



## Takoma Park City Council Meeting – February 27, 2017 Agenda Item 4

### **Work Session**

Proposed Ordinance prohibiting the commercial use of plastic beverage straws and stirrers.

### **Recommended Council Action**

Consider the proposed Ordinance.

### **Context with Key Issues**

Plastic beverage straws and stirrers, including so called “compostable” products made of biologically based polymers, contribute to litter in the local environment and contribute to the nonbiodegradable waste accumulating in landfills and oceans. Straws and stirrers made of paper, wood, and other biodegradable materials and reusable products provide environmentally friendly alternatives to disposable plastic products. The proposed Ordinance generally prohibits retail establishments from providing customers with plastic straws and stirrers for use with dine-in and carry out beverages. However, some individuals require flexible plastic straws to allow them to consume beverages because of physical conditions. Therefore, the proposed Ordinance allows for the provision of flexible plastic straws upon request and requires that retail establishments that offer non-plastic straws also maintain a stock of flexible plastic straws for that purpose.

The proposed Ordinance similarly prohibits the provision of plastic straws and stirrers at City sponsored events and in City facilities. It encourages other institutions in the City to switch to reusable or biodegradable products.

At the January 16, 2019 City Council meeting, a community group of residents and middle school students presented their efforts to educate businesses and encourage voluntary adoption, and recommended this proposed ban.

### **Council Priority**

Environmentally sustainable community.

### **Environmental Impact of Action**

Reduction of waste and reduction of litter, leading to improved local and regional water quality, protection of aquatic wildlife, and some GHG emissions and other pollutant reductions due to manufacture of fewer plastics.

### **Fiscal Impact of Action**

Takoma Park retail establishments that sell beverages will be impacted since they must train their staffs to comply. They may save money by not purchasing straws. However, if they wish to have straws, they must purchase non-plastic straw products and some flexible plastic straws to comply

with the Ordinance. With the District of Columbia's adoption of a plastic straw ban, costs per unit of non-plastic straw products, while higher than per unit plastic straws, are anticipated to decline. There will be a relatively small cost to update education materials for use by City staff who are charged with education and enforcement responsibilities.

### **Racial Equity Considerations**

All residents of the City will enjoy the environmental benefits of reducing waste. Costs of compliance may have a disproportionate effect on smaller businesses that have closer cost margins, many of which may be owned by people of color. City education and other efforts, and a phase-in period for small businesses, can help address this.

### **Attachments and Links**

- Proposed Ordinance

Introduced by:

First Reading:  
Second Reading:  
Effective Date:

**CITY OF TAKOMA PARK, MARYLAND  
ORDINANCE 2019-XX**

**AMENDING THE *TAKOMA PARK CODE*, TITLE 8, BUSINESS, TO BAN THE  
COMMERCIAL USE OF PLASTIC BEVERAGE STRAWS AND PLASTIC STIRRERS**

WHEREAS, the City Council established an environmentally sustainable community as one of its 2018 priorities for the City; and

WHEREAS, many US cities and the state of California have taken legal action to ban or restrict plastic beverage straws and plastic drink stirrers through ordinances that have taken or will take effect after a prescribed period; including Seattle (the largest city where a ban is already in effect) and Edmonds, WA; Alameda, Carmel, San Luis Obispo, Malibu, Manhattan Beach, Oakland, Richmond and Berkeley, CA; Miami and Fort Myers, FL; Garrett Park, MD and many more that are considering such legislation; and similar actions that are occurring in other countries; and

WHEREAS, the City Council recognizes that plastic beverage straws and stirrers (including certain so-called “compostable” plastic beverage straws and stirrers) will continue to contribute to litter in our local parks and waterways and have an adverse impact on the Sligo Creek, Long Branch and Chesapeake Bay environment, and recognizes that paper straws provide an environmentally friendly alternative for almost all straw uses; and

WHEREAS, some local restaurants have voluntarily adopted a paper straw policy and have been aided in this by local resident volunteers, with important contributions by Piney Branch Elementary School students; and

WHEREAS, the City Council wishes to have restaurants and other retail establishments in the City that provide straws to customers aided with the transition to non-plastic straws

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:**

**SECTION 1.** Title 8, Business, of the *Takoma Park Code* shall be amended to include the following:

**CHAPTER 8.52**

**PLASTIC BEVERAGE STRAWS AND STIRRERS**

**8.52.010 Definitions.**

As used in this chapter:

“Non-plastic material” means paper, sugar cane, bamboo, rubber, metal, or other material deemed as non-plastic by the City Manager.

“Plastic beverage straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. “Plastic beverage straw” includes compostable and biodegradable petroleum and biologically based polymer straws, but does not include straws that are made from non-plastic materials.

“Plastic stirrer” means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. “Plastic stirrer” includes compostable and biodegradable petroleum and biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials.

“Retail establishment” means any establishment engaged in the retail sale of goods. Retail establishment includes any supermarket, convenience store, shop, service station, restaurant (eat-in and take-out), drinking establishment, farmers’ market vendor, food truck, and any other sales outlet where a customer can buy goods.

“City-sponsored event” means any event organized or sponsored by the City of Takoma Park or any department of the City of Takoma Park.

“Other institutions” means hospitals, schools, daycare centers, churches, etc.

#### **8.52.020 Plastic beverage straw and stirrer use prohibited at point of sale.**

- A. Except as provided in subsection D of this section, retail establishments shall not sell or provide plastic beverage straws or stirrers to customers for use with dine-in or carry out beverages.
- B. Except as provided in subsection D of this section, the City, vendors at City-sponsored events and persons utilizing City facilities for private events shall not provide plastic beverage straws or stirrers to customers, patrons, or participants on City property or at City-sponsored events.
- C. Retail establishments and other institutions are encouraged to provide straws made of non-plastic materials only on request.
- D. Retail establishments, other institutions, the City, vendors at City sponsored events and persons using City facilities for private events that provide non-plastic straws shall maintain a reasonable stock of flexible, disposable plastic beverage straws for customers, patrons or participants for whom straws made of non-plastic materials are unsuitable and who request plastic beverage straws.

#### **8.52.040 Administration and enforcement.**

- A. The City Manager shall provide notice of the restrictions of this chapter and educational materials regarding compliance to retail establishments at least 180 days before it becomes effective.
- B. Violation of this chapter constitutes a class D municipal infraction.

C. Distribution of one or more plastic beverage straws or stirrers to a customer in connection with a single transaction is a single violation, except when providing a flexible, disposable plastic beverage straw upon request by someone who asks for a plastic beverage straw because of need.

D. A penalty shall not be imposed on an individual retail establishment more than once within a 7-day period.

E. The City Manager may adopt regulations to implement and enforce this chapter.

**8.52.050 Review after three years.**

The Mayor and City Council shall conduct a review of this chapter three years from enactment to determine whether scientific research, product development, or the impact of this chapter upon businesses or consumers warrant amendments to provide further protection to the environment or to reduce adverse impacts upon businesses and consumers.

**SECTION 2.** This Ordinance will be effective XXXX 2019.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS XXTH DAY OF XXXXXX 2019, BY ROLL-CALL VOTE AS FOLLOWS:

AYE: NAY:

ABSENT:

ABSTAIN: