

ORDINANCE NO. 4-700

AN ORDINANCE PROHIBITING THE SALE OF CHLOROFLUOROCARBON PROCESSED FOOD
PACKAGING AT ALL CITY PARKS AND PROPERTIES

THE CITY OF ISHPEMING ORDAINS:

Section 4-701. Definitions.

- (a) Chlorofluorocarbon or CFC means the family of chemical substances commonly referred to as such, and containing carbon, fluorine and chlorine and having no hydrogen atoms and no double bonds.
- (b) Chlorofluorocarbon or CFC food packaging shall mean all food packaging which uses any chlorofluorocarbon as a blowing agent, or otherwise in its manufacture, or whose manufacture, disposal or use involves the release of chlorofluorocarbon compounds.
- (c) Food packaging means all bags, sacks, wrapping paper, wrapping boxes, containers, bowls, plates, cups, drinking vessels, trays, cartons, straws and lids in which food or beverages are placed, kept, stored, or served, and which are not intended for reuse.

Section 4-702. It shall be unlawful for any person, firm, corporation or other entity to serve, furnish, sell, or provide any food or beverage at any City park or City-owned property, if such food or beverage is served, kept, stored, or furnished in CFC food packaging.

Section 4-703. Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 4-704. The Ishpeming Police Department is hereby authorized and empowered to seize all food packaging being used in violation of the terms of this ordinance, to preserve same for use as evidence, and to dispose of same after all enforcement proceedings are concluded; provided, however, that disposal of such contraband food packaging shall be done in an environmentally safe manner so as to reduce or eliminate the release of CFC compounds. The owner of such contraband shall be civilly liable to the City of Ishpeming for all costs incurred in the disposal of the contraband, in addition to any criminal penalties imposed under this ordinance.

Section 4-705. This ordinance shall become effective upon the publication thereof.

Adopted: September 6, 1989

Amended: June 8, 1994