
Chapter 8.72: Skip The Stuff

Section 8.72.010: Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

“Accessory Disposable Food Ware Items” means any disposable food ware item such as straws, stirrers, forks, spoons, knives, chopsticks, napkins; condiment cups and packets; cup sleeves, tops, lids, and spill plugs; and other similar accessory or utensil items used as part of food or beverage service or packaging.

“Compostable” means material as defined in Chapter 8.24 of the Cambridge Municipal Code and its regulations, including fruit, vegetables, grains, meat, bones, coffee/tea grounds, and other food waste.

“Enforcing Authority” means the Commissioner of Public Works, the Chair of the License Commission, the Commissioner of Inspectional Services, the Commissioner of Public Health, or their designees.

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food Establishments shall include any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, private, public, or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere.

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Recyclable” means material as defined in Ordinance 8.24, including cardboard, paper, plastic containers, metal containers, and glass containers. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Retail Establishment” means any commercial enterprise, which sells goods directly to the consumer, and which includes but is not limited to the following, whether for or not for profit: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

“Takeout Food” means Prepared Food which is purchased to be consumed off a Food Establishment’s premises. Takeout Food includes Prepared Food carried out by the customer or delivered by a Food Establishment or by a Takeout Food Delivery Service.

“Takeout food Delivery Service” is a third party delivery service which picks up Takeout Food from a Food Establishment and delivers it to the customer for consumption off the premises.

Section 8.72.020: Requirements

(a) Accessory Disposable Food Ware Items, if utilized by a Food Establishment, shall be provided only upon request by the customer or at self-serve stations, except that disposable cups for delivery by a Food Establishment may include lids, spill plugs and sleeves without request. Food Establishments and Takeout Food Delivery Services, if Accessory Disposable Food Ware Items are utilized, must provide options for customers to affirmatively request Accessory Disposable Food Ware Items separate from orders for food and beverages across all ordering/point of sale platforms, including but not limited to web, smart phone and other digital platforms, telephone and in-person.

(b) Food Establishments that allow self-bussing must provide receptacles for customers to separate their Recyclable waste from trash, and shall dispose of materials in a manner consistent with Chapter 8.24 of the Cambridge Municipal Code. Recycling receptacles must be clearly labeled as “Recycling”. Signage must be

posted on and/or above each receptacle, indicating the materials to be deposited into such receptacle. Food Establishments and Retail Establishments that do not allow self-busing shall separate their Recyclable and Compostable waste from the rubbish, and shall dispose of materials in a matter consistent with Chapter 8.24 of the Cambridge Municipal Code.

Section 8.72.030: Exemption

Any Food Establishment or Retail Establishment may seek an exemption from the requirements of this chapter by filing a request in writing to the Commissioner of Public Works who, may waive any specific requirement of this chapter for a period of not more than one year if the establishment seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. To obtain a waiver, the Retail Establishment or Food Establishment must demonstrate inability to comply due to insurmountable space constraints, undue financial hardship and/or extraordinary, insurmountable circumstances. Such determination shall be at the sole discretion of the Commissioner of Public Works.

Section 8.72.040: Penalties and Enforcement

(a) The Commissioner of Public Works may promulgate rules and regulations for the implementation of this chapter.

(b) Fine. Any establishment which violates any provision of this chapter shall be liable for a fine of not more than three hundred dollars. Each day's violation shall constitute a separate offense.

(c) Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D, by an Enforcing Authority.

(d) For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Commissioner of the Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the enforcing persons.

Section 8.72.050: Severability

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain valid and enforceable.

Section 8.72.060: Effective Date

The provisions of this Ordinance shall take effect six months from the date of enactment.