Portland, ME 04101

Over 500 million, plastic straws are used daily on average, if you put the yearly amount of straws used together it's enough to circle the Earth twice according to the National Park Services. Plastic straws are harming our Earth, oceans and atmosphere.

Plastic lasts "forever" meaning it does not decompose or biodegrade well and may take a thousand of years to do so, there also to light for recycling, because of this we have to throw it in the trash. They then get burned and release CO2 into the atmosphere, which is leading to climate change. Sometimes the straws do not make it to the trash and get left by humans, there often left in places like football stadiums, parks, and outside of trash cans. These straws then get blown or washed away into the sewers or gutters, which lead to the ocean. When straws reach the ocean they break down into microplastics, Marine life mistakes these microplastics for food, and will digest them. Plastics builds up inside them and causes them not to feel hungry, when there body does need food causing them to starve. It also has toxic chemicals thats can kill them. According to the Strawless Ocean Foundation, by 2050 99% of marine life will have ingested plastic if we don't reduce plastic usage. Sometimes when these straws are left out the get blown into parks or just on the sidewalks, you then have land animals either getting stuck in them causing them to suffocate and panic. They may also eat them causing them to choke or have it build up inside of them.

Portland Should ban plastic straws. They are harming the environment. According to *USA Today* on coastal cleanup day 2017, over 643,562 straws were found and that's just in one day. Although banning straws may not end plastic on Earth, it is a big start and may set an example to other towns to do it as well. There are

alternatives for straws like decomposable, biodegradable, edible, metal and glass straws. They may cost more money to make and might be not as convenient, but it's better than ruining Earth for you and the new generation.

Sincerely,
Taylor A.
Lincoln Middle School Student
Portland, Maine

(sent from my teacher's email account)

Robin Lea
8th Grade Science Teacher, Lincoln Middle School
<https://msleablog.wordpress.com/>

*** Please Note: ***

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--
Nick Mavodones
City Council At-Large
389 Congress Street
Portland ME 04101
(207) 874-8685
nmm@portlandmaine.gov

Sent from Gmail Mobile

--
Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jppj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Troy Moon <thm@portlandmaine.gov>

Tonight

Will Pratt <will@tandemcoffee.com>

Wed, Jun 19, 2019 at 3:16 PM

To: Troy Moon <thm@portlandmaine.gov>, Emily Simons <emilysimons@tandemcoffee.com>

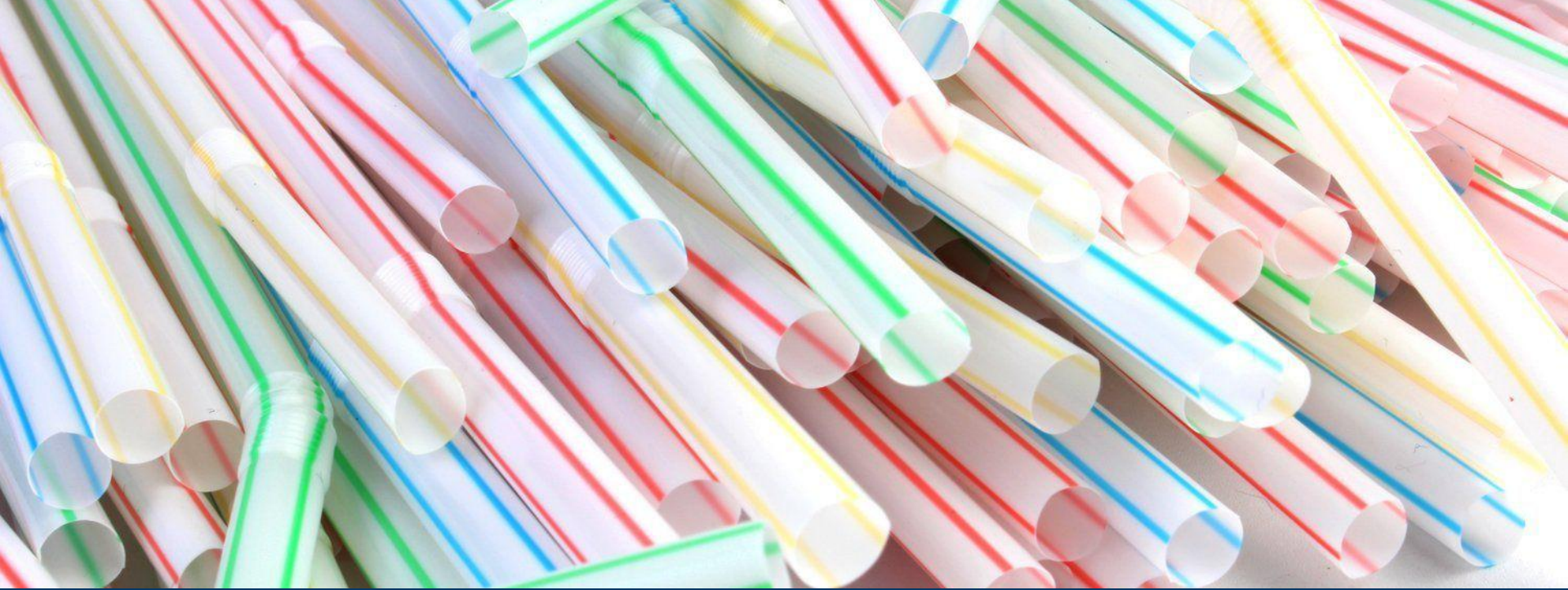
Councilor Thibodeau and members of the Sustainability and Transportation Committee,

