



# City of Chicago



O2021-2869

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 6/25/2021

**Sponsor(s):** Nugent (39)  
Cardenas (12)  
Rodriguez Sanchez (33)  
Smith (43)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapter 4-8 by modifying Section 4-8-010 and adding new Section 4-8-065 regarding requirements for single-use foodware

**Committee(s) Assignment:** Committee on Environmental Protection and Energy

Environment

**ORDINANCE**

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

**SECTION 1.** Section 4-8-010 of the Municipal Code of the City of Chicago is hereby amended by inserting the underscored text, as follows:

**4-8-010 Definitions.**

*(Omitted text is unaffected by this ordinance)*

“Sealed” means free of cracks or other openings which permit the entry or passage of moisture.

“Self-service station” means an area dedicated to customers taking away single-use foodware and condiments.

*(Omitted text is unaffected by this ordinance)*

“Single-service articles” means cups, containers, lids or closures; plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material, bags, and all similar articles which are constructed wholly or in part from paper, paper board, molded pulp, metal, wood, plastic, synthetic or other readily destructible materials, which are intended by the manufacturers and generally recognized as for one usage only, then to be discarded.

“Single-use foodware” means 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, 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 straws, beverage lids, or items used to contain or package food or beverages for delivery or take-out orders.

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Chapter 4-8 of the Municipal Code of the City of Chicago is hereby amended by adding a new Section 4-8-065, as follows:

**4-8-065 Single-use Foodware.**

(a) *Requirements.* In connection with any delivery or take-out order of food or beverage, a food dispensing establishment may only provide single-use foodware upon request from the customer or at a self-service station. Food dispensing 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 Commissioner of Business Affairs and Consumer Protection is authorized to establish, by rule, a standard sign for use by food dispensing establishments in connection with this section, subject to the requirements of Chapter 2-40 of this Code. The requirements of this section are subject to any applicable public health order.

(b) *Exceptions.* This section shall not apply to:

(1) 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 in excess of 170 degrees Fahrenheit;

(2) an automatic food vending machine;

(3) 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 dispensing establishment;

(4) any charitable food dispensing establishment;

(5) single-use foodware provided in connection with any food or beverage order fulfilled at a drive-through facility, as defined in Section 17-17-0247.5;

(6) any food dispensing establishment located at Chicago O'Hare International Airport or Chicago Midway International Airport; or

(7) a food dispensing establishment granted a waiver from the Department of Business Affairs and Consumer Protection, in accordance with rules promulgated by the Commissioner of Business Affairs and Consumer Protection.

**SECTION 3.** This ordinance shall take effect 120 days after passage and publication.

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### Chicago City Council Co-Sponsor Form

Document No.:

Subject: **Amendment of Municipal Code Chapter 4-8 by modifying Section 4-8-010 and adding new Section 4-8-065 regarding requirements for single-use foodware**

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Alderman Rossana Rodriguez-Sanchez   Ward)  
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Alderman \_\_\_\_\_  Ward)  
(Signature)

Date Filed: \_\_\_\_\_ Principal Sponsor: \_\_\_\_\_  
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Alderman \_\_\_\_\_  Ward  
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