

ORDINANCE NO. 2018-017
SECOND READING

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 17, ENTITLED, "OFFENSES - MISCELLANEOUS" OF THE CITY CODE OF ORDINANCES TO CREATE ARTICLE XIII, "PROHIBITION OF DISTRIBUTION OF PLASTIC STRAWS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dania Beach, Florida is committed to environmental conscientiousness and leadership; and

WHEREAS, the City finds that it is in the public interest, safety, and welfare to reduce litter and pollutants on lands and in the waters of and lying adjacent to the City; and

WHEREAS, discarded plastic straws threaten wildlife, marine life and degrade and litter the beaches and waters off of Florida's coasts; as well as inland canals; and

WHEREAS, plastic straws constitute a portion of the litter in the City's streets, parks, the beaches, public places, waterways, the Atlantic Ocean and waterfront areas; and

WHEREAS, the use of plastic straws has a detrimental effect on the City's environment; and

WHEREAS, the City Commission finds that there are reasonable, environmentally-friendly alternatives to plastic straws; and

WHEREAS, the City Commission finds that this Ordinance is necessary for the preservation and improvement of the environment, public health, safety and welfare of the City's residents and visitors;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the foregoing "Whereas" clauses are true and correct and they are made a part of and incorporated into this Ordinance by this reference.

Section 2. That the Code of Ordinances of the City of Dania Beach is amended by adding a new Article, Article XIII, which Article shall read as follows:

Chapter 17 – Offenses – Miscellaneous

. . .

Article XIII – Prohibition of Distribution of Plastic Straws

Section 17-133. – Prohibition of Distribution of Plastic Straws.

(a) Definitions. For purposes of this Section, the following definitions apply:

- (1) *Distribution or Distribute* means the vending, selling, giving or delivering for any purpose of a plastic straw, as defined in this Section, whether or not incident to the sale, vending or provision of any kind of liquid or beverage in a container.
- (2) *Plastic straw* means a straw provided or distributed for the purpose of imbibing a liquid or transferring a beverage from its container to the mouth of the drinker by suction or for the purpose of mixing a beverage, which straw is made predominantly of plastic derived from one or more of the following: petroleum, a biologically-based source (such as corn or other plants), or polypropylene or polyethylene, and which is intended for a single use in the consumption of the liquid or beverage.
- (3) *Special event permittee* means any person or entity and its subcontractor(s), issued a special event permit by the City for a special event to be conducted on City property or in a City facility
- (4) *City facility* includes, but is not limited to any building, structure, park, beach, road, street, right-of-way, or facility owned, operated or managed by the City.
- (5) *City property* includes but is not limited to, any land, water, or air rights owned, operated or managed by the City.

(b) Plastic Straws Prohibited: Exceptions.

- (1) No plastic straw shall be distributed in or from any restaurants and establishments that sell alcoholic beverages which are located adjacent to any navigable waterway located within the City, including the Atlantic Ocean, or at any City facility or City property or by any City special event permittee.
- (2) Exceptions. This prohibition shall not apply to:

- a. a pre-packaged drink sold at a commercial establishment;
- b. the Broward County School Board, as well as county, state or federal governmental entities; or
- c. where a reasonable accommodation is needed by an individual due to a medical or physical condition.

(c) Enforcement Penalties.

- (1) Following adoption of this Section, the City shall engage in public education efforts to inform affected commercial establishments of the provisions of this Section and to provide assistance with identifying alternatives to plastic straws.
- (2) Beginning January 1, 2019, the City's Code Compliance Division shall enforce all provisions of this Section.
- (3) Penalties for violations of the provisions of this Section shall be enforced through Code Compliance proceedings.
- (4) Violations of the provisions of this Section shall be on a per occurrence basis and subject to the following penalties:
 - a. First violation: \$25.00 for individuals; \$125.00 for commercial establishments.
 - b. Second and subsequent violations: \$50.00 for individuals, \$250.00 for commercial establishments.

Section 3. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. That this Ordinance shall take effect immediately upon City Commission adoption.


PASSED on first reading on August 28, 2018.

PASSED and ADOPTED on second reading on September 11, 2018.

ATTEST:


THOMAS SCHNEIDER, CMC
CITY CLERK




TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:


THOMAS J. ANSERO
CITY ATTORNEY