1	ORDINANCE NO. 2018 - 027
2 3 4 5 6 7 8 9 10	AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 13 "HEALTH AND SANITATION" OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES; SPECIFICALLY CREATING SECTION 13-10. "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC BEVERAGE STRAWS" TO PROHIBIT THE DISTRIBUTION OF PLASTIC BEVERAGE STRAWS TO REDUCE WASTE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
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13 14	WHEREAS, the City of Hallandale Beach is committed to environmental leadership; and
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15	WHEREAS, the City Commission desires to conserve resources and reduce
16	greenhouse gas emissions, waste, litter, and pollution; and
17	WHEREAS, discarded plastic beverage straws threaten wildlife and degrade and litter
18	the beaches and waters off Florida's coast, including areas within the City; and
19	WHEREAS, reducing the distribution of plastic beverage straws provided to customers
20	decreases the amount of plastic that may end up in our environment through litter, windblown
21	debris, and overflowing trash cans; and
22	WHEREAS, the City finds there are reasonable, environmentally friendly alternatives to
23	plastic beverage straws; and
24	WHEREAS, the Mayor and the City Commission have determined that it is in the best
25	interest of the residents of the City to promote the public health, safety, and general welfare by
26 27	amending Chapter 13 to enact procedures and prohibitions regarding the distribution of plastic beverage straws to reduce waste.
21	beverage straws to reduce waste.
28	NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
29	HALLANDALE BEACH, FLORIDA:
30 31	SECTION 1. The foregoing "Whereas" clauses are hereby incorporated herein.
31	OLOTION I. The foregoing whereas clauses are hereby incorporated herein.
32	SECTION 2. Chapter 13 "Health and Sanitation" of the Code of Ordinances of the City

Distribution, Sale or Use of Plastic Beverage Straws" to read as follows:

of Hallandale Beach, Florida is hereby amended, creating Section 13-10 "Prohibition on

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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 individua
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 plan
51	sources, for transferring a beverage from its container to the mouth of the drinker
52	"Plastic Beverage Straw" includes compostable and biodegradable petroleum of
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:
6 1	a. Pro packaged drinks sold at commercial actablishments

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

b. Use by medical or dental facilities.

d. Use during a locally declared emergency.

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- e. <u>Use by individuals with a disability or other impairment requiring use of plastic straw.</u>
- (c) Non-plastic alternatives to plastic beverage straws. Nothing in this section precludes a food provider, beverage provider, special event permittee, or any person from using, providing, distributing, or selling non-plastic alternatives to plastic beverage straws, such as those made from paper, sugar cane, or bamboo, available to customers. Non-plastic alternative straws shall only be provided upon request.

(d) Enforcement; Penalties

- (1) Following adoption, the City will engage in public education efforts related to the implementation of this section and provide assistance with identifying alternatives to plastic beverage straws.
- (2) Beginning January 1, 2019, the City shall enforce all provisions of this section.
- (3) Any Person violating any section of this article is guilty of an infraction. The first violation shall be subject to a written warning or notice of violation. The second violation within a six-month period shall be subject to a fine not to exceed one hundred dollars (\$100). The third violation within a one-year period from the first shall be subject to a fine not to exceed two hundred dollars (\$200) and each subsequent violation within the one year period shall be subject to a fine not to exceed five hundred dollars (\$500). All enforcement available to the city, including pursuant to Hallandale Beach Municipal Code Section 9, may be issued for violation of this article.

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

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

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

SECTION 6. Codification. It is the intention of the Mayor and City Commission that the
provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
intention the words "ordinance" or "section" may be changed to other appropriate words.
SECTION 7. Effective Date. This Ordinance shall take effect immediately upon
adoption.
PASSED AND ADOPTED on 1st reading on August 1, 2018.
PASSED AND ADOPTED on 2 nd reading on <u>September 17</u> , 2018.
VEITH & LONDON
KEITH S. LONDON
MAYOR SPONSORED BY: COMMISSIONER RICH DALLY
SPONSORED BY: COMMISSIONER RICH DALLY
ATTEST:
ATTEST.
JENORGEN GUILLEN
CITY CLERK
APPROVED AS TO LEGAL SUFFICIENCY
FORM
JENNIFER MERINO

CITY ATTORNEY