

Introduced by: Councilmembers Dyballa

First Reading: March 20, 2019

Second Reading: April 3, 2019

Effective Date: April 3, 2019

**CITY OF TAKOMA PARK, MARYLAND
ORDINANCE 2019-5**

**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; Washington, DC; 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, the City of Takoma Park is concerned that any plastic straw restrictions not create unintended obstacles for those with disabilities; 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, including such establishments located in other institutions.

“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. If retail establishments, other institutions, the City, vendors at City sponsored events or persons using City facilities for private events provide non-plastic straws, they 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 commencing no later than July 1, 2019.

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.

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.

SECTION 2. This Ordinance will be effective immediately.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 3RD DAY OF APRIL, 2019, BY ROLL-CALL VOTE AS FOLLOWS:

AYE: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy
NAY: None
ABSENT: None
ABSTAIN: None