

**ORDINANCE NO. ____ SUPPLEMENTAL
ADDING CHAPTER 183 CONCERNING THE
USE AND SALE OF POLYSTYRENE PRODUCTS**

WHEREAS, 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, polystyrene, in expanded and extruded forms, often referred to by the trademark “Styrofoam,” has 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 products 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:

Chapter 183, 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 or distribution of Polystyrene products by Food Packagers and Retail Establishments.

Sec. 183-2. – Definitions.

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

Food Packager. Any person, 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. Means food or beverage served or sold at a Retail Establishment, either for consumption on the premises or for takeout, that has been prepared at the Retail Establishment’s location or elsewhere by cooking, chopping, slicing, mixing, brewing, freezing, squeezing, or other food preparation technique. The term includes leftovers from partially consumed Prepared Food.

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 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 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 a void-filling packaging product made of Polystyrene that is used as packaging fill.

Retail Establishment. Any person, corporation, partnership, business, or other organization or group, however organized, that transfers merchandise, goods, or materials, including, without limitation, 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, caterer, food truck, sidewalk vendor, farmers' market, flea market, and any other retail store 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 Establishment located in the City of Stamford shall serve or sell Prepared Food in or on a Polystyrene 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 Food Service Product.
- C. No Retail Establishment located in the City of Stamford shall sell, offer for sale, distribute, or provide Polystyrene Food Service Products or Polystyrene Loose Fill Packaging.
- D. The City of Stamford shall not use or provide Polystyrene Food Service Products or Polystyrene Loose Fill Packaging at any City facility or City-sponsored event.
- E. No City of Stamford department or facility shall purchase or acquire Polystyrene Food Service Products or Polystyrene Loose Fill Packaging.
- F. All parties who contract with the City of Stamford shall be prohibited from using Polystyrene 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. Polystyrene Food Service Products used for prepackaged food that have been filled and sealed prior to receipt by the Retail 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. 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 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 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 Establishment shall be liable for the following:
 1. Upon the initial violation, written warning notice that a violation has occurred shall be issued. 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 Establishment in one 24 hour period.

Sec. 183-6. – Severability.

If any section, clause, sentence or provision of this 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.