

ORDINANCE NO. 3905

AN ORDINANCE AMENDING THE CHAPTER 5 (FOODS AND FOOD ESTABLISHMENT) OF TITLE 6 (HEALTH AND SANITATION) OF THE RIVER FOREST VILLAGE CODE REGARDING POLYSTYRENE FOAM 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, polystyrene foam is frequently used in the provision of food products, including food containers and packaging, often in the form of coffee cups and take-out food containers; and

WHEREAS, polystyrene foam is not biodegradable and difficult to recycle; and

WHEREAS, alternatives to polystyrene foam are much more widely accessible and available as we learn more about the harm that polystyrene foam products have on the environment and human health; and

WHEREAS, the Village's Sustainability Commission considered the regulation of polystyrene foam foodware as set forth in this Ordinance at meetings held on June 13 2023, July 11, 2023, and August 22, 2023; and

WHEREAS, the Sustainability Commission sought input from Village business owners potentially affected by the regulation of polystyrene foam 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, at its August 22, 2023 meeting, the Sustainability Commission voted unanimously, by a vote of 6 in favor and 0 against, to recommended that the President and Board of Trustees prohibit the use of polystyrene foam 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 polystyrene foam 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 polystyrene foam foodware in the Village would reduce the amount of waste generated by polystyrene foam 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 polystyrene foam 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 polystyrene foam 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 polystyrene foam 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: Code Amendment. That Section 6 (Definitions) of Chapter 5 (Foods and Food Establishments) of Title 6 (Health and Sanitation) of the Village Code is hereby amended to read, in part, as follows, with additions underlined:

“6-5-1: Definitions:

The following words and phrases shall have the meanings, and hereby are defined as follows:

[. . .]

DISPOSABLE FOOD SERVICE CONTAINER: Any serviceware designed for one-time use. “Disposable food service container” includes, but is not limited to, serviceware for take-out foods, bakery products, and leftovers from partially consumed meals. “Disposable food service container” does not include polystyrene foam coolers or ice chests that are used for the processing or shipping of seafood or serviceware that is used to contain, transport, or otherwise package raw, uncooked, or butchered meat, poultry, fish or seafood.

[. . .]

POLYSTYRENE FOAM: Any blown polystyrene and expanded or extruded foams using a styrene monomer

[. . .]”

SECTION 4: Code Amendment. That Subsection Q (Single-Use Foodware) of Section 6 (General Provisions) of Chapter 5 (Foods and Food Establishments) of Title 6 (Health and Sanitation) of the Village Code is hereby amended to read, in part, as follows, with additions underlined and deletions to existing text marked using strikethrough:

“Q. Single-Use Foodware:

[. . .]

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 5: Code Amendments. That Section 6 (General Provisions) of Chapter 5 (Foods and Food Establishments) of Title 6 (Health and Sanitation) of the Village Code is hereby amended to add a new subsection, to read in its entirety as follows, with additions underlined:

“R. Polystyrene Foam Foodware

1. Except as provided in subsections 2 and 3 of this Subsection R, food establishments may not sell or distribute disposable food service containers, composed in part or in whole of polystyrene foam packaging, on or after January 1, 2024.

2. A food establishment with an annual total income of \$500,000 or less per location, as stated on the food establishment’s income tax filing for the most recent tax year as provided to the Village, shall comply with this Subsection R on or after January 1, 2025.

3. Exceptions. The prohibitions set forth in this section shall not apply in the following situations:
 - a. Supplies and services provided in response to a public health or other emergency that is declared by a governmental body with jurisdiction in the Village.
 - b. Any polystyrene foam that is prepackaged with or attached to any food or beverage products by the manufacturer prior to receipt by the food dispensing establishment;
 - c. Any not-for-profit corporation; or
 - d. A federal, state, or local governmental agency that provides food to economically disadvantaged individuals at no or nominal charge.
4. Enforcement. The Village shall perform education and outreach efforts regarding the prohibition contained in this section during the first four (4) months of 2024, through April 30, 2024. No citations shall be brought against food establishments for violations of this section during said time. Thereafter, a food establishment in violation of this section shall be given one (1) written warning beginning on May 1, 2024 prior to a citation being issued against the food establishment. Beginning January 1, 2025 and thereafter, citations may be issued against any food establishments pursuant to subsections 1 and 2 above without receiving a prior warning or notice of said violations.
5. Conflict with State Law. If any provision of this section conflicts or is otherwise inconsistent with a provision of state law, the more stringent or restrictive provision shall prevail and shall be enforced by the Village.”

SECTION 6: Continuing Effect. That all parts of the Village Code not amended herein shall remain in effect.

SECTION 7: 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 8: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 9: Effectiveness. That this Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED this September 11, 2023 by the Village President and Board of Trustees pursuant to a roll call vote as follows:

AYES: President Adduci, Trustees Brennan, Trustee Vazquez, Trustee Bachner,

NAYS: Ø

ABSENT:
Trustees Johnson, Gillis, O'Connell

APPROVED by me this 11th day of September 2023



Catherine Adduci, Village President

ATTEST:


Jonathan Keller, Village Clerk