

USE OF SINGLE-USE PLASTIC STRAWS AND STIRRERS BY FOOD OR BEVERAGE ESTABLISHMENTS

§ ____ -1. – Purpose.

The purpose of this article is to preserve and protect the environment in the City of Norwalk by prohibiting the sale, provision, or distribution of Single-Use Plastic Stirrers and reducing the use of Single-Use Plastic Straws by Food or Beverage Establishments.

§ ____ -2. – Definitions.

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

FOOD OR BEVERAGE ESTABLISHMENT

Any establishment where food or beverages of any kind are provided directly to a consumer, whether such food or beverages are provided free of charge or sold and whether consumption occurs on or off the premises. The term includes, by way of example and not limitation, any restaurant, bar, liquor store, delicatessen, coffee shop, movie theater, convenience store, food truck, take-out restaurant, delivery service, or caterer. The term shall not include hospitals, nursing homes, long-term care facilities, or other medical or dental facilities.

SINGLE-USE

A product that is intended to be only used one time in its same form.

SINGLE-USE PLASTIC STRAW

A Single-Use tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. “Single-Use Plastic Straw” does not include a straw made from non-plastic materials, including, but not limited to, paper, metal, pasta, sugar cane, wood, or bamboo.

SINGLE-USE PLASTIC STIRRER

A Single-Use device, implement, or utensil made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, designed solely for the purpose of mixing liquids intended for internal human consumption. “Single-Use Plastic Stirrer” does not include a stirrer made from non-plastic materials, including, but not limited to, paper, metal, pasta, sugar cane, wood, or bamboo.

§ ____-3. – **Prohibition on Straws and Stirrers.**

- A. No Food or Beverage Establishment in the City of Norwalk shall sell, provide, or distribute a Single-Use Plastic Stirrer.
- B. No Food or Beverage Establishment in the City of Norwalk shall sell, provide, or distribute a Single-Use Plastic Straw unless requested by the consumer.

§ ____-4. – **Accommodation for Persons with Disabilities or Medical Conditions.**

Notwithstanding any other provision of this Article, and in recognition that a straw is an adaptive utensil that may provide basic accommodation for persons with disabilities or medical conditions to eat or drink, Food or Beverage Establishments in the City of Norwalk must provide a Single-Use Plastic Straw upon request to any consumer who requires the use of same due to a disability or medical condition.

§ ____-5. – **Exceptions.**

- A. The prohibitions set forth in Section 3 of this article shall not apply to:
 - 1. The sale, provision, or distribution of beverages packaged and sealed prior to receipt by the Food or Beverage Establishment; and
 - 2. The sale of Single-Use Plastic Straws or Single-Use Plastic Stirrers in multi-straw or multi-stirrer packages, as the case may be, that are sealed prior to receipt by the Food or Beverage Establishment.
- B. The prohibition set forth in Section 3 of this article shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.

§ ____-6. – **Enforcement and penalties for violation.**

- A. This article shall be enforced by the Code Enforcement Office or its designee.
- B. Upon determination that a violation has occurred, the Food or Beverage Establishment shall be liable for the following:
 - 1. Upon the initial violation, written warning notice that a violation has occurred shall be issued to the Food or Beverage Establishment. No penalty shall be imposed for the initial violation;
 - 2. For the second violation, a penalty of one hundred fifty dollars (\$150.00); and
 - 3. For the third and each subsequent violation, a penalty of two hundred fifty dollars (\$250.00).

- C. No more than one penalty shall be imposed upon a Food or Beverage Establishment in one 24 hour period.

§ ____-7. – **Severability.**

If any section, clause, sentence or provision of this article shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity or enforceability of any other provision hereof, and the applicability thereof to other persons or circumstances shall not be affected thereby.

§ ____-8. – **Effective date.**

This article shall become effective April 22, 2020 following its adoption by the Common Council.