



Takoma Park City Council Meeting – April 3, 2019 Agenda Item 2

Voting Session

Second Reading Ordinance Prohibiting the Commercial Use of Plastic Beverage Straws and Stirrers

Recommended Council Action

Vote on ordinance at second reading.

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 maintain a stock of flexible plastic straws for that purpose.

The Ordinance also 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 first reading, the effective date of the ordinance was changed to July 1, 2019 for education, January 1, 2020 for warnings, and July 1, 2020 for fines. The attached ordinance reflects that intent by adding 8.52.040(F) “Implementation Schedule. The City Manager will begin monitoring compliance with this chapter commencing January 1, 2020, and shall issue violation warning notices for violations occurring between January 1, 2020, and June 30, 2020. The City Manager may issue municipal infraction citations for violations commencing July 1, 2020.” With the addition of the implementation schedule, the ordinance can become effective immediately.

The amendment to the ordinance also necessitates a revision to 8.52.040(A) so that the notice of restrictions and educational materials regarding compliance should commence no later than July 1, 2019 (instead of “at least 180 days before it becomes effective”).

Council Priority

Environmentally sustainable community.

Environmental Impact of Action

Reduction of waste and litter.

Fiscal Impact of Action

The Neighborhood Services Team enforces the City's environmental codes and encourages compliance through education.

Racial Equity Considerations

All residents of the City will enjoy the environmental benefits of reducing waste. All businesses that sell beverages will be impacted since they must train their staffs to comply, and purchase non-plastic straw products if their customers expect them. This may have a disproportionate effect on smaller businesses that have closer cost margins, many of which may be owned by people of color.

Attachments and Links

- Second Reading Ordinance showing text showing revisions since first reading.

1 Introduced by: Councilmembers Dyballa

2 First Reading: March 20, 2019

3 Second Reading:

4 Effective Date:

5
6 **CITY OF TAKOMA PARK, MARYLAND**
7 **ORDINANCE 2019-5**
8

9 **AMENDING THE *TAKOMA PARK CODE*, TITLE 8, BUSINESS, TO BAN THE**
10 **COMMERCIAL USE OF PLASTIC BEVERAGE STRAWS AND PLASTIC STIRRERS**
11

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

14
15 WHEREAS, many US cities and the state of California have taken legal action to ban or restrict
16 plastic beverage straws and plastic drink stirrers through ordinances that have taken or will take
17 effect after a prescribed period; including Seattle (the largest city where a ban is already in
18 effect) and Edmonds, WA; Alameda, Carmel, San Luis Obispo, Malibu, Manhattan Beach,
19 Oakland, Richmond and Berkeley, CA; Miami and Fort Myers, FL; Washington, DC; Garrett
20 Park, MD and many more that are considering such legislation; and similar actions that are
21 occurring in other countries; and

22
23 WHEREAS, the City Council recognizes that plastic beverage straws and stirrers (including
24 certain so-called “compostable” plastic beverage straws and stirrers) will continue to contribute
25 to litter in our local parks and waterways and have an adverse impact on the Sligo Creek, Long
26 Branch and Chesapeake Bay environment, and recognizes that paper straws provide an
27 environmentally friendly alternative for almost all straw uses; and

28
29 WHEREAS, the City of Takoma Park is concerned that any plastic straw restrictions not create
30 unintended obstacles for those with disabilities; and

31
32 WHEREAS, some local restaurants have voluntarily adopted a paper straw policy and have been
33 aided in this by local resident volunteers, with important contributions by Piney Branch
34 Elementary School students; and

35
36 WHEREAS, the City Council wishes to have restaurants and other retail establishments in the
37 City that provide straws to customers aided with the transition to non-plastic straws.

38
39 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
40 **TAKOMA PARK, MARYLAND:**

41
42 **SECTION 1.** Title 8, Business, of the *Takoma Park Code* shall be amended to include the
43 following:

44
45 **CHAPTER 8.52**
46

47 **PLASTIC BEVERAGE STRAWS AND STIRRERS**

48

49 **8.52.010 Definitions.**

50

51 As used in this chapter:

52

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

55

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

61

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

67

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

73

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

76

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

78

79 **8.52.020 Plastic beverage straw and stirrer use prohibited at point of sale.**

80

81 A. Except as provided in subsection D of this section, retail establishments shall not sell or
82 provide plastic beverage straws or stirrers to customers for use with dine-in or carry out
83 beverages.

84

85 B. Except as provided in subsection D of this section, the City, vendors at City-sponsored events
86 and persons utilizing City facilities for private events shall not provide plastic beverage straws or
87 stirrers to customers, patrons, or participants on City property or at City-sponsored events.

88

89 C. Retail establishments and other institutions are encouraged to provide straws made of non-
90 plastic materials only on request.

91

92 D. If retail establishments, other institutions, the City, vendors at City sponsored events or
93 persons using City facilities for private events provide non-plastic straws, they shall maintain a
94 reasonable stock of flexible, disposable plastic beverage straws for customers, patrons or
95 participants for whom straws made of non-plastic materials are unsuitable and who request
96 plastic beverage straws.

97

98 **8.52.040 Administration and enforcement.**

99

100 A. The City Manager shall provide notice of the restrictions of this chapter and educational
101 materials regarding compliance to retail establishments ~~at least 180 days before it becomes~~
102 effective commencing no later than July 1, 2019.

103

104 B. Violation of this chapter constitutes a class D municipal infraction.

105

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

110

111 D. A penalty shall not be imposed on an individual retail establishment more than once within a
112 7-day period.

113

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

115

116 F. Implementation Schedule. The City Manager will begin monitoring compliance with this
117 chapter commencing January 1, 2020, and shall issue violation warning notices for violations
118 occurring between January 1, 2020, and June 30, 2020. The City Manager may issue municipal
119 infraction citations for violations commencing July 1, 2020.

120

121 **SECTION 2.** This Ordinance will be effective ~~July 1, 2019 for education, January 1, 2020 for~~
122 ~~warnings, and July 1, 2020 for fines.~~ January 1, 2020 immediately.

123

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

126

127 AYE:

128 NAY:

129 ABSENT:

130 ABSTAIN:

131

132 Note: Revisions made since first reading are shown by underline and strikeout.