

ORDINANCE NO. 3864

**AN ORDINANCE AMENDING THE RIVER FOREST VILLAGE CODE
REGARDING SINGLE-USE FOODWARE FOR DELIVERY OR TAKE-OUT ORDERS
OF FOOD OR BEVERAGES**

WHEREAS, the Village of River Forest (“Village”), is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, the Village’s Comprehensive Plan declares that “[e]nvironmental sustainability is a multi-faceted principle that aims to reduce negative impacts on the environment and preserve natural resources to ensure quality of life for future generations. Often sought through dedicated initiatives, sustainability informs every component of a municipality by emphasizing that we are conscious of how we affect the world around us;” and

WHEREAS, single-use foodware, meaning items designed and intended for only one usage before being discarded, including forks, spoons, sporks, knives, chopsticks, other eating utensils, plastic straws, stirrers, drink stoppers, splash sticks, cocktail sticks, toothpicks, napkins, wet-wipes, cup sleeves, beverage trays, disposable plates, and condiment packets, but excluding paper straws, beverage lids, or items used to contain or package food or beverages for delivery or take-out orders, unnecessarily distributed in the Village generates a significant amount of waste; and

WHEREAS, single-use plastics do not readily break down in the environment, eventually becoming microplastics which are known to have harmful effects to humans, wildlife (see “Single-Use Plastics 101,” Lindwall, C. (2021), published by the Natural Resources Defense Council), and which microplastics are now found throughout the marine ecosystems in the Great Lakes (see “Summary of Literature on the Chemical Toxicity of Plastics Pollution to Aquatic Life and Aquatic-Dependent Wildlife,” Beaman, J., & Bergeron, C. (2016), published by the United States Environmental Protection Agency); and

WHEREAS, the Village’s Sustainability Commission considered the regulation of single-use foodware as set forth in this Ordinance at several meetings, on February 8, 2022, March 8, 2022, April 12, 2022 and May 10, 2022; and

WHEREAS, the Sustainability Commission sought input from Village business owners potentially affected by the regulation of single-use foodware as set forth in this Ordinance, and the business owners were invited to share their comments and attend a Sustainability Commission meeting to voice their opinions; and

WHEREAS, after considering a variety of materials available to it, including the scientific studies set forth above, the Sustainability Commission recommended that the President and Board of Trustees regulate single-use foodware as proposed in this Ordinance in order to better protect the public’s health, safety and welfare, by reducing

waste occurring from the distribution of single-use foodware except when allowed by this Ordinance; and

WHEREAS, the Village has the authority to “regulate the places where and the manner in which any beverage or food for human consumption is sold,” pursuant to 65 ILCS 5/11-20-2; and

WHEREAS, the Village has the obligation to “regulate and inspect retail food establishments in the municipality” in accordance with local ordinances and regulations, pursuant to 65 ILCS 5/11-20-16(a); and

WHEREAS, the Village has the authority to “define, prevent and abate nuisances,” pursuant to 65 ILCS 5/11-60-2; and

WHEREAS, the Village has determined that limiting the distribution of single-use foodware in the Village would reduce the amount of waste generated by single-use foodware, thereby reducing the environmental impact from such waste; and

WHEREAS, the President and Board of Trustees of the Village have determined that limiting the distribution of single-use foodware is a reasonable and necessary regulation of places where beverage or food for human consumption are sold; and

WHEREAS, the President and Board of Trustees of the Village find and declare that the unnecessary distribution of single-use foodware is a nuisance and a significant detriment to the public’s health, safety and welfare; and

WHEREAS, in order to best serve the public’s health, safety and welfare, the President and Board of Trustees of the Village desire to make certain amendments to the Village of River Forest Village Code (“Village Code”) regarding the use of single-use plastics in places of eating, as set forth below;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows, with additions underlined:

Amendment One:

Section 6-5-1 of the Village Code, titled "Definitions," is amended as follows by adding the following definitions:

“ * * *

SELF-SERVICE STATION: An area dedicated to customers taking away single-use foodware and condiments.

* * *

SINGLE-USE FOODWARE: Any eating utensil or other item to be used as part of food or beverage service that is designed and intended by the manufacturer for only one usage before being discarded, including forks, spoons, sporks, knives, chopsticks, other eating utensils, plastic straws, stirrers, drink stoppers, splash sticks, cocktail sticks, toothpicks, napkins, wet-wipes, cup sleeves, beverage trays, disposable plates, and condiment packets. "Single-use foodware" does not include paper straws, beverage lids, or items used to contain or package food or beverages for delivery or take-out orders.

* * *”

Amendment Two:

Section 6-5-2.Q. of the Village Code, titled "Single-Use Foodware," is added as follows:

"1. Requirements. In connection with any delivery or take-out order of food or beverage, a food establishment may only provide single-use foodware upon request from the customer or at a self-service station. Food establishments shall provide options for customers to affirmatively request single-use foodware when ordering food and beverages for delivery or take-out across all ordering or point of sale platforms, including internet enabled applications, digital platforms, phone orders, and in-person ordering. The Village Administrator is authorized to establish, by rule, a standard sign for use by food establishments in connection with this Subsection. Providing single-use foodware contrary to these requirements is declared to be a nuisance and is detrimental to the public's health, safety and welfare.

2. Exceptions. This Section shall not apply to:

a. Single-use foodware necessary to address safety concerns, such as lids, drink stoppers, beverage trays and cup sleeves for beverages served at an average temperature greater than 170 degrees Fahrenheit;

b. A food vending machine, as defined in Section 6-6-1 of the Village Code;

c. Any single-use foodware that is prepackaged with or attached to any food or beverage products by the manufacturer prior to receipt by the food establishment;

d. Any charitable food establishment; and

e. A food establishment granted a waiver by the Village Administrator. Any waiver granted by the Village Administrator shall be reported, in writing, to the Village President and Board of Trustees.

3. Other Plastics. Businesses in the Village are encouraged to make every effort to reduce use of plastic bags, polystyrene foam and excess packaging."

SECTION 3: Further Study of Single-Use Plastic Bags. That the Sustainability Commission shall study the use of single-use plastic bags in the Village and make recommendations to the President and Board of Trustees regarding regulations on such bags as a way to further protect the public's health, safety and welfare.

SECTION 4: Continuing Effect. That all parts of the Village Code not amended herein shall remain in effect.

SECTION 5: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 7: Effectiveness. That this Ordinance shall be in full force and effect sixty (60) days after its passage and approval according to law.

PASSED this 27th day of June, 2022 by the Village President and Board of Trustees pursuant to a roll call vote as follows:

AYES: Bachner, Gillis, Vazquez, Brennan

NAYS: None

ABSENT: Johnson

ABSTAIN: O'Connell

APPROVED by me this 27th day of June, 2022.



Catherine Adduci, Village President

ATTEST:



Jonathan Keller, Village Clerk