

**ADOPT LOCAL LAW #7 OF 2019 – Environmental Stewardship**

Trustee Lazickas, offered the following resolution and moved for its adoption:

**WHEREAS**, the Board of Trustees of the Village of East Aurora, New York held a public hearing on August 19, 2019, at 7:00 p.m. in the Council Chambers of the Municipal Building, 571 Main Street, East Aurora, NY to consider the adoption of a local law promoting Environmental Stewardship; and

**WHEREAS**, all persons were given an opportunity to speak for or against this local law; and

**WHEREAS**, the East Aurora Board of Trustees hereby finds that non-compostable single-use straws and stir sticks are an environmental hazard to the health, safety and welfare of the citizens and visitors of the Village of East Aurora; and

**WHEREAS**, compostable single-use beverage straws and stir sticks, especially those made of paper, plant, vegetable and other natural products are available in the market and are more environmentally-friendly when compared to the non-compostable alternatives; and

**WHEREAS**, the Board of Trustees recognizes that banning non-compostable single-use beverage straws and stir sticks in food establishments reduces hazards put into the environment, helping to preserve our community; and

**WHEREAS**, many food establishments in the Village of East Aurora have already switched over to compostable alternatives. The Village commends those businesses and wishes to work toward making that the standard for all Village food establishments.

**NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted; and the local law shall read as follows:

**Chapter 52. Environmental Stewardship**

**Article I. General**

**§ 52-1. Purpose and legislative intent.**

A. This chapter is intended to further the Village's plan to protect and preserve the Village's unique character and conserve the environment.

B. The Board of Trustees of the Village of East Aurora enacts this chapter to:

(1) Discourage the use of non-compostable plastic beverage straws and stirrers by banning their use by food service establishments using non-compostable plastic straws and stir sticks, which furthers the Village's goal of reducing nonbiodegradable litter and protecting the Village's important natural resources.

**§ 52-2. Definitions.**

For the purposes of this article, the following definitions shall apply:

**BEVERAGE STRAW**

A tube for transferring a beverage from its container to the mouth of the drinker by suction.

## STIR STICKS

Also known as stirrers or swizzle sticks are a plastic stick used to stir drinks.

## COMPOSTABLE

A product that is capable of disintegrating into natural elements in a compost environment, leaving no toxicity in the soil within 90 days.

## FOOD ESTABLISHMENT

Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery. Food establishments shall include, but are not limited to, restaurants, cafes, fast-food establishments and food establishments within grocery stores and food trucks and carts.

## SINGLE-USE

A product that is designed and intended to be used only once in its same form by the customer, food vendor or other entity.

### **§ 52-3. Exception:**

A customer at a food service establishment is only allowed a flexible plastic straw upon request when the person requesting has a physical or mental disability inhibiting them from drinking using a compostable or biodegradable flexible straw.

### **§ 52-4. Enforcement:**

This article shall be enforced by the Village of East Aurora Police Department and the Village Code Enforcement Officer.

#### Penalties for offenses:

Any food establishment violating this article shall be guilty of a violation and shall receive a warning for the first violation, will be subject to a fine in the amount of \$100 for the second violation, \$200 for the third violation, and \$400 for the fourth and subsequent violations.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### Effective date:

This local law shall take effect March 1, 2020.

The following resolution was seconded by Trustee Cameron, and duly put to a roll call vote which resulted in the following

Trustee Lazickas - Aye

Trustee Porter - Aye

Trustee Kimmel Hurt - Aye

Trustee Schoeneman - Aye

Trustee Cameron - Aye

Trustee Scheer - Absent

Mayor Mercurio - Abstained