

~~N~~CHAPTER 209. SINGLE-USE PLASTIC STRAWS AND STIRRERS[†]

~~Sec. 209-1. Purpose.~~

~~The purpose of this chapter is to preserve and protect the environment in the City of Stamford by prohibiting the sale, provision, or distribution of Single Use Plastic Straws and Single Use Plastic Stirrers by Food or Beverage Establishments.~~

~~Sec. 209-2. Definitions.~~

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

~~*Food or Beverage Establishment.* Any establishment where food or beverages of any kind are provided directly to a consumer, whether such food or beverages are provided free of charge or sold and whether consumption occurs on or off the premises. The term includes, by way of example and not limitation, any restaurant, bar, liquor store, delicatessen, coffee shop, movie theater, convenience store, food truck, take-out restaurant, delivery service, or caterer. The term shall not include hospitals, nursing homes, long-term care facilities, or other medical or dental facilities.~~

~~*Single-Use.* A product that is intended to be only used one (1) time in its same form.~~

~~*Single-Use Plastic Straw.* A Single-Use tube made predominantly 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. "Single-Use Plastic Straw" does not include a straw made from non-plastic materials, including, but not limited to, paper, metal, pasta, sugar cane, wood, or bamboo.~~

~~*Single-Use Plastic Stirrer.* A Single-Use device, implement, or utensil made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources, designed solely for the purpose of mixing liquids intended for internal human consumption. "Single-Use Plastic Stirrer" does not include a stirrer made from non-plastic materials, including, but not limited to, paper, metal, pasta, sugar cane, wood, or bamboo.~~

~~Sec. 209-3. Prohibition on straws and stirrers.~~

~~A. No Food or Beverage Establishment in the City of Stamford shall sell, provide, or distribute a Single-Use Plastic Stirrer.~~

~~B. No Food or Beverage Establishment in the City of Stamford shall sell, provide, or distribute a Single-Use Plastic Straw unless requested by the consumer.~~

~~Sec. 209-4. Exceptions.~~

~~A. The prohibition set forth in Section 209-3 of this chapter shall not apply to:~~

[†]Adopted 3-2-20 by the Board of Representatives of the City of Stamford as Ord. No. 1262.

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1. ~~The sale, provision, or distribution of beverages packaged and sealed prior to receipt by the Food or Beverage Establishment; and~~
 2. ~~The sale of Single Use Plastic Straws or Single Use Plastic Stirrers in multi-straw or multi-stirrer packages, as the case may be, that are sealed prior to receipt by the Food or Beverage Establishment.~~

B. ~~The prohibition set forth in Section 209-3 of this chapter shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.~~

~~Sec. 209-5. 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 or Beverage 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 Food or Beverage Establishment. 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 (1) penalty shall be imposed upon a Food or Beverage Establishment within a seven (7) day period.~~

~~Sec. 209-6. 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. 209-7. Effective date.~~

~~This chapter shall become effective three (3) months following its effective date [March 23, 2020].~~

**ORDINANCE NO. ____ AMENDING CHAPTER 209 OF THE CODE OF ORDINANCES,
CONCERNING SUSTAINABILITY AND THE REGULATION OF SINGLE-USE FOOD
WARE IN FOOD ESTABLISHMENTS**

WHEREAS, the production, distribution, and disposal of plastic products, especially single-use plastics, are major contributors to greenhouse gas emissions, as plastics are derived from fossil fuels and their lifecycle involves energy-intensive processes; and

WHEREAS, reducing plastic use will help lower Stamford's carbon footprint by decreasing reliance on fossil fuel-based products, minimizing emissions from manufacturing and waste management, and supporting the State of Connecticut's climate goals as outlined in the Global Warming Solutions Act and Governor Ned Lamont's Executive Order No. 21-3, which recognize the urgent need for bold climate mitigation strategies;

WHEREAS, Mayor Caroline Simmons, in recognition of the seriousness of climate change and its effects on our society, formed the Climate Council to develop recommendations to guide the City in reducing its carbon footprint; and

WHEREAS, the 31st Board of Representatives, in support of the Mayor's action and in response to the warning of the United Nations Intergovernmental Panel on Climate Change that continued emission of greenhouse gases will increase the likelihood of severe, pervasive, and irreversible impacts on people and ecosystems, issued Resolution 4130 urging the Administration to pursue initiatives to reduce greenhouse gas emissions; and

WHEREAS, in further recognition of the climate crisis, Mayor Caroline Simmons issued Executive Order EO_005_230417_Climate, addressing climate change and sustainability, directing the Administration and all applicable City Departments and Agencies to adopt initiatives that address climate change and sustainability; and

