

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ABERDEEN, CHAPTER 11 “HEALTH”, NEW SUBSECTION 11-2.12 (NON-REUSABLE FOOD AND BEVERAGE ACCESSORIES)

WHEREAS, the Township of Aberdeen (the “Township”) maintains Chapter 11 entitled “Health” of the Township Code, more specifically § 11-2 entitled Retail Food Establishment Code; and

WHEREAS, the Township of Aberdeen has previously sought to reduce waste, recycle and further continue Aberdeen’s environmental sustainability; and

WHEREAS, the Township of Aberdeen seeks to adopt modifications to its Township Code regarding non-reusable food and beverage accessories to further its interest in sustainability and reduction in waste; and

WHEREAS, the Township Council determined it is in the best interests of the Township residents to amend and supplement the Township Code;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Aberdeen that:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 11 entitled “Health” of the Township Code, more specifically § 11-2 entitled Retail Food Establishment Code be and is hereby amended and supplemented by deleting the text in ~~bold strikeout~~ and adding the text in **bold underlined** as follows:

§ 11-2.12 Non-Reusable Food and Beverage Accessories

1. Definitions.

As used in this section, the following terms shall have the meanings indicated:

BEVERAGE: Any liquid, including any juice, smoothie, slurry, frozen, semi-frozen, or other forms of liquids, intended for drinking.

BEVERAGE PROVIDER: Any business, organization, entity, group, or individual located within the Township that offers beverages to the public for consumption.

CONDIMENT PACKET: A small bag or pouch that contains single-use quantities of foods such as ketchup, mustard, sugar or soy sauce and is commonly opened by making a

small rip or tear in the packet and squeezing or pouring out the contents.

DISPOSABLE PLASTIC (BEVERAGE) STRAW: A tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for the purpose of imbibing liquids or transferring a beverage from its container to the mouth of the drinker by suction. "Disposable plastic (beverage) straw" includes compostable and biodegradable petroleum or biologically based polymer straws but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, grass, metal, etc.

DISPOSABLE PLASTIC STIRRER: A device that is used to mix beverages, intended for only one-time use, and predominantly made of plastic derived from petroleum or biologically based polymer such as corn or other plant sources, but does not include stirrers made of non-plastic materials such as wood, bamboo, paper, etc.

FOOD PROVIDER: Any person located within the Township who is a retailer of prepared food or beverages for public consumption, including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer, bar, pub, coffee shop, coffee stand, juice bar, convenience store, liquor store, mobile food vendor or cart, or any organization, group, or individual that regularly provides prepared food or beverages as part of its services.

PERSON: Any individual, business, firm, event promoter, trust, joint stock company, corporation (both for-profit and nonprofit) including a governmental entity, partnership, or association or other organization or group, however organized.

SINGLE-USE FOOD AND BEVERAGE ACCESSORIES: Any item used with food and beverages, such as cups, lids, beverage sleeves, containers, closures, trays, plates, forks, knives, spoons, chopsticks, stirrers, other utensils, wrapping materials, condiment packages, and portion cups and all similar articles that are intended by the retail establishment to be used once for eating or drinking or that are generally recognized by the public as items to be discarded after one use. Straws are intentionally omitted from inclusion within this definition.

2. Distribution, sale and/or use prohibited; permitted use.

- A. A food provider shall be prohibited from offering single-use food and beverage accessories, except upon customer's request. A request is not limited to a verbal request; it may be any reasonable affirmation of the customer's intent to procure single use food and beverage accessories.

- B. A food provider shall be permitted to establish a utensil and condiment self-service area for customers to self- select utensils and condiment packets, except that no self-service area may contain disposable plastic straws or disposable plastic stirrers.**
- C. A food provider shall be prohibited from asking a delivery customer if they want single-use food and beverage accessories and shall be prohibited from providing any to a delivery customer except upon customer's request.**

3. Exemptions.

The restrictions set forth herein shall not apply to:

- A. Prepackaged drinks sold or distributed by a food provider.**
- B. Use by any individual(s) with a disability or other impairment requiring the use of a plastic straw.**
- C. Non-plastic alternatives to plastic beverage straws or stirrers or single-use food and beverage accessories.**

4. Alternatives.

Nothing in this section precludes a food provider from using, providing, distributing or selling non-plastic alternatives to plastic beverage straws, stirrers or single-use food and beverage accessories, such as those made from paper, sugar cane, glass, grass, metal, bamboo, etc.

5. Enforcement; violations and penalties.

- A. The Township Manager or designee will have the responsibility for enforcement of this section, shall have the authority to promulgate rules as necessary and appropriate for the implementation of this section consistent with the intent and purposes of this section, and to designate one or more Township employees to enforce this section as needed.**
- B. A food provider who violates or fails to comply with any of the requirements of this section shall be issued an initial written warning and shall have 30 days to correct the violation. After an initial written warning notice has been issued, the food provider shall be subject to the following penalties:**

- i. A fine of \$25.00 for the first violation; or**

- ii. A fine of \$50. 00 for the second violation; or**
- iii. A fine of \$100.00 for the third violation and any subsequent violations.**

Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

Introduced: June 4, 2024

Adopted: June 20, 2024

ATTEST:

Township of Aberdeen

Melissa Pfeifer
Municipal Clerk

By: _____
Fred Tagliarini
Mayor