

PETITION TO PLACE THE BOZEMAN PLASTICS ORDINANCE ON THE ELECTION BALLOT

If 25% of the registered voters in the City of Bozeman (City) sign this petition and the total number of voters signing this petition is 7,128, the vote to modify Bozeman Municipal Code (BMC), Chapter 16 (Environment and Health) will appear on the November 2024 ballot. If a majority of voters vote for this initiative at that election, it will become law the distribution of polystyrene foam foodware and packing materials and single-use plastic carryout bags at retail sales establishments will be prohibited and the distribution of single-use plastic straws and single-use plastic stirrers at food vendors will be limited.

We, the undersigned City of Bozeman voters, propose the City of Bozeman place the following language on the November 2024 ballot:

Statement of Purpose:

The Bozeman Plastics Initiative will establish new provisions in the Bozeman Municipal Code to prohibit after May 1, 2025, the sale or distribution of polystyrene foam or the use of single-use plastic bags (with exceptions) and plastic straws or stirrers. This initiative will also require the City of Bozeman to provide notice to affected establishments and provide authority for the City to promulgate rules and regulations to implement this Initiative. This Initiative will also establish enforcement and penalties of \$1,000 for a first violation and \$2,000 for a second and subsequent violations.

☐ **For the Bozeman Plastics Ordinance**

☐ **Against the Bozeman Plastics Ordinance**

Voters are urged to read the complete text of the Statement of Purpose and BMC Chapter 16, Article 10. A signature on this petition is only to put the question to modify BMC Chapter 16, Article 10 on the ballot and does not necessarily mean signer agrees with modifying BMC Chapter 16, Article 10.

WARNING

A person who purposefully signs a name other than the person's own name to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted. In place of residence address, the signer may provide the signer's post office address or the signer's home telephone number.

Signature	Date Signed	Residence Address or Post-Office Address or Home Telephone Number	Printed Last Name and First and Middle Initials	Office use only
1.				
2.				
3.				
4.				
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9.				
10.				

THE BOZEMAN PLASTICS INITIATIVE

Section 1. That a new Article will be added to Chapter 16 (Environment and Health) of the Bozeman Municipal Code to read as follows:

16.10.010. Definitions

1. Department – The term "department" means the City of Bozeman Code Compliance Officers.
2. Food Vendor – The term "food vendor" means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code.
3. Government – The term "Government" is intended to apply to the City of Bozeman operations and facilities, and also to those of any other unit of local government (including Gallatin County or Bozeman School District 7, or even to property owned by the State of Montana).
4. Plastic – The term "plastic" means an organic or petroleum derivative synthetic or a semisynthetic organic solid that is moldable, and to which additives or other substances may have been added.
5. Polystyrene Foam – The term "polystyrene foam" means blown polystyrene as well as expanded and extruded foams using polystyrene, including thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene).
6. Recyclable – The term "recyclable" means, with respect to material, any material that would otherwise be disposed of or processed as waste that can be recovered, separated, collected, and reprocessed for the purpose of using the reprocessed material in the manufacture of a new product.
7. Retail Sales Establishment – The term "retail sales establishment" means any person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for profit or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, clothing stores, hardware stores, department stores, jewelry stores, and household goods stores.
8. Reusable Bag – The term "reusable bag" means a sewn bag with stitched handles that is
 -
 - 1. Not made of plastics;
 - 2. Can carry 25 pounds over a distance of 300 feet; and
 - 3. Is machine-washable.

9. Single-use Carryout Bag – The term "single-use carryout bag" means a bag made of plastic, paper, or other material that is –
1. Provided by a retail sales establishment to a customer at the point of sale; and
 2. Not a recycled paper bag or a reusable bag.
10. Single-use Plastic Straw –
1. IN GENERAL – The term "single-use plastic straw" means a single-use, disposable tube made of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage.
 2. EXCEPTION – The term "single-use plastic straw" shall not include straws made from non-plastic materials, including, but not limited to metal, glass, paper, pasta, sugar cane, wood, or bamboo;
11. Single-use Plastic Stirrer – The term "single-use plastic stirrer" means a device that is used to mix beverages and designed as a single-use product made of plastic.