WHEREAS, the physical breakdown of plastic disposable Food Ware, including flatware, stirrers, cups, liquid splash sticks, and take-out containers, results in microplastics that enter the environment, food chain, and ultimately accumulate in the human body, leading to adverse health and environmental effects; and

WHEREAS, only a small portion of recyclable materials actually get recycled, and the City of Stamford can no longer sell its recyclables, resulting in single-use items costing Stamford taxpayers hundreds of thousands of dollars in hauling costs; and

WHEREAS, Single-Use Food Ware, whether made of recyclable material or not, and expanded polystyrene pose a threat to Stamford's aquatic and terrestrial ecosystems. By prohibiting these items, Stamford seeks to protect the environment, eliminate a major source of waste, and safeguard the public health, safety, and welfare of Stamford and its citizens; and

WHEREAS, Section 209-1, et seq. of the Code of Ordinances is amended as follows:

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

Sec. 209-1. Purpose

A. The purpose of this ordinance is to reduce environmental waste and the harmful effects of Single-Use Food Ware by requiring the use of Reusable Food Ware in Dine-In Establishments and Biodegradable Food Ware for Take-Out Orders in the City of Stamford.

Sec. 209-2. Definitions

A. For the purposes of this ordinance, the following definitions shall apply:

(1) Dine-In Establishment: Any business or institution in the City of Stamford that serves food or beverages for on-premises consumption, including but not limited to restaurants, cafeterias, cafes, bars, hospitals, schools, and senior living facilities.

(2) Prepared Food Vendor: Any fixed or mobile restaurant, industrial feeding establishment, catering kitchen, ~~commissary, grocery store~~, or other similar establishment where food or drink is prepared and packaged, but shall not include Grocery Stores or Commissaries, except as otherwise provided in this ordinance.

(3) Take-Out Order: Any food or beverage prepared by a Prepared Food Vendor and packaged for off-premises consumption, including pick-up, drive-through, delivery orders, and packaged leftovers, regardless of whether the establishment offers on-premises dining. This includes hot foods and salad bar items, but shall not include catering trays and party platters.

(4) Food Ware: Any item used for serving, consuming, or packaging food or beverages, including but not limited to containers, bowls, plates, trays, cartons, cups, lids, utensils, straws, stirrers, and napkins.

(5) Reusable Food Ware: Food Ware made from durable, non-plastic materials such as metal, ceramic, glass, bamboo, or wood, designed and intended for repeated use.

(6) Single-Use Food Ware: Food Ware designed for one-time use, including items made of plastic, paper, or other disposable materials. This term does not include packaging on food that is prepackaged off-site by a manufacturer or distributor and offered for retail sale without alteration by the Prepared Food Vendor or Grocery Store.

(7) Plastic-Lined Food Ware: Any Food Ware that has a coating or lining made of plastic, including but not limited to plastic-lined paper cups, plates, and bowls.

(8) Biodegradable Food Ware: Food Ware that is capable of decomposing through natural biological processes within a reasonable period of time without releasing harmful substances.

(9) PFAS-Free: Free of perfluoroalkyl and polyfluoroalkyl substances (PFAS), which are harmful chemicals used in certain food packaging materials.

(10) BPI Certified: Certified by the Biodegradable Products Institute (BPI) or another recognized certification program as meeting compostability standards, as approved by the Director of Health.

(11) Accessories: Items provided alongside Food Ware to facilitate consumption, including but not limited to utensils, napkins, straws, stirrers, and condiments.

(12) Black Plastic: Any plastic material, regardless of resin identification code, that is black or dark in color due to the use of carbon black or similar pigments, which interfere with recycling sorting technologies. This includes, but is not limited to, black or dark-colored utensils, containers, straws, stirrers, lids, and packaging.

(13) Grocery Store: A retail establishment that primarily sells food products, including fresh produce, meat, dairy, baked goods, and packaged foods, for off-premises consumption. This includes supermarkets, neighborhood grocery stores, and warehouse clubs with food

departments, but does not include establishments whose primary business is food service or preparation for immediate consumption.

(14) Commissary: A licensed commercial kitchen facility where food is prepared and packaged for distribution to retail or food service establishments, including catering operations, grocery stores, and mobile food vendors. A commissary may operate independently or as part of a larger food retail operation.

(15) Composting Program: A waste management practice through which Biodegradable Food Ware is collected and processed for composting by a hauler or facility approved by the Director of Operations or their designee. The Director shall maintain a list of approved composting providers or establish criteria for determining eligibility.

