

PROPOSED ORDINANCE NO. ____
CONCERNING POLYSTYRENE AND RETAIL VENDORS

WHEREAS, Polystyrene is a petroleum-based, lightweight plastic material sometimes used as food service ware by retail food vendors operating in the City of Stamford; and

WHEREAS, Polystyrene, in expanded and extruded forms, often referred to by the trademark “Styrofoam,” has also become an environmental pollutant given its non-biodegradable and nearly non-reusable nature; and

WHEREAS, Disposable food containers and service wares made from polystyrene constitute a portion of the litter in Stamford’s streets, parks, waterfront and public places that increases City maintenance costs and adversely affects the aesthetic and ecological integrity of the City; and

WHEREAS, There is no economically feasible means of recycling polystyrene locally; and

WHEREAS, Polystyrene is a common pollutant that fragments into smaller, non-biodegradable pieces that are often ingested by marine life and other wildlife thus harming or killing them, and can further accumulate in the human body leading to adverse health effects; and

WHEREAS, The City’s goal is to replace polystyrene food containers with reusable, recyclable or non-plastic compostable alternatives; and

WHEREAS, Such alternatives are readily available.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

To protect the land and the aquatic environment and human health in the City of Stamford, Chapter _____, Stamford Polystyrene Ordinance, prohibiting the use of polystyrene is hereby adopted:

§ ____-1. – Purpose.

The purpose of this article is to preserve and protect the environment in the City of Stamford by prohibiting the sale, provision, manufacture or distribution of Polystyrene by Retail Vendors.

§ ____-2. – Definitions.

As used in this article, the following terms shall have the meanings indicated:

FOOD PACKAGER

The term “Food Packager” means any person located within the City of Stamford who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products

PREPARED FOOD

The term “Prepared Food” means food or beverages that are served at the food vendor’s location, either for consumption on the premises or for takeout, having been previously prepared elsewhere or been prepared at the vendor’s location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. “Prepared food” does not mean raw uncooked meat or eggs.

POLYSTYRENE

The term “Polystyrene” means and includes blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are 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, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene is generally used to make cups, bowls, lids, sleeves, utensils, plates, trays, clamshell containers, meat trays, coolers and egg cartons.

RETAIL VENDOR

The term “Retail Vendor” means any person, restaurant, store, shop, sales outlet or other establishment, including without limitation, a grocery store, convenience store or a delicatessen located within the City of Stamford which offers prepared food for retail sale.

§____-3. – Prohibitions

- A. No Retail Vendor in the City of Stamford shall serve or sell Prepared Food in or on Polystyrene containers.
- B. No Food Packager shall package meat, eggs, bakery products or other food in or on Polystyrene containers.
- C. No Retail Vendor in the City of Stamford who sells tangible personal property at retail shall sell Polystyrene food or beverage containers.
- D. No Retail Vendor in the City of Stamford who manufactures tangible personal property at retail shall manufacture or sell Polystyrene food or beverage containers.
- E. The City of Stamford shall not use Polystyrene food or beverage containers at any City facility or City-sponsored event.
- F. No City department or facility shall purchase or acquire Polystyrene food or beverage containers.
- G. All parties who contract with the City of Stamford shall be prohibited from using Polystyrene food and beverage containers in City facilities or on City-funded projects within the City.

§ ____-4. – **Exceptions.**

- A. The prohibition set forth in Section 3 of this article shall not apply to:
 - 1. The sale and packaging of raw seafood.
 - 2. Polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the Retail Vendor and/or Food Packager.
 - 3. Fully encapsulated Polystyrene coolers and ice chests.
- B. The prohibition set forth in Section 3 of this article shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.

§ ____-5. – **Enforcement and penalties for violation.**

- A. This article shall be enforced by the Civil Citation process as set forth in Section 97 of the Code of Ordinances.
- B. If a Civil Citation Officer determines that any violation has occurred, the Retail Vendor shall be liable for the following:
 - 1. Upon the initial violation, written warning notice that a violation has occurred shall be issued to the Retail Vendor, Person, or Food Packager. No penalty shall be imposed for the initial violation;
 - 2. For the second violation, a penalty of one hundred fifty dollars (\$150.00); and
 - 3. For the third and each subsequent violation, a penalty of two hundred fifty dollars (\$250.00).
- C. No more than one penalty shall be imposed upon a Retail Vendor within a 7-day period.

§ ____-6. – **Severability.**

If any section, clause, sentence or provision of this article shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity or enforceability of any other provision hereof, and the applicability thereof to other persons or circumstances shall not be affected thereby.

§ ____-7. – **Effective date.**

This article shall become effective six months following its effective date.