

**ORDINANCE NO. \_\_\_\_\_, SERIES 2023**

**AN ORDINANCE AMENDING THE LOUISVILLE METRO CODE OF ORDINANCES CHAPTER 118 TO MINIMIZE THE WASTE OF SINGLE-USE PLASTICS.**

**SPONSORED BY: COUNCIL MEMBER RUHE**

**WHEREAS**, single-use plastics are comprised of fossil fuels, natural gas, and crude oil—harmful chemicals that are tied to hormonal imbalances, infertility, and cancer; and

**WHEREAS**, single-use plastics are non-degradable, only breaking up into smaller micro-plastics which seep into the soil and water sources; and

**WHEREAS**, people consume, through eating and inhalation, 120,000 particles of microplastics each year, increasing the risk of chemical exposure and severe health problems; and

**WHEREAS**, the extraction and refinement process for single-use plastics emit 1.5-12.5 million metric tons of greenhouse gases, amounting to 15% of all methane emissions; and

**WHEREAS**, despite recycling promotions and initiatives, single-use plastics are only recycled 9% of the time and continue to litter landfills and oceans—the Pacific Ocean contains a plastics deposit the size of Texas, and by 2050, there will be more plastic than fish;<sup>1</sup> and

**WHEREAS**, this Council wishes to restrict and/or prohibit certain single-use plastic products within Louisville with the goal of reducing overall consumption and harm to the environment; and

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<sup>1</sup> *Will there be More Plastic Than Fish in the Sea?*, WORLD WIDE FUND FOR NATURE, <https://www.wwf.org.uk/myfootprint/challenges/will-there-be-more-plastic-fish-sea>.

**WHEREAS**, this Council finds that this Ordinance will protect the health, safety, and welfare of Louisville residents, visitors, and future generations by reducing carbon emissions, protecting fish and wildlife, purifying food that is consumed, and saving citizens money through the promotion of reusable products; and

**WHEREAS**, this Council finds that this Ordinance is necessary to achieve the waste reduction goals of Louisville by reducing consumption and maximizing use of reusable materials; and

**WHEREAS**, this Ordinance does not cost businesses anything extra, but can actually save them money on single-use items by only providing what is requested; and

**WHEREAS**, nearly 500 local governments and nine (9) states have promulgated similar legislation with favorable environmental results.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** Louisville Metro Code of Ordinances (“LMCO”) Chapter 118, Food Service Establishments, is hereby amended to include the following definitions:

**§118.01 DEFINITIONS.**

**SEALED.** Means free of cracks or other openings which permit the entry or passage of moisture.

**SELF-SERVICE STATION.** Means an area dedicated to customers taking away single-use foodware and condiments from a food service establishment.

**SINGLE-USE FOODWARE.** Means any eating utensil or other item to be used as part of food or beverage service that is designed and intended by the manufacturer for only one usage before being discarded, including forks, spoons, sporks, knives, chopsticks, other eating utensils, stirrers, drink stoppers, splash sticks, cocktail sticks,

toothpicks, napkins, wet-wipes, cup sleeves, beverage trays, disposable plates, and condiment packets, and prepackaged combinations of single-use foodware. "Single-use foodware" does not include straws, beverage lids, or items used to contain or package food or beverages for delivery or take-out orders.

**SECTION II:** LMCO Chapter 118 is hereby amended by adding the following new subsection:

**§ 118.11 SINGLE-USE PLASTICS.**

(A) Requirements. In connection with any delivery or take-out order of food or beverage, a food service establishment may only provide single-use foodware upon request from the customer or at a self-service station. Food service establishments shall provide options for customers to affirmatively request single-use foodware when ordering food and beverages for delivery or take-out across all ordering or point of sale platforms, including internet enable applications, digital platforms, phone orders, and in-person ordering. The Louisville Metro Board of Health is authorized to establish, by rule, a standard sign for use by food service establishments in connection with this section. The requirements of this section are subject to any applicable public health order.

(B) Exceptions. This section shall not apply to:

(1) single-use foodware necessary to address safety concerns, such as lids, drink stoppers, beverage trays, and cup sleeves for beverages served at an average temperature in excess of 170 degrees Fahrenheit;

(2) an automatic food vending machine;

(3) any single-use foodware that is prepackaged with or attached to any food or beverage products by the manufacturer prior to receipt by the food service establishment;

(4) fee exempt facilities and charitable food kitchens;

(5) any medical care facility;

(6) any food service establishment located at Muhammed Ali International Airport.

**SECTION III:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

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Sonya Harward  
Metro Council Clerk

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Marcus Winkler  
President of the Council

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Craig Greenberg  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

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