Sec. 209-3. Requirements for Dine-In Establishments and Grocery Stores

A. The following provisions apply to Dine-In Establishments and Grocery Stores.

(1) Dine-In Establishments and Grocery Stores that offer seating for on-premises dining shall use Reusable Food Ware for all on-site consumption of food or beverages, except for napkins, which may be paper-based. Dine-In Establishments shall use only Reusable Food Ware for all on-premises consumption of food or beverages, with the exception of napkins, which may be paper-based.

(2) Dine-In Establishments shall inquire whether an order is for dine-in or take-out at the time the order is placed.

(23) The use of Single-Use Food Ware for on-premises dining is strongly discouraged. However, Dine-In Establishments and Grocery Stores shall not be penalized if a customer opts to use Single-Use Food Ware after being offered the option of Reusable Food Ware. in Dine-In Establishments, including plastic utensils, plates, cups, and trays, is prohibited.

(34) Dine-In Establishments and Grocery Stores shall not provide or use Plastic-Lined Food Ware.

(45) Dine-In Establishments and Grocery Stores shall provide straws and stirrers only upon customer request.

(56) When provided, straws and stirrers shall be Biodegradable Food Ware and shall not contain plastic.

(7) Black Plastic Food Ware, including flatware, straws, stirrers, and containers, is prohibited in Dine-In Establishments regardless of resin identification code.

Sec. 209-4. Requirements for Take-Out Orders

A. The following provisions apply to Take-Out Orders, including those provided by Grocery Stores and Commissaries:-

(1) Take-Out Orders shall not be packaged in Plastic-Lined Food Ware. Take-Out Orders may be packaged in Biodegradable Food Ware.

(2) Single-Use Food Ware made of plastic is prohibited, except for containers containing soup or other liquids.

(3) Soup and liquid containers may only be made of plastics labeled with resin identification codes #1, #2, or #5.

(4) Accessories shall not be provided automatically ~~with Take-Out Orders~~. Prepared Food Vendors, Grocery Stores, and Commissaries may provide Accessories upon specific customer request or make them available in self-service stations accessible to customers. ~~Prepared Food Vendors shall not ask, prompt, or otherwise encourage customers to request Accessories, including utensils, napkins, straws, and stirrers.~~

(5) ~~When provided,~~ Accessories shall not be bundled together.

(6) Any Accessories provided with Take-Out Orders shall be Biodegradable Food Ware, PFAS-Free, and certified as compostable by BPI Certified by GreenScreen, BPI, Green Seal, or and OEKO-TEX or meet another recognized compostability standard, ~~as~~ approved by the Director of Health Operations.

(7) Plastic Accessories, including utensils, straws, and stirrers, shall not be provided ~~with Take-Out Orders~~. Notwithstanding the above, a Prepared Food Vendor, Grocery Store, or Commissary may provide a plastic straw upon request by an individual with a disability or medical need. Such requests shall not require proof or documentation of disability.

(8) Black Plastic Food Ware, including flatware, straws, stirrers, and containers, is prohibited regardless of resin identification code.

(9) Exemption for Catering and Prepared Meal Kits:

Catering trays, party platters, and heat-and-serve meal kits, regardless of the type of food establishment or packaging method, are exempt from the requirements of this section. These items shall not be considered Take-Out Orders for purposes of this ordinance.

Sec. 209-5. Enforcement

A. The City's Health Department, along with any other City Department or Agency designated by the Mayor, shall be responsible for enforcing this ordinance.

B. Violations and Penalties:

(1) First violation: Written notice.

(2) Subsequent violation: Fine of \$250.

(3) Multiple violations of this ordinance identified during a single inspection on any given day shall be treated as a single violation for enforcement purposes. For example, the possession and use of prohibited plastic utensils discovered simultaneously during one inspection will constitute only one violation.

(4) Each day a violation continues shall be considered a separate offense.

Sec. 209-6. Administrative Responsibilities

A. The Director of Health may establish administrative procedures necessary to implement this ordinance.

B. All fines collected shall be deposited into a dedicated account, called the Sustainability Fund, administered by the Mayor's designee, exclusively for sustainability initiatives and the enforcement and administration of this ordinance.