Section 16.10.020. Prohibition of Polystyrene, Plastic Bags

1. After 05/01/2025, no business or person may sell or provide in Bozeman, MT, any food ware product composed in whole or in part of polystyrene foam. The following shall be effective immediately subject to this subsection:
 1. No Retail Sales Establishment or Food Vendor shall serve or sell prepared food or beverage in polystyrene foam containers and shall not package meats, eggs, bakery products, fruits or vegetables, or other food in polystyrene foam containers;
 2. No Retail Sales Establishment that sells tangible personal property at retail shall sell or distribute polystyrene foam food or beverage containers;
 3. No polystyrene foam food or beverage container shall be used in any government facility or at any government sponsored event;
 4. No government department or facility shall purchase or acquire polystyrene foam food or beverage containers;
 5. All parties who contract with the government shall be prohibited from using polystyrene foam food and beverage containers in government facilities or on government-funded projects within Bozeman.
2. After 05/01/2025 no business or person may sell or provide in Bozeman any packing material products composed in whole or in part of polystyrene foam, including, but not limited to, polystyrene packing peanuts. The following shall be effective immediately subject to this subsection:
 1. No Retail Sales Establishment that sells tangible personal property at retail shall sell or use polystyrene foam packaging;
 2. No polystyrene foam packaging materials shall be used in any government facility or government sponsored event;

3. No government department or facility shall purchase or acquire polystyrene foam packaging materials;
4. All parties who contract with the government shall be prohibited from using polystyrene foam packaging materials in government facilities or on government funded projects within Bozeman.
3. After 05/01/2025, except as provided in this subsection, a Retail Sales Establishment shall not provide a single-use plastic carryout bag to a customer at the point of sale or otherwise make plastic bags available to customers. This prohibition does not apply to:
 1. Non-handled bags used to protect items from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable grocery bag;
 2. Bags provided by a business to customers to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, small hardware items; bags used to contain or wrap frozen foods, meat and fish, flowers or potted plants; or other items to contain dampness;
 3. Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
 4. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste;
 5. Bags used to contain or transport live animals, such as fish or insects sold in pet stores;
 6. Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level, provided that this exemption shall be limited to one bag per customer.
4. After 05/01/2025, a Food Vendor shall not provide a single-use plastic straw to a customer, unless that customer requests a plastic straw.
5. After 05/01/2025, a Food Vendor shall not provide a single-use plastic stirrer to a customer, unless the customer requests a single-use plastics stirrer.

Section 16.10.030. Implementation

1. After 05/01/2025, the City of Bozeman shall design and post for free usage on the municipal website educational materials for display in Retail Sales Establishments. Educational materials shall include the following elements, including but not limited to
 - 1. An announcement of the effective date of this ordinance;
 2. A reminder to bring reusable bags
2. Before 05/01/2025 the City of Bozeman shall issue a news release including-
 1. An announcement of the effective date of this ordinance;
 2. A reminder to bring reusable bags
3. The City of Bozeman shall provide a written notice to each affected establishment prior to the effective date of this ordinance.
4. The City Commission may promulgate rules and regulations to implement Sec. 16.10.020. of this Chapter.
5. A Retail Sales Establishment affected by regulations pursuant to Sec. 16.10.020.b. of

this ordinance shall clearly and visibly display at the store entrance signage developed by the City, as described in Sec. 16.10.030.f. of this ordinance.

6. Food Vendors required to only provide straws upon request shall clearly and visibly display signage developed by the City, as described in Sec. 16.10.030.1 of this ordinance.

Section 16.10.050. Enforcement and Penalties

1. Upon being made aware of a potential violation of this ordinance, the City of Bozeman's Code Compliance Officers shall determine whether a violation has occurred.
2. If the department confirms that a violation has occurred, the department shall give written notice to the owner of the property, the owner's agent, and/or the person committing the violation that the violation is occurring and must immediately cease.
3. If an additional violation of this ordinance occurs within one month after a warning notice is issued for an initial violation, the department shall issue a notice of violation and shall impose a penalty against the noncompliant party;
4. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than;
 1. \$1,000 for the first violation;
 2. \$2,000 for the second offense and all subsequent violations.
5. Payment of such fines may be enforced through civil action.