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ORDINANCE NO. 2018 - 027

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.

WHEREAS, the City of Hallandale Beach is committed to environmental leadership; and

WHEREAS, the City Commission desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and

WHEREAS, discarded plastic beverage straws threaten wildlife and degrade and litter the beaches and waters off Florida's coast, including areas within the City; and

WHEREAS, reducing the distribution of plastic beverage straws provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and

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

WHEREAS, the Mayor and the City Commission have determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by amending Chapter 13 to enact procedures and prohibitions regarding the distribution of plastic beverage straws to reduce waste.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. The foregoing "Whereas" clauses are hereby incorporated herein.

SECTION 2. Chapter 13 "Health and Sanitation" of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended, creating Section 13-10 "Prohibition on Distribution, Sale or Use of Plastic Beverage Straws" to read as follows:

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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.

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

(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 2nd reading on September 17, 2018.


KEITH S. LONDON

MAYOR

SPONSORED BY: COMMISSIONER RICH DALLY

ATTEST


JENORGEN GUILLEN

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM


JENNIFER MERINO

CITY ATTORNEY

VOTE
AYE/NAY

Mayor London	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Vice Mayor Lazarow	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Comm. Butler	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Comm. Dally	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Comm. Taub	<input checked="" type="checkbox"/> / <input type="checkbox"/>