

ORDINANCE 04-2018

COUNTY OF WASHINGTON CITY OF AFTON

AN ORDINANCE AMENDING CHAPTER 10 ENVIRONMENT TO REQUIRE THE USE OF COMPOSTABLE OR RECYCLABLE SINGLE-USE FOOD SERVICE WARE BY FOOD SERVICE BUSINESSES

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following language shall be added as Article VIII of Chapter 10 of the Afton Code of Ordinances

Article VIII. Require the use of compostable or recyclable single-use food service ware by food service businesses.

Section 10-140. Purpose

The council finds that discarded plastic single-use food service ware constitutes a portion of the waste stream in Afton, some of which becomes litter and reaches the St. Croix River. Compostable straws, utensils and packaging would eliminate plastic from this element of the waste stream.

The council therefore finds that the minimization of nonreusable, nonrecyclable and noncompostable food service ware originating at retail food establishments and at events providing food and/or beverages within the city of Afton is necessary and desirable in order to minimize the amount of plastic in the city's waste stream and its effects on the St. Croix River and to maximize recycling so as to reduce the volume of plastics reaching the St. Croix River, and to make our city and neighboring communities more environmentally sound places to live.

Sec. 10-141. Definitions

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

1. "Single-use food service ware" includes, but is not limited to straws, utensils, cocktail picks, customer food containers (to-go containers) cups and plates.
2. "Compostable" means made solely of organic substances that break down into a stable product due to the action of bacteria in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment meeting the compost quality standards found under WAC 173-350-220 for metals, physical parameters, pathogens, manufactured inert material and other testing parameters set by the local Health Department.
3. "Disposable plastic food service ware" means non-recyclable containers, plates, "clamshells," serving trays, meat and vegetable trays, hot and cold beverage cups, and utensils that are made of plastic or plastic-coated paper and intended only for onetime use (including so-called biodegradable products where any portion is not compostable).
- 4.. "Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional cafeterias, and other businesses, selling or providing food within the City of Afton for consumption on or off the premises.

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5. "Recyclable" means made solely of materials that are capable of being separated from a waste stream by a food service business and made available for collection and delivery to a processor for reuse or remanufacture into the same or other products.

Sec. 10-142. Compostable or recyclable single-use food service ware required.

1. Effective October 1, 2019, food service businesses shall be required to use compostable or recyclable food service ware when selling or providing food for consumption on or off the premises, rather than using single-use plastic food service ware. (Bendable straws which are non-compostable or non-recyclable may be available for persons requiring such items due to physical limitations by request.)

2. All items covered under this ordinance must display a clear marking indicating they are made from fully compostable or recyclable materials.

Sec. 10-143. Penalties for violation of this ordinance

1. When a violation of this ordinance has occurred, the food establishment shall be subject to the penalties set forth below.
 - A. A violation of this ordinance is a misdemeanor.
 - B. Violations of this ordinance shall result in the following penalties:
 - (1). A warning notice in writing for the first violation;
 - (2). A fine of \$100 for the second violation;
 - (3). Repeat subsequent violations within 24 months will incur a fine double the amount of the fine imposed for the previous violation, up to a maximum of \$2,000. For example, if there were four occurrences of a violation that carried a \$100 fine: first is \$0 (warning); second is \$100, third is \$200, fourth is \$400.
 - C. At the time a violation occurs, the food establishment will be given 14 calendar days to take corrective action before a subsequent fine is issued.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 18TH DAY OF SEPTEMBER, 2018.