

PROPOSED-ORDINANCE NO. ____ SUPPLEMENTAL
ADDING CHAPTER 183 CONCERNING THE
USE AND SALE OF POLYSTYRENE AND RETAIL VENDORS PRODUCTS

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

WHEREAS, ~~Polystyrenepolystyrene~~, 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-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-there~~ is no economically feasible means of recycling polystyrene locally; and

WHEREAS, ~~Polystyrene-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-the~~ City’s goal is to replace polystyrene ~~food-containersproducts~~ with reusable, recyclable or non-plastic compostable alternatives; and

WHEREAS, ~~Such-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 183, Polystyrene Ordinance, prohibiting the use of polystyrene Products, Use and Sale of,~~ is hereby adopted:

§ _____ Sec. 183-1. – 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 ~~products~~ by ~~Food Packagers and Retail Vendors Establishments~~.

~~§~~ Sec. 183-2. – Definitions.

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

Food Packager

~~The term “Food Packager” means any. Any person located within the City of Stamford who, corporation, partnership, business, or other organization or group, however organized, that~~ 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. Means~~ food or ~~beverages that are~~beverage served or sold at ~~the food vendor’s location~~a Retail Establishment, either for consumption on the premises or for takeout, ~~having been previously prepared elsewhere or that has~~ been prepared at the ~~vendor’s~~Retail Establishment’s location or elsewhere by cooking, chopping, slicing, mixing, brewing, freezing ~~or,~~ squeezing. ~~“Prepared food” does not mean raw uncooked meat, or eggs~~other food preparation technique. The term includes leftovers from partially consumed Prepared Food.

Polystyrene

~~The term “Polystyrene” means. 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

~~———~~Polystyrene Food Service Product. Means any product made in whole or in part of Polystyrene and used in the restaurant or food service industry for serving or transporting Prepared Food. The term “Retail Vendor” includes, by way of example and not limitation, cups, bowls, lids, sleeves, utensils, plates, trays, hinged or lidded containers (clamshells), coolers, and egg cartons.

Polystyrene Loose Fill Packaging. Commonly known as packing peanuts, means any a void-filling packaging product made of Polystyrene that is used as packaging fill.

Retail Establishment. Any person, restaurant, store, shop, sales outlet corporation, partnership, business, or other establishment organization or group, however organized, that transfers

merchandise, goods, or materials, including, without limitation, a-clothing, food, or personal items of any kind, directly to a consumer in exchange for payment. The term includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, clothing store, hardware store, hospital, pharmacy, liquor store, restaurant, delicatessen, convenience store or a delicatessen located within the City of Stamford which offers prepared food for, caterer, food truck, sidewalk vendor, farmers' market, flea market, and any other retail salestore or vendor. The term shall not include the sale of goods at yard sales, tag sales, or other sales by residents at their home.

~~§~~ Sec. 183-3. – Prohibitions

- A. No Retail ~~Vendor~~Establishment located in the City of Stamford shall serve or sell Prepared Food in or on a Polystyrene ~~containers~~Food Service Product.
- B. No Food Packager located in the City of Stamford shall package meat, eggs, bakery products or other food in or on a Polystyrene ~~containers~~Food Service Product.
- C. No Retail ~~Vendor~~Establishment located in the City of Stamford ~~who sells tangible personal property at retail~~ shall ~~sell Polystyrene food or beverage containers, offer for sale, distribute, or provide Polystyrene Food Service Products or Polystyrene Loose Fill Packaging.~~
- ~~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.D.~~ The City of Stamford shall not use or provide Polystyrene ~~food or beverage containers~~Food Service Products or Polystyrene Loose Fill Packaging at any City facility or City-sponsored event.
- ~~FE.~~ No City of Stamford department or facility shall purchase or acquire Polystyrene ~~food or beverage containers~~Food Service Products or Polystyrene Loose Fill Packaging.
- ~~GF.~~ All parties who contract with the City of Stamford shall be prohibited from using Polystyrene ~~food and beverage containers~~Food Service Products or Polystyrene Loose Fill Packaging in City facilities or on City-funded projects within the City.

~~§~~ Sec. 183-4. – 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~~ Food Service Products used for prepackaged food that have been filled and sealed prior to receipt by the Retail ~~Vendor~~ and/or Food Packager Establishment.
2. Polystyrene Food Service Products used to contain or store raw meat or seafood sold from a butcher case or similar retail appliance; or
3. ~~Fully encapsulated~~ Polystyrene coolers and ice chests, provided that such Polystyrene is fully encased in another material.
4. Polystyrene Food Service Products or Polystyrene Loose Fill Packaging that are sealed prior to receipt by the Retail Establishment.

- B. The prohibition set forth in Section 3 of this ~~article~~ Chapter shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.

~~§ ———~~ **Sec. 183-5. – Enforcement and penalties for violation.**

- A. This ~~article~~ chapter 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 Food Packager or Retail ~~Vendor~~ Establishment 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 single Food Packager or Retail ~~Vendor within a 7 day~~ Establishment in one 24 hour period.

~~§ ———~~ **Sec. 183-6. – Severability.**

If any section, clause, sentence or provision of this ~~article~~ Chapter 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.

~~§ _____~~ **Sec. 183-7.** – Effective date.

This article shall become effective six months following its effective date, except that this ordinance shall not apply to Stamford Public Schools until January 1, 2023.