

Ordinance No. #####-##

Ordinance to Prohibit the Distribution of Single-use Plastic Straws Unless Specifically Requested by the Customer

WHEREAS, global plastic production and consumption has increased significantly since the introduction of plastic to the manufacturing industry in 1950, producing nearly 8.3 billion tons of plastic in total as of 2015, and manufacturers produce more than 300 million tons of plastic annually; and

WHEREAS, plastic is a derivative of oil and natural gas by products and plastic production is expected to comprise 20% of oil consumption worldwide by 2050; and

WHEREAS, waste mismanagement causes 60% of consumed plastic to settle in landfills and the natural environment and nearly 8 million tons of plastic to enter the ocean every year; and

WHEREAS, the chemical composition of plastic makes plastics unable to biodegrade and leads plastics to break down into tiny fragments known as microplastics that are consumed by fish and bio-accumulate in the food web, which threatens public health and safety.

WHEREAS, single-use plastic straws have a significant impact on marine life and are a prominent item beach debris; and

WHEREAS, volunteers at the Clean Ocean Action Annual Beach Sweeps collected over 36,000 single-use plastic straws in 2018 from 60 locations along the Jersey Shore; and

WHEREAS, studies document that banning single-use plastic straws unless specifically requested will significantly reduce the use of plastic straws and the presence of plastic straws in landfills; and

WHEREAS, the Municipal Council finds that the reduction in the use of single-use plastic straws by retail establishments in the [TOWN NAME] is a public benefit because the reduction in the use of single-use plastic straws helps to protect the marine environment, advance plastic and solid waste reduction, reduce greenhouse gas emissions, and keep waterways clean; and

WHEREAS, the Municipal Council desires to reduce the number of single-use plastic straws that are being used, discarded and littered and to promote the use of alternative environmentally friendly alternatives such as biodegradable or paper straws by retail establishments located within the [TOWN NAME], as well the use of reusable straws by residents; and

WHEREAS, the Mayor and Council of the [TOWN DESIGNATION] of [TOWN NAME] prioritize the health and safety of its residents and the integrity and security of municipal natural resources and environment.

NOW, THEREFORE, the Mayor and Council and the [TOWN DESIGNATION] of [TOWN NAME] do hereby ordain as follows:

SECTION I: Definitions – as used in this Ordinance

- A. “Counter” means the location where a food service establishment relinquishes legal possession of purchased goods to a customer, regardless of where or how payment for such goods are made. The definition includes but not limited to a check-out stand, cash register, bar or other point of distribution from a store or food service establishment, including the location where remotely ordered food or products are delivered to a purchaser, such as for takeout or drive-through.
- B. “Food service establishment” means a business that sells or provides beverages for consumption on or off the premises, and includes, but is not limited to, any: restaurant, café, delicatessen, coffee shop, supermarket and grocery store, vending truck or cart, food truck, movie theater, or business, municipal or school cafeteria, including those operated by or on behalf of any governmental entity.
- C. “Single-use plastic straw” means a single-use, soft, bendable, and disposable tube made of plastic used to transfer a beverage from a container to the mouth of the person drinking the beverage.

SECTION II: Prohibitions on single-use plastic straws

- A. No food service establishments shall sell, give, or provide a single-use plastic straw except upon the specific request of a customer.
- B. All food service establishments must keep single-use plastic straws behind the counter.
- C. Nothing in this section precludes food services establishments from providing and making available non-single-use plastic straws.
- D. Nothing in this section shall preclude the bulk sale of single-use plastic straws by retailers.

SECTION III: Outreach and Education

- A. The City Manager or his/her designee shall establish an outreach and education program aimed at educating residents, covered food service establishments, stores and street vendors on reducing the use of single-use plastic straws and increasing the use of reusable alternatives.
- B. To the extent practicable, the City Manager or his/her designee shall seek the assistance of private entities and local not-for-profit organizations to provide and distribute reusable alternatives to residents, and to covered stores and street vendors.

SECTION IV: Enforcement

- A. Any notice of violation issued pursuant to this Section shall be returnable in the City's municipal court, which shall have the power to impose penalties as provided herein.
- B. The City Manager shall designate appropriate departments and/or staff to enforce this Section, including but not limited to the Police Department, Public Works Department, and/or Code Enforcement Department.

SECTION V: Penalty

- A. Any person who is convicted of a violation of this Section shall, upon conviction, be liable to the following penalties: for the first offense, there shall be a fine of One Hundred and Fifty Dollars (\$150.00); for the second offense, there shall be a fine of Three Hundred Dollars (\$300.00); and for the third and each subsequent offense, there shall be a fine of One Thousand Dollars (\$1,000.00).
- B. The [TOWN DESIGNATION] shall have authority to enforce the provisions of this Ordinance.

SECTION VI: Severability

- A. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of law, such decision shall not affect the validity of the remaining sections, subsection, sentences, clauses and phrases of this law, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the validity of any part thereof.

SECTION VII: Repealer

- A. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION VIII: Effective Date

- A. This ordinance shall take effect 30 days after final adoption and publication.

SECTION IX: Certified Copies

Once certified this ordinance shall be forwarded to New Jersey Governor Philip D. Murphy, Senate President Stephen M. Sweeney, and Assembly Speaker Craig J. Coughlin.