

ORDINANCE: 14-19

ORDINANCE: To amend Chapter 20 of the Rockville City Code entitled "Solid Waste" by adding a new Article IV entitled "Single-Use Plastic Straw Prohibition" so as to prohibit the use of single use plastic straws and stirrers by food service establishments, with certain exceptions

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND that Chapter 20 of the Rockville City Code, entitled "Solid Waste" be, and hereby is, amended to add a new Article IV entitled "Single-Use Plastic Straw Prohibition" as follows:

CHAPTER 20. SOLID WASTE

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Article IV. SINGLE-USE PLASTIC STRAW PROHIBITION

Sec. 20-60 Definitions

The following definitions apply to the provisions of this article:

- (1) Beverage means a liquid, slurry, frozen, semi-frozen, heated or hot drink
- (2) Customer means a person or guest that requests, takes, purchases or otherwise obtains a hot or cold beverage for consumption on or off the premises.
- (3) Food Service Establishment means a restaurant, cafeteria, hotel dining facility, church dining facility, school dining facility, bar, grill, food truck, bakery, pizzeria, grocery store, ice cream or frozen yogurt shop, or any other commercial or industrial dining operation that uses, provides, offers, or sells hot or cold beverages with or without charge, and for consumption on or off premises.

- (4) Plastic Straw means a tube or stirrer made of petroleum products or polypropylene material that may be used to transfer a beverage from its container to the mouth of the consumer. A plastic straw is not one made from paper, bamboo, metal, sugar cane, hay, wood, glass, ~~[[or]]~~ pasta, polylactic acid (PLA), or other biodegradable bioplastic recognized by the American Society for Testing and Materials (ASTM).
- (5) Recycled or composted means that the straw or stirrer, once used, is either recycled into new plastic materials or composted into soil amendments, in fact. Straws which are capable of being recycled or composted are not exempt from the prohibition unless they are actually recycled or composted.
- (6) Single-Use Plastic Straw means a plastic straw or stirrer that is intended for a one-time use by its user. Such straws will be discarded or disposed of after each use.

Sec. 20-61 Prohibited Use

After July 1, 2019, no food service establishment using, providing, or selling hot or cold beverages for consumption on or off premises may give, sell, or otherwise offer the customer a single-use plastic straw to aid in the consumption of the beverage.

Sec. 20-62 Exceptions

The following single-use plastic straws are not subject to the prohibition set out in Section 20-61:

- (1) Straws requested by the customer obtaining the beverage. No customer will be required to show proof of need to obtain a single-use plastic straw;
- (2) Straws that will be recycled or composted;
- (3) Straws that the food service establishment has demonstrated to the satisfaction of the City are integral to the nature of the hot or cold beverage being served.
- (4) To pursue the exception set out in subparagraph 3 above, a business must assert that some or all of its beverages are so viscous that they require a straw to consume. This request will be submitted to the Chief of Environmental Management. ~~[[5]]~~ A business that has demonstrated that the straw is integral to the consumption of some or all its beverages must renew this exception every five years.

Sec. 20-63 Enforcement

A Food Service Establishment that violates the provisions of this article is subject to an administrative fine of \$25 per each violation. Each single-use plastic straw provided to the customer constitutes a separate violation.

Sec. 20-64 Appeals of Enforcement Actions

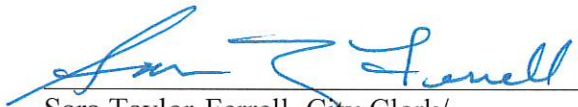
Any person aggrieved by any enforcement decision, finding, order, or directive may file an appeal therefrom in accordance with the following procedure.

- (1) Any person wishing to appeal must, within five (5) business days of receiving written notice of any decision, finding, order, or directive, submit by certified mail to the Chief of Environmental Management who rendered the challenged decision, finding, order, or directive, a written request for reconsideration.
- (2) If reconsideration is denied, the aggrieved person may within ten (10) business days thereof, submit by certified mail a written appeal of the designee's decision, finding, order, or directive to the City Manager. The City Manager may designate another individual to hear the appeal, provided that such designee did not have any significant involvement in the decision, finding, order, or directive from which the appeal is being taken.
- (3) The decision of the City Manager or the City Manager's designee is a final decision from which an aggrieved party may appeal to the Circuit Court for the County in accordance with the Maryland Rules as set forth in Title 7, Chapter 200.
- (4) The City Manager may establish procedures for administering this appeal process.
- (5) The appeal process provided by this section shall be the exclusive and sole method of review of any such decision, finding, order, or directive issued pursuant to this chapter. The failure of an aggrieved person to file an appeal in accordance with the provisions of this section shall be deemed a waiver of these appeal rights and of the right to challenge the decision, finding, order, or directive in any other forum or in any other manner.

NOTE: Underlining indicates material added
 Asterisks * * * indicate material unchanged by this ordinance
 Double Underlining indicates material added after introduction
 [[Double Brackets]] indicate material deleted after introduction

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I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of June 17, 2019


Sara Taylor-Ferrell, City Clerk/
Director of Council Operations