Sec. 209-7. Effective Date

~~This ordinance shall take effect six months after passage, unless extended for up to three additional months by the Director of Health due to supply chain disruptions or other extraordinary circumstances.~~

~~For schools, this ordinance shall take effect at the start of the next school year following passage. However, extensions may be granted by the Director of Health if additional time is needed for implementation.~~

This ordinance shall take effect nine (9) months after enactment, with the following exceptions:

A. The use of plastic containers, cups, lids, trays, and bowls shall be permitted for up to thirty-six (36) months after enactment, provided such items are made exclusively from plastic resins labeled #1, #2, or #5. After that time, the use of these items shall be prohibited, except for containers used to package hot and cold liquids, such as soup and beverage cups, which may continue to be made from resins #1, #2, or #5. The City encourages food establishments to transition to certified compostable or biodegradable alternatives for liquid containers where feasible.

B. Stamford Public Schools shall have up to ten (10) years from enactment to transition to Reusable Food Ware for on-site consumption. During this transition period, the use of Single-Use Food Ware in Stamford Public Schools shall be minimized to the greatest extent practicable, and any such items must meet all applicable material and certification requirements under this ordinance. All other provisions of this ordinance shall take effect for Stamford Public Schools at the beginning of the first full Academic Year that begins at least nine (9) months after enactment.

C. The Director of Health may grant an extension of up to three (3) additional months for any provision of this section if necessary, due to supply chain disruptions or other extraordinary circumstances. The Director may also grant individual extensions to Schools upon written request showing good cause.

D. Summary Table of Effective Dates

For reference and clarity, the following table summarizes the effective dates for specific provisions of this Chapter:

<u>Provision</u>	<u>Details</u>	<u>Applicable Section(s)</u>	<u>Effective Date</u>
<u>General applicability of ordinance provisions, including:</u>	<u>- Prohibition of single-use plastic food ware for on-site and take-out use</u> <u>- Mandatory use of reusable food ware for on-site consumption (except napkins)</u> <u>- Restriction on</u>	<u> §§ 209-1 through 209-6</u>	<u>9 months after enactment</u>

	<u>plastic-lined and black plastic food ware</u> <u>- Restrictions on the automatic provision and bundling of accessories</u> <u>- Enforcement provisions and administrative responsibilities</u>		
<u>Transitional allowance for certain plastic containers, including:</u>	<u>- Plastic containers, cups, lids, trays, and bowls made exclusively of resins #1, #2, or #5 may be used for up to 36 months</u> <u>- After that time, the use of these items shall be prohibited, except for containers used to package hot and cold liquids, such as soup and beverage cups, which may continue to be made from resins #1, #2, or #5</u> <u>- The City encourages transition to certified compostable or biodegradable alternatives for liquid containers where feasible</u>	<u>§ 209-4(A)(2)–(3), § 209-7(B)</u>	<u>Permitted up to 36 months after enactment; prohibited thereafter</u>
<u>Use of reusable food ware for on-site consumption in Stamford Public Schools</u>	<u>- Public schools have up to 10 years to fully transition to reusable food ware for on-premises dining</u> <u>- During the transition, use of single-use items</u>	<u>§ 209-3(A)(1), § 209-7(C)</u>	<u>Up to 10 years after enactment</u>

	<u>must be minimized and comply with material/certification requirements</u>		
<u>Applicability of all other provisions to Stamford Public Schools</u>	- All other ordinance provisions (e.g., accessory rules, compostable standards, enforcement) apply to public schools - Takes effect at the beginning of the first full academic year that begins at least 9 months after enactment	<u>§§ 209-1 through 209-6, § 209-7(D)</u>	<u>Beginning of first full academic year at least 9 months after enactment</u>
<u>Extension option for compliance with any ordinance provision</u>	- Director of Health may grant up to 3 additional months for any requirement if there is good cause - Includes supply chain issues or other extraordinary circumstances - Individual extensions may be granted to specific public schools	<u>§ 209-7(E)</u>	<u>Up to 12 months after enactment (9 months + 3-month extension)</u>
<u>Compost feasibility study</u>	- Director of Operations must evaluate municipal compost pickup feasibility - Final report due to Mayor and Board within 1 year of enactment	<u>§ 209-8</u>	<u>1 year after enactment</u>

Sec. 209-8. Compost Study

The Director of Operations shall conduct a study to evaluate the feasibility of implementing a municipal compost pickup program within the City of Stamford. The study shall include an analysis of operational, logistical, and financial considerations, as well as potential environmental benefits and community impacts. The Director of Operations shall complete the study and submit a report of findings and recommendations to the Mayor and the Board of Representatives no later than one (1) year after the enactment of this ordinance.

Sec. 209-~~98~~. Severability

If any section or provision of this ordinance is found invalid or unenforceable, the remaining sections shall remain in full force and effect.