My name is Will Pratt, a co-owner of Tandem Coffee. I support your efforts to ban plastic straws in the City of Portland. Many businesses in Portland also support getting rid of straws but are afraid to do so because they don't want to upset their customers. Some months back we removed straws from our condiment bar forcing customers to ask for a straw if they needed one. After a few weeks this became quite a hassle and we ended up putting them back out for the taking. Having it legislated would help take the pressure off of the establishments that want to do the right thing without alienating their customers and staff.

Thanks,

Will

[Quoted text hidden]



Single Use Plastic Straws

U.S. City Examples

Seattle, WA

- Banned all plastic straws and eating utensils
- Flexible plastic straws are provided to those who require them

Monmouth Beach, NJ

- The intent of this Ordinance is to
 - Regulate and limiting the use of single-use plastic bags, polystyrene foam containers and plastic straws by businesses
 - Incentivize the use of reusable bags at businesses

National/ International Examples

EU

- Ban single-use plastic products by 2030
- Manufacturers will contribute to cost of plastic waste management and cleanup

India

- Ban all single-use plastics by 2022
- Exemption for packaging and trash can liners

Business Policy Examples

Ikea

- Ban plastic bags and plastic straws storewide by 2020
- Will design products and packaging to be **repaired, reused, recycled, resold, and repurposed**

Starbucks

- Ban single-use plastic straws from all cafes by 2020
- Will offer strawless lids and eco-friendly straw alternatives
- Will develop recyclable and compostable cups



Concerns with the Ban

- For people with disabilities, flexible plastic straws are perfect for drinking
 - Access to a straw can be seen as a life or death situation
- Reusable alternatives aren't easy to clean
- Alternatives can be
 - Dangerous to health
 - Not user friendly
 - Costly



Alternatives to Plastic Straws

- Metal - not high-temp safe
- Bamboo - not positionable
- Glass - injury risk for those with no jaw control
- Silicon - costly
- Paper - choking hazard
- Pasta - choking hazard and injury risk

MANY DISABLED PEOPLE NEED PLASTIC STRAWS TO DRINK, EAT, TAKE MEDICATIONS, ETC. HERE'S HOW CURRENT ALTERNATIVE, REUSABLE OPTIONS ARE A HARM TO US.

	CHOKING HAZARD	INJURY RISK	NOT POSITIONABLE	COSTLY FOR CONSUMER	NOT HIGH- TEMP SAFE
Metal		✓	✓	✓	
Bamboo		✓	✓	✓	
Glass		✓	✓	✓	✓
Silicone			✓	✓	
Acrylic		✓	✓	✓	✓
Paper	✓		✓		✓
Pasta	✓	✓	✓		✓
Single-use					

by @sarahbreannep

*Pressure to create bio-degradable straw options that are safe for the environment AND for all disabled people should fall upon manufacturer, NOT marginalized disabled consumers.

*Once we accept the necessity of plastic straws, we can work together on other environmental initiatives that are effective, inclusive and accessible.

ARTICLE IX. WASTE REDUCTION

Sec. 12-230. Findings; purposes.

The city council hereby finds as follows:

- (a) The City Council has a duty to protect the natural environment and the health of its citizens and visitors; and
- (b) The use of single-use carryout bags has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and
- (c) Despite recycling and voluntary solutions to control pollution from single-use carryout bags, very few single-use carryout bags are recycled; and
- (d) Numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains, and endangering wildlife; and
- (e) The City of Portland's taxpayers must bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife; and
- (a) The City, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve State recycle goals; and
- (g) From an environmental and economic perspective, the best alternative to single-use carryout bags is to shift to reusable bags for shopping; and
- (h) Whereas the City Council of the City of Portland aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the City's residents and visitors; and

~~(i) Evidence indicates that the vast majority of single-use carryout bags are used for the bagging and carryout of products purchased from Stores, as those business are defined in this Ordinance; and~~

(~~i~~) Studies document and participating municipalities report that ~~prohibiting-curtailling~~ the ~~free~~ distribution of single-use carryout bags ~~will~~ dramatically reduces the use of those types of bags; and

(~~j~~) The City Council of the City of Portland believes that residents and visitors should use reusable bags and that ~~prohibiting-curtailling~~ the ~~free~~-distribution of single-use carryout bags ~~by stores~~ is appropriate and will incentivize the use of reusable bags; and

(l) It is in the best interests of the health, safety and welfare of citizens and visitors of Portland to reduce the cost to the City of solid waste disposal, and to protect our environment and our natural resources by reducing the distribution of single-use carryout bags and incentivizing the use of reusable bags ~~at Stores, as defined in this Ordinance~~within the City.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-231. Definitions.

