

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 20 (“PUBLIC HEALTH”),
ARTICLE 8 (“SINGLE-USE PLASTIC FOODWARE AND POLYSTYRENE FOAM PACKAGING”),
SECTION 20-8-4 (“POLYSTYRENE FOAM PACKAGING PROHIBITED”)
AND SECTION 20-8-6 (“PENALTY”) OF THE OAK PARK VILLAGE CODE**

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970;

WHEREAS, pursuant to its Constitutional home rule powers, the Village has the authority “to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7 § 6;

WHEREAS, the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village Board has determined to amend Section 20-8-5 (“Polystyrene Foam Packaging Prohibited”) and Section 20-8-6 (“Penalty”) of the Oak Park Village Code as set forth herein pursuant to the Village’s home rule authority.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 20 (“Public Health”), Article 8 (“Single-Use Plastic Foodware and Polystyrene Foam Packaging”), Section 20-8-4 (“Polystyrene Foam Packaging Prohibited”) and Section 20-8-6 (“Penalty”) of the Oak Park Village Code are amended to delete the overstricken language and add the underlined language as follows:

20-8-4: POLYSTYRENE FOAM PACKAGING PROHIBITED:

- A. Except as provided in subsections B and C of this section, food establishments may not sell or distribute a disposable food service container composed in part or in whole of polystyrene foam packaging on or after January 1, 2024.
- B. A food establishment with an annual gross income under \$500,000 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 section on or after January 1, 2025.

C. Exceptions. The prohibitions set forth in this section shall not apply in the following situations:

1. 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.
2. 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;
3. Any not-for-profit corporation; or
4. A federal, state, or local governmental agency that provides food to needy individuals a no or nominal charge.

D. 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. Citations may be issued against any food establishments pursuant to subsections A and B above without a warning being previously issued that violate this section beginning January 1, 2025 and thereafter.

* * * *

20-8-6: PENALTY:

Any owner, entity or person in violation of any provision of this article shall be fined in accordance with the provisions of section 1-1-5 of this Code except as set forth in this article.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ADOPTED this 20th day of June, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this 20th day of June, 2023.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 20th day of June, 2023.

Christina M. Waters, Village Clerk