

ORDINANCE NO. C-19-01

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 16, ENTITLED "MISCELLANEOUS PROVISIONS AND OFFENSES," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING ARTICLE VII, TO BE ENTITLED "PROHIBITION OF SALE OR DISTRIBUTION OF PLASTIC STRAWS," TO PROHIBIT THE SALE AND DISTRIBUTION OF PLASTIC STRAWS, EXCEPT AS OTHERWISE PROVIDED, PROVIDING FOR PENALTIES, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale is committed to environmental protection and stewardship, and hereby finds that it is in the best interest, safety and welfare of the citizens and visitors to the City of Fort Lauderdale to reduce litter and pollutants on the lands and in the surrounding waters of the City of Fort Lauderdale in order to continue to protect the wildlife of the City of Fort Lauderdale; and

WHEREAS, discarded plastic straws threaten wildlife on the lands and in the waters of the City of Fort Lauderdale and litter the City of Fort Lauderdale's beaches and the adjacent waters of Florida's coast, which includes areas within the geographical boundaries of the City of Fort Lauderdale; and

WHEREAS, the City Commission finds that there are reasonable, "environmentally-friendly" alternatives to plastic straws including, but not limited to, straws made of paper, plant, vegetable and other natural products; and

WHEREAS, the City Commission has 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 16 to enact procedures and prohibitions regarding the distribution of plastic straws to reduce waste.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

CODING: Words, symbols, and letters ~~stricken~~ are deletions and words, symbols, and letters underlined are additions; words, symbols, and letters ~~double-stricken~~ are deletions after first reading and words, symbols, and letters double underlined are additions after first reading.

SECTION 1. That the foregoing “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. That Chapter 16 entitled “Miscellaneous Provisions and Offenses,” of the Code of Ordinances of the City of Fort Lauderdale, Florida is amended by creating Article VII, entitled “Prohibition of Sale or Distribution of Plastic Straws,” to provide as follows:

Section 16-140. Definitions.

For the purpose of this Article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Plastic Straw means a tube made predominantly of plastic derived from petroleum, a biologically-based source (such as corn or other plants), or polystyrene, polypropylene, or polyethylene, for the purpose of transferring a beverage from its container to the mouth of the drinker by suction, and which is primarily intended for a single use. The term shall not include food grade paper straws, straws made of compostable plant material, or straws made of metal, wood, ceramic or similar materials and designed for re-use.

Special Event Permittee means any person or entity, and their subcontractor(s), issued a special event permit by the City for a special event on City property or in a City facility.

City Facility includes, but is not limited to, any building, structure, park, beach, road, street, right-of-way, or other facility owned, operated or managed by the City.

City Property includes, but is not limited to, any land, water, or air rights owned, operated or managed by the City.

Commercial Establishment means an establishment used for commercial purposes, such as bars, restaurants, private offices, fitness clubs, retail stores, banks and financial institutions, supermarkets, auto and boat dealerships, and other establishments with common business areas.

CODING: Words, symbols, and letters ~~stricken~~ are deletions and words, symbols, and letters underlined are additions; words, symbols, and letters ~~double-stricken~~ are deletions after first reading and words, symbols, and letters double underlined are additions after first reading.

Distribution or to Distribute means the vending, sale, giving, deployment or delivering for any purpose of a straw, other than as defined herein, whether or not incident to the sale, vending or provision of any kind of beverage in a container.

Section 16-141. Sale or Distribution of Plastic Straws Prohibited: Exceptions.

- (1) A Plastic Straw shall not be sold or distributed within the City of Fort Lauderdale in or by any commercial establishment or at any City Facility or City Property or by any Special Event Permittee.
- (2) Exceptions.

This prohibition shall not apply to:

- (a) Pre-packaged beverages with plastic straws sold or distributed within the City provided that such beverages are prepared and packaged outside the City and are not altered, packaged or repackaged within the City.
- (b) Medical or dental facilities.
- (c) Hospitals and property owned by the North Broward Hospital District.
- (d) The use of a Plastic Straw by any disabled person that requires or relies on the use of a straw to consume beverages and/or food supplements.
- (e) A Plastic Straw that is included with and manufactured as a part of, or in combination with, a re-usable beverage container and is intended for continued and multiple uses with such container.
- (f) Land or facilities owned and managed by the Broward County School Board, Broward County, the State of Florida or the Federal Government.
- (g) Use during a locally declared emergency.

Section 16-142. Public Education Prior to Enforcement.

- (1) Following adoption of this Section and for a period of six (6) months, the City shall engage in public education efforts deemed appropriate by the City to inform commercial establishments of the provisions of this Section and to provide assistance in identifying alternatives to Plastic Straws.

CODING: Words, symbols, and letters ~~stricken~~ are deletions and words, symbols, and letters underlined are additions; words, symbols, and letters ~~double-stricken~~ are deletions after first reading and words, symbols, and letters double underlined are additions after first reading.

- (2) Following the successful completion of the public education efforts and for a period of six (6) months, no commercial establishment shall distribute Plastic Straws except upon a customer's specific request.

Section 16-143. Enforcement: Penalties.

- (1) Commencing one (1) year after the adoption of this Ordinance, the City's Code Compliance Officer(s) shall enforce violations of this Section 16-141.
- (2) Penalties for violations of the provisions shall be as follows:
- (a) First offense: a written warning notice pursuant to section 11-6, with no civil penalty as a first response to a violation. A copy shall be kept on file with the City.
 - (b) Second offense within any one year period from the date of the first offense: \$100.00 civil citation.
 - (c) Third offense within any one year period from the date of the second offense: \$200.00 civil citation.
 - (d) Fourth offense and each subsequent offense within any one year period from the date of the previous offense: \$500.00 civil citation.
 - (e) When there is a permitted special event that will last for a period of two days or less, the compliance timeframe in the written warning shall not exceed twelve (12) hours.

Each day that a prohibited sale or other distribution occurs shall constitute a separate violation.

- (3) Nothing stated herein shall be construed as a limitation to the City's remedies available to it through its contract, lease, permit, or other relationship with a commercial establishment.

SECTION 3. That, at the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in this Ordinance, to the numbering, lettering, and capitalization structure established in the Code of

CODING: Words, symbols, and letters ~~stricken~~ are deletions and words, symbols, and letters underlined are additions; words, symbols, and letters ~~double-stricken~~ are deletions after first reading and words, symbols, and letters double underlined are additions after first reading.

~~Ordinances of the City of Fort Lauderdale, Florida, and to correct non-substantive scrivener's errors in the codification of this Ordinance. The City Clerk is hereby authorized and directed to cause the amendment approved herein to be incorporated into the Code of Ordinances of the City of Fort Lauderdale, Florida.~~

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

SECTION 5. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this the 8th day of January, 2019.

PASSED SECOND READING this the _____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

CODING: Words, symbols, and letters ~~stricken~~ are deletions and words, symbols, and letters underlined are additions; words, symbols, and letters ~~double stricken~~ are deletions after first reading and words, symbols, and letters double underlined are additions after first reading.