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36 **Section 13-10. - Prohibition on Distribution, Sale or Use of Plastic Beverage Straws.**

37 (a) Definitions. For purposes of this section, the following words terms and phrases,
38 including their respective derivatives have the following meanings:

39 (1) Beverage means any liquid, including any slurry, frozen, semi-frozen, or other forms
40 of liquids, intended for drinking.

41 (2) Beverage Provider means any business, organization, entity, group, or individual
42 located within the City that offers beverages to the public for consumption.

43 (3) Food Provider means any person located within the City that is a retailer of prepared
44 food or beverages for public consumption including, but not limited to, any store,
45 supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

46 (4) Person means an individual, business, event promoter, trust, firm, joint stock
47 company, corporation, nonprofit, including a government corporation, partnership, or
48 association.

49 (5) Plastic Beverage Straw means a tube made predominantly of plastic derived from
50 either petroleum or a biologically based polymer, such as corn or other plant
51 sources, for transferring a beverage from its container to the mouth of the drinker.
52 "Plastic Beverage Straw" includes compostable and biodegradable petroleum or
53 biologically based polymer straws, but does not include straws that are made from
54 non-plastic materials, such as paper, sugar cane, bamboo, etc.

55 (6) Special Event Permittee means a person who has obtained a Special Event Permit
56 from the City pursuant to Section 32-702 of the City Code.

57 (b) Plastic Beverage Straws Prohibited; Exceptions

58 (1) A plastic beverage straw shall not be sold, or distributed within city limits.

59 (2) A plastic beverage straw shall not be used on public beaches within city limits.

60 (3) Exceptions. This prohibition shall not apply to:

61 a. Pre-packaged drinks sold at commercial establishments.

62 b. Use by medical or dental facilities.

63 c. Use by the school district or county, state, or federal governmental entities.

64 d. Use during a locally declared emergency.

65 e. Use by individuals with a disability or other impairment requiring use of plastic
66 straw.

67 (c) Non-plastic alternatives to plastic beverage straws. Nothing in this section precludes a
68 food provider, beverage provider, special event permittee, or any person from using,
69 providing, distributing, or selling non-plastic alternatives to plastic beverage straws, such
70 as those made from paper, sugar cane, or bamboo, available to customers. Non-plastic
71 alternative straws shall only be provided upon request.

72 (d) Enforcement; Penalties

73 (1) Following adoption, the City will engage in public education efforts related to the
74 implementation of this section and provide assistance with identifying alternatives to
75 plastic beverage straws.

76 (2) Beginning January 1, 2019, the City shall enforce all provisions of this section.

77 (3) Any Person violating any section of this article is guilty of an infraction. The first
78 violation shall be subject to a written warning or notice of violation. The second
79 violation within a six-month period shall be subject to a fine not to exceed one
80 hundred dollars (\$100). The third violation within a one-year period from the first
81 shall be subject to a fine not to exceed two hundred dollars (\$200) and each
82 subsequent violation within the one year period shall be subject to a fine not to
83 exceed five hundred dollars (\$500). All enforcement available to the city, including
84 pursuant to Hallandale Beach Municipal Code Section 9, may be issued for violation
85 of this article.

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87 **SECTION 3.** Sections 13-11 to 13-30 are reserved for future use.

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89 **SECTION 4. Conflict.** All ordinances or portions of the Code of Ordinances of the City
90 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the
91 extent of such conflict.

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93 **SECTION 5. Severability.** Should any provision of this ordinance be declared by a
94 court of competent jurisdiction to be invalid, the same shall not affect the validity of the
95 ordinance as a whole, or any part thereof, other than the part declared to be invalid.

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