As used in this Ordinance the following terms have the following meanings:

~~Single-use carryout Bag. Single-use Carryout Bag means a bag other than a Reusable bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags but does not include reusable bags, produce bags, product bags or bags provided by pharmacists to contain prescription drugs.~~
Recyclable Paper Bag. Recyclable paper bag means a paper bag that is accepted for recycling by the City of Portland's curbside recycling program.

Produce bag or Product bag. The terms *produce bag* or *product bag* mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a ~~store~~Retail Establishment or to prevent

such items from coming into direct contact with other purchased items.

Reusable Bag means a bag that is:

- (a) Designed and manufactured to withstand repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) That is at least 2.25 mil thick if made from plastic;
- (d) Has a minimum lifetime of 75 uses; and
- (e) Has the capability of carrying a minimum of 18 pounds.

~~*StoreRetail Establishment.* The term *Store-Retail Establishment as used in this ordinance shall mean any commercial enterprise engaged in the sale of food or merchandise including but not limited to grocery and convenience stores, markets, pharmacies, restaurants, take-out food purveyors, seasonal and temporary businesses and other merchandise retailers. Nonprofit and religious organizations are not considered Retail Establishments.*~~ means any of the following retail establishments located within the City of Portland:

~~(a) a full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.~~

~~(b) a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.~~

~~Store does not mean:~~

~~Businesses at which foodstuffs are an incidental part of the business. Food sales will be considered to be "incidental" if such sales comprise no more than 2 percent of the business' gross sales in the City as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.~~

Comment [JT1]: This definition comes from York's plastic bag ordinance and, I think, is more concise and clear for these purposes than the definition we have in our land use code so I've suggested using it.

Single-use Plastic Carryout Bag. Single-use plastic carryout bag means any bag with an integral handle that is less than 2.25 mils thick and is made of nonrenewable resources.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-232. Single-Use Carryout Bags

- (a) No Retail Establishment shall provide a Single-Use Plastic Carry Out bag to a customer, with or without charge, in the City of Portland except as provided in Section 12-233, below.
- (b) No ~~Store-Retail Establishment~~ shall provide a ~~Single-Use Carryout Bag~~Recyclable Paper bag to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- (~~cb~~) A ~~Store-Retail Establishment~~ may make available for sale to a Customer a Recyclable Paper bag ~~Single-Use Carryout Bag~~ for a minimum charge of five cents (\$0.05).
- (~~ed~~) All monies collected by a ~~Store-Retail Establishment~~ for Recyclable Paper bag~~Single-Use Carryout Bags~~ under this Chapter may be used by the ~~Store-Retail Establishment~~ for any lawful purpose.
- (~~ed~~) All ~~Stores-Retail Establishments~~ must post signage clearly indicating the per bag charge for Recyclable Paper bag~~Single-Use Carryout Bags~~.
- (~~fe~~) Notwithstanding this Section, no ~~Store-Retail Establishment~~ may make available for sale a Recyclable Paper bag ~~Single-Use Carryout Bag~~ unless the amount of the sale of the Recyclable Paper bag ~~Single-Use Carryout~~ is separately itemized on the sale receipt.
- (~~gf~~) No ~~Store-Retail Establishment~~ shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (~~bc~~).

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-233. Exemptions.

A ~~Store-Retail Establishment~~ shall be exempt from the provisions of this Article, in a situation deemed by the City

Manager to be an emergency for the immediate preservation of the public health or safety.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-234. Record Keeping and Inspection.

Every ~~Store-Retail Establishment~~ shall keep complete and accurate records or documents of the purchase and sale of any ~~Recyclable Paper bag~~~~Single-Use Carryout Bag~~, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Article. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the ~~Store's-Retail Establishment's~~ address. The provision of false information including incomplete records or documents to the City shall be a violation of this Article.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-235. 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 ~~Store-Retail Establishment~~ 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 \$250 for the first violation in a one-year period;
- (c) ~~(b)~~—A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

~~12-236. Effective Date~~

~~—The provisions of this ordinance shall become effective on April 15, 2015.~~

~~(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)~~

12-237. Severability.

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.