



MODEL SKIP THE STUFF ORDINANCE

AN ORDINANCE TO PROHIBIT THE DISTRIBUTION OF PLASTIC SINGLE-USE FOOD SERVICE ITEMS AND NON-PLASTIC SINGLE-USE FOOD SERVICE ITEMS FOR TAKE-OUT OR DELIVERY ORDERS, UNLESS REQUESTED BY A CUSTOMER IN THE (MUNICIPALITY).

Section 1 Definitions.

Section 2 Single-use food service items.

Section 3 Enforcement; Violations and Penalties.

Section 4 Public education; citizen complaints.

Section 1 Definitions.

- (a) "Beverage splash stick" means a device primarily intended to be used to keep heat and liquid from escaping a lidded cup.
- (b) "Beverage Stirrer" means a device primarily intended for stirring beverages.
- (c) "Condiment pack" means an individual single-use container, sealed by the manufacturer or restaurant, containing a condiment.
- (d) "Plastic" means any synthetic, or semi-synthetic material made from polymers or from renewable or biological sources, including but not limited to vegetable fats and oils, polysaccharides, sugar, or proteins.
- (e) "Restaurant" or "Food Service Provider" means any eating or beverage establishment, which offers for sale food or beverages to the public, guests, members, or patrons, whether consumption occurs on or off the premises or is provided from a food

van, pushcart, stand or vehicle.

(f) "Single-use food service items"

Is interchangeable with "to go" packaging and "food packaging material" and includes, but is **not** limited to: utensils, napkins, condiment packs, straws, beverage splash sticks, beverage stirrers and other items designed for one-time use (includes single-use plastic and non-plastic items).

(g) "Third-party food delivery platform" means the online or mobile platform of the third-party food delivery service on which a consumer can view products available for sale and place an order for a restaurant's products.

(h) "Third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale or delivery of food or beverages prepared by, and the delivery or pickup of food and beverage from a restaurant.

Section 2 Single-use food service items.

(a) Restaurants and third-party food delivery services shall only provide single-use food service items to customers when explicitly requested by the customer.

(1) Restaurants and third-party food delivery services shall provide options to allow a customer to request single-use food service items upon submission of an order. Such options shall be available for all methods of ordering, including but not limited to phone, internet, or mobile phone application orders. The default selected options shall be that **no** single-use food service items are requested.

(2) No inquiry into the reason for the request shall be made by a restaurant, third-party food delivery service, or any of its employees in carrying out the request authorized by paragraph (1) of this section.

(b) If a restaurant fills an order placed through a third-party food delivery service, such restaurant may rely on the information provided by such third-party food delivery service regarding whether the customer has requested single-use food service items. In a proceeding to collect a civil penalty pursuant to section 3 of this title, it shall be a complete defense for a respondent restaurant to establish that such restaurant relied on the information provided to it by the third-party food delivery service regarding the customer's choice pursuant to paragraph (a) of subsection (1) of this section.

(3) A copy or screenshot of a communication by the third-party food delivery service to the restaurant regarding the customer's choice pursuant to paragraph (a) of subsection (1) of this section shall constitute prima facie evidence that the restaurant relied on the information provided to it by the third-party food delivery service. A third-party food delivery service shall provide a copy or screenshot of the communication in writing to a restaurant within seventy-two hours of such restaurant's request for such communication.

Section 3 Enforcement; Violations and Penalties.

- (a) Any restaurant or third-party delivery service violating any provision of this title or any rule or regulation adopted pursuant to this title is subject to;
- (b) The department (E.g., Code Enforcement, Director of the Division of Health), or his/her designee, has the responsibility for enforcement of this chapter and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- (c) A restaurant or third-party delivery service who violates or fails to comply with any of the requirements of this section shall be issued an initial written warning and shall have 30 days to correct the violation. After an initial written warning

notice has been issued, the food provider shall be subject to the following penalties:

1. A fine of \$100 for the first violation;
2. A fine of \$200 for the second violation; or
3. A fine of \$500 for the third and any subsequent violations.
4. A fine shall be imposed for each day a violation occurs or is allowed to continue.

Section 4 Public education; citizen complaints.

(a) The Municipality shall establish a public education program to disseminate information regarding implementation of this title. The information must include a link to the publication of this title, along with a summary of the general benefits, requirements, and citizen's rights under this title.

(b) The Municipality shall provide, at minimum, access to the Municipality's website where citizens can file a complaint for violations of this title. All materials printed to comply with this section must include reference to the website.

BE IT ORDAINED by the Municipality that this Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey
