



# City of Chicago



O2018-6120

## Office of the City Clerk Document Tracking Sheet

**Meeting Date:** 7/25/2018

**Sponsor(s):** Burke (14)  
Lopez (15)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapter 4-8 by adding new  
Section 4-8-049 concerning restrictions on sale or use of  
certain plastic items

**Committee(s) Assignment:** Joint Committee: Aviation; Finance

ORDINANCE

*Jt. Finance  
+  
Aviation*

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, single-use plastics in the environment pose a major threat to wildlife, water quality, and the tourist economy; and

WHEREAS, it is the privilege and duty of local government to protect the environment where there is a lax, if not contemptuous, federal government; and

WHEREAS, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt visited East Chicago earlier this year, promising a "back to basics" agenda at the EPA that would focus on clean air and water, but has done nothing to curb the growing number of plastics in our environment and has since exited the Paris Accord; and

WHEREAS, 21.8 million pounds of plastic flow into the Great Lakes each year, 10 million of which flows directly into Lake Michigan, according to a landmark study by the Rochester Institute of Technology; and

WHEREAS, according to the Shedd Aquarium, 1 million seabirds and 100,000 marine mammals are killed each year by plastic through ingestion, starvation, suffocation, infection, drowning, or entanglement; and

WHEREAS, single-use plastics in the water break into smaller and smaller particles, eventually turning seawater cloudy—a phenomenon called plastic smog—and block sunlight needed for photosynthesis by phytoplankton and algae which is the foundation of the marine food web; and

WHEREAS, there are an abundance of alternatives such as paper, re-usable and biodegradable straws, and lids; and

WHEREAS, more than 100 Chicago-area restaurants and bars have already made the commitment to phase out the use of plastic straws as part of the Shedd Aquarium's "Shedd the Straw" campaign; and

WHEREAS, Lettuce Entertain You, has followed suit by planning to transition all of its 120 restaurants in nine states to alternatives by October 1, 2018 including paper, hay and biodegradable plastic straws, though customers will be encouraged to not use straws at all; and

WHEREAS, the Chicago White Sox organization is the first Major League Baseball team to announce it will no longer offer plastic straws in the ballpark; and

WHEREAS, McDonald's announced earlier this year that it will adopt more eco-friendly paper straws across all 1,361 restaurants in the United Kingdom and Ireland, a region where the

company started testing the alternative to plastic straws earlier this year, but has yet to make a similar commitment in Chicago; and

WHEREAS, corporations receive all the benefits of doing business in the City of Chicago, and ought to be responsible corporate partners with the City, community, and environment; and

WHEREAS, a growing list of cities have already enacted prohibitions on single-use plastics, Seattle, Malibu, and Miami have already prohibited usage, New York is contemplating a ban, and the Queen of England has banned plastic straws and bottles from the royal estates; and

WHEREAS, this is a global trend, the European Union is pushing for many single-use plastic products, including straws, to be barred across its 27 member states by 2030, the United Kingdom is set to ban all sales of single-use plastics, including plastic straws and cotton swabs from the country as early as next year, Scotland will eliminate plastic straws by 2019, and Taiwan will ban all single-use plastic items by 2030, including cups and bags; and

WHEREAS, the City of Chicago, and the United States, should continue to be the global example of environmental stewardship, as a shining city upon a lake; and

WHEREAS, the City has enacted other measures for the protection of the environment beginning with the Lakefront Protection Ordinance, a progressive tax on plastic bags, and others; and

WHEREAS, the Great Lakes are Chicago's greatest natural resource, and it is our duty as stewards to preserve the natural wonders for our children and grandchildren, in the interest of intergenerational equity; **NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

**SECTION 2.** Chapter 4-8 of the Municipal Code of Chicago is hereby amended by inserting a new section 4-8-049 as follows:

4-8-049        Restrictions on the Sale or Use of Certain Plastic Items

a. *Definitions.* As used in this Section, the following terms have the following meanings:

“Beverage straw” means a tube used for transferring a beverage from its container to the mouth of a consumer.

“Beverage stirrer” means a device used by a consumer that is designed solely for the purpose of mixing liquids intended for internal human consumption.

“Biodegradable” means the ability of a material to breakdown, within one year, into natural materials in the natural environment without causing harm.

“Department” means the Department of Business Affairs and Consumer Protection of the City of Chicago, or its representatives.

“Disability” means a physical, intellectual or sensory impairment that substantially limits one or more major life activities.

“Retail food establishment” shall have the meaning ascribed to such term by Chapter 4-8 of the Municipal Code of the City of Chicago or any successor provision.

“Medical condition” means any illness, disease, disorder or injury that requires medical treatment.

“Plastic” means a synthetic material made from organic polymers, including, but not limited to, polypropylene and polystyrene, that can be molded into shape while soft, and then set into a rigid or slightly elastic form.

“Single-use” means a product that is designed and intended to be used only once for drinking or eating, and is generally recognized by the public as an item that is to be discarded after one use.

b. *Authority.* The Department of Business Affairs and Consumer Protection shall have the authority to enforce the provisions of this section.

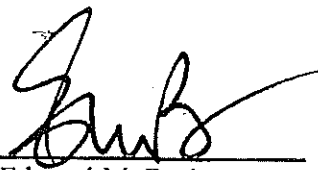
c. *Requirements.* No retail food establishment operating on premises owned or operated by the City of Chicago shall offer to consumers any single-use beverage straw or beverage stirrer made of plastic or any other non-biodegradable material.

d. *Exceptions.* Retail food establishments may provide suitable beverage straws or beverage stirrers, including those prohibited by this section, to a person that requests a straw due to a disability or medical condition as defined by this section. Nor shall this section apply to the sister agencies of the City including but not limited to Chicago Public Schools.

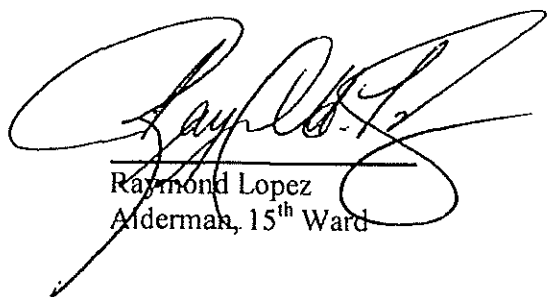
e. *Fines.* Any person who violates this section or any rule promulgated pursuant thereto shall be fined one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs within 30 days of this ordinance coming into full force and effect.

f. *Education.* In consultation with other city agencies, the department shall conduct outreach and education to retail food establishments and stores to inform them of the provisions of this section and provide assistance with identifying replacement material. Such outreach and education shall be offered in multiple languages.

**SECTION 3.** This ordinance shall be in full force and effect one hundred and twenty (120) days after passage.



Edward M. Burke  
Alderman, 14<sup>th</sup> Ward



Raymond Lopez  
Alderman, 15<sup>th</sup> Ward