

Proposed Local Law Number 4 Of 2019

County Of Ulster

A Local Law Amending Local Law No. 2 of 2019, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Include Plastic Stirrers, Plastic Cutlery And Condiment Packets

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. TITLE

The title of Local Law No. 2 of 2019 shall be amended to read as follows:

A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws, Plastic Stirrers, Plastic Cutlery, And Condiment Packets Only Upon Request

SECTION 2. LEGISLATIVE INTENT AND FINDINGS.

Ulster County continues to be a leader in environmental management. The Ulster County Legislature recognizes that making certain single-use plastic items available upon request will drastically reduce the plastic put into our environment, helping to preserve our community. Allowing customers to make a choice empowers each patron to choose to help eliminate plastic pollution, and is a small step towards the elimination single use plastic.

SECTION 3. DEFINITIONS.

Section 3. Definitions of Local Law No. 2 of 2019 shall be amended to include the following definitions to be inserted alphabetically. As used in the local law, the following terms shall have the meanings indicated:

“Condiment Packet” shall mean any spice, sauce, or seasoning packaged in a single-serving packet that is intended to be added to food to impart a particular flavor, to enhance its flavor, or to complement a dish.

“Cutlery” shall mean knives, forks, and spoons used for eating food.

“Stirrer” shall mean an object or device used to mix something, frequently offered at establishments that serve coffee.

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SECTION 4. REGULATION OF SINGLE-USE BEVERAGE STRAWS, SINGLE-USE CUTLERY, SINGLE-USE STIRRERS, AND SINGLE-USE CONDIMENT PACKETS.

Section 4. REGULATION OF SINGLE-USE BEVERAGE STRAWS of Local Law No. 2 of 2019 shall be amended to reflect the title above and read as follows:

A. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw, Single-Use Plastic Cutlery, and Single-Use Plastic to a Dine-In Customer upon the customer's request.

B. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw, Single-Use Plastic Cutlery, and Single-Use Plastic Stirrers to a customer purchasing a Take-Out Food Order upon the customer's request.

C. Restaurants and Fast Food Service Establishments shall provide Single-Use Condiment Packets to a Dine-In Customer and/or a customer purchasing a Take-Out Food Order upon the customer's request, however the establishment may display Single-Use Condiment Packets allowing for a customer to help oneself without a request.

Nothing in this law shall prevent any establishment from providing paper or non-plastic straws or biodegradable alternatives to plastic stirrers and cutlery without a request.

SECTION 5. NOTIFICATION REQUIREMENT.

Section 5. NOTIFICATION REQUIREMENT of Local Law No. 2 of 2019 shall be amended to read as follows:

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A. Each Restaurant and Fast Food Service Establishment that provides single-use plastic beverage straws, single-use plastic cutlery, single-use plastic stirrers, and/or single-use condiment packets shall post a sign in a location easily visible to each customer which shall state: "SINGLE-USE PLASTIC BEVERAGE STRAW, SINGLE-USE PLASTIC CUTLERY, SINGLE-USE PLASTIC STIRRERS, AND/OR SINGLE-USE CONDIMENT PACKETS AVAILABLE UPON REQUEST." Items mentioned above that are not offered by the Restaurant or Fast Food Service Establishment shall not be included in signage.

B. Signs shall be protected from tampering, damage, removal, or concealment.

SECTION 6. SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

SECTION 7 6. EFFECTIVE DATE.

This local law shall be effective subsequent to filing in the Office of the Secretary of State and on the same date Local Law No. 2 of 2019 becomes effective. (October 3, 2019)