

**LOCAL LAW NO. \_\_\_\_ OF 2018**

**VILLAGE BOARD OF TRUSTEES  
VILLAGE OF RYE BROOK**

**LOCAL LAW TO CREATE CHAPTER 109 OF THE CODE OF THE  
VILLAGE OF RYE BROOK**

A LOCAL LAW to create Chapter 109 of the Code of the Village of Rye Brook requiring food establishments to provide plastic beverage straws solely upon request.

BE IT ENACTED by the Village Board of Trustees of the Village of Rye Brook as follows:

**Section 1.** Chapter 109 of the Code of the Village of Rye Brook entitled “Distribution of Single Use Straws” is hereby created as follows:

Chapter 109: Distribution of Single Use Straws

§ 109-1 Findings and Purpose.

- A. The Rye Brook Board of Trustees hereby finds that plastic straws, when irresponsibly discarded, negatively impact water quality and marine life and pose an environmental hazard to the health, safety and welfare of the citizens and visitors of the Village of Rye Brook.
- B. Straws made out of paper, plant, vegetable and other natural products are available in the market and are a more environmentally-friendly alternative to plastic straws.
- C. The Board of Trustees recognizes that making straws available upon request will reduce the plastic put into the environment, helping to preserve our community. Allowing customers to make a choice regarding whether or not they want a straw for their beverage empowers each patron to make a choice to help eliminate plastic pollution, and is a step towards the elimination of single use plastic.

§ 109-2 Definitions.

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

**BEVERAGE STRAW**

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

**BIODEGRADABLE**

The ability of a material to breakdown, within one year, into natural materials in the natural environment without causing harm.

**DISTRIBUTION**

The vending, selling or delivering of a straw for any purpose, other than as defined herein. Distribution does not include provision of a straw on private property used as a residence, or on property used for school purposes, or by beverages prepared and packaged outside the Village, provided such beverage is not altered, packaged or repacked within the Village.

**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.

**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.

§ 109-3 Distribution of plastic straws prohibited.

- A. No food establishment in the Village of Rye Brook shall offer or distribute to consumers any single-use beverage straw made of plastic or any other non-biodegradable material. Food service establishments may provide beverage straws, including those prohibited by this chapter, to any person solely upon request of the consumer.
- B. Food establishments may post a sign in a location easily visible to each customer which may state: "Single-Use Beverage Straw Available Upon Request."

§ 109-4 Enforcement.

This chapter shall be enforced by the Village of Rye Brook Police Department, the Village Building Inspector and the Village Code Enforcement Officer.

§ 109-5 Penalties for offenses.

Any food establishment violating this chapter shall be guilty of a violation and shall receive a warning for the first violation, may be subject to a fine in the amount of \$150 for the second violation, \$200 for the third violation, and \$250 for the fourth and subsequent violations occurring within a one-year period.

**Section 2. Effective Date**

This local law shall take effect six (6) months after filing with the Office of the Secretary of State, to allow food establishments time to reduce their existing inventory of single use beverage straws.

**Section 3. Numbering for Codification**

It is the intention of the Village of Rye Brook and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Rye Brook; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 4. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.