



# Office of the City Clerk

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## Legislation Text

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**File #:** O2013-9480, **Version:** 1

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### ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including promoting the quality of life, health, safety, and the welfare of its citizens; and

WHEREAS, the City Council finds that the production, use, and disposal of expanded polystyrene food service products and disposable food service ware have significant adverse impacts on the environment and that compostable or recyclable alternative products are available; and

WHEREAS, costs associated with the use and disposal of expanded polystyrene food service products and disposable food service ware in the City of Chicago create burdens on the City's solid waste disposal system; and

WHEREAS, to discourage and decrease the use of certain expanded polystyrene service products and disposable food service ware in the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the people that regulations prohibit the use of certain expanded polystyrene food service products and disposable food service ware to protect the environment, and to reduce the cost of solid waste disposal by the City; and

WHEREAS, toxic chemicals leach out of such products into the food that they contain and threaten human health and reproductive systems; and

WHEREAS, there are existing biodegradable alternatives to polystyrene; now, therefore:

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF CHICAGO, as follows:

Section 1. Title 7 of the Municipal Code of Chicago is hereby amended by adding a new chapter 7-31, as follows:

7-31-10. Definitions:

For the purposes of this chapter:

' .. ■. ;jfl ■.' Sf, ■.:

- a) "Commissioner" means the Commissioner of the Department of Business Affairs and Consumer Protection of the City.
- b) "Polystyrene foam" means blown polystyrene and expanded and extruded foams, sometimes called Styrofoam, a form of polystyrene foam insulation trademarked by the Dow Chemical Company, and generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.
- c) "Food dispensing establishment" means any fixed location where food or drink is routinely prepared and served or provided for consumption on or off the premises with or without charge. Such establishments include, but are not limited to, restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, industrial feeding establishments, takeout establishments, public and private institutions or organizations routinely serving food, catering kitchens, commissaries or any other eating or drinking establishment or operation.
- d) "Food service ware" means disposable containers, including but not limited to, cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.
- e) "Manufacturer" means every, person, firm, or corporation that produces or imports expanded polystyrene foam or polystyrene loose fill packaging that is distributed in the City.
- f) "Polystyrene loose fill packaging," commonly known as packing peanuts, means a void filled packaging product made of expanded polystyrene that is used as a packaging fill.
- g) "Prepackaged food" means any food which is packaged in a sealed container designed to keep the contents free of contamination.

#### 7-31-20. Prohibited food service ware.

- a) Except as provided in Section 7-31-30 of this chapter, food dispensing establishments are prohibited from providing food to customers in or on food service ware manufactured with polystyrene foam.
- b) All city facilities are prohibited from using polystyrene foam food
- b) service ware at city facilities.. ..> "■.

#### 7-31-30. Prohibited sale. '

No manufacturer may sell or offer for sale polystyrene loose fill packaging in the City of Chicago



7-31-40. Exemptions.

- a) Prepackaged foods packaged outside of the City of Chicago are exempt from the provisions of this chapter.
- b) Specific types of food service ware may be exempted from the provisions of this chapter if the Commissioner finds that there is no alternative that is both affordable and compostable.

7-31-50 Violation.

Any person violating any provision of this chapter shall be fined not less than \$100.00 nor more than \$300.00 for the first offense, and not less than \$300.00 nor more than \$500.00 for each subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition to such fines, the permit, license, or certificate of operation of such person may be suspended or revoked for repeated violations, in accordance with the provisions of this Code.

7-31-60. Enforcement.

The Department of Business Affairs and Consumer Protection shall be required to enforce this chapter.

7-31-70 Severability.

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If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

Section 2. Effective Date.

This ordinance shall be in full force and effect on and after July 1, 2014.