

USE AND SALE OF POLYSTYRENE PRODUCTS

§ ____ -1. – Purpose.

The purpose of this article is to preserve and protect the environment in the City of Norwalk by prohibiting the sale, provision, or distribution of Polystyrene products by Food Packagers and Retail Establishments.

§ ____ -2. – Definitions.

As used in this article, 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 any 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.

§ _____-3. – **Prohibitions**

- A. No Retail Establishment located in the City of Norwalk shall serve, sell, distribute, or provide Prepared Food in or on a Polystyrene Food Service Product.
- B. No Food Packager located in the City of Norwalk 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 Norwalk shall sell, offer for sale, distribute, or provide Polystyrene Food Service Products or Polystyrene Loose Fill Packaging.
- D. The City of Norwalk 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 Norwalk 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 Norwalk 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.

§ _____-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.

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

§ ____-5. – **Enforcement and penalties for violation.**

- A. This article shall be enforced by the Code Enforcement Office or its designee.
- B. Upon determination that a violation has occurred, the Food Packager or Retail Establishment, as the case may be, 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.

§ ____-6. – **Severability.**

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

§ ____-7. – **Effective date.**

This article shall become effective on April 22, 2020.