

ORDINANCE NO. 2019-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 11, "FOOD AND FOOD ESTABLISHMENTS," BY ENACTING SECTION 11-2, "PROHIBITION ON THE DISTRIBUTION OR USE OF SINGLE-USE PLASTIC STRAWS," TO PROHIBIT THE DISTRIBUTION OR SALE OF SINGLE-USE PLASTIC STRAWS WITHIN THE CITY AND TO PROHIBIT THE USE OF THOSE ITEMS UPON CITY PROPERTY, WITHIN CITY FACILITIES, OR AT CITY-APPROVED SPECIAL EVENTS TO REDUCE WASTE AND PROTECT THE ENVIRONMENT; PROVIDING FOR PENALTIES; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek has consistently proven itself a leader in the realm of environmental sustainability and conscientiousness, and proudly stands by its slogan of being the "Butterfly Capital of the World;" and

WHEREAS, single-use plastic straws pose an environmental hazard to the health, safety, and welfare of the residents and visitors by negatively impacting water quality and surrounding wildlife (see generally "Do plastic straws really make a difference?" by Rob Jordan, published by Stanford University on September 18, 2018, last viewed on May 29, 2019 at <https://earth.stanford.edu/news/do-plastic-straws-really-make-difference#gs.fgvn9d>; and "Threat of plastic pollution to seabirds is global, pervasive, and increasing," by Chris Wilcox, Erik Van Sebille, and Britta Denise Hardesty, published by Proceedings of the National Academy of Sciences of the United States of America on August 31, 2015, last viewed on May 29, 2019 at <https://www.pnas.org/content/112/38/11899>); and

WHEREAS, while certain plastics may be biodegradable or recyclable, the vast majority of single-use plastic straws cannot be recycled due to their polymer resins,

synthetic fibers, and additives, or are too small to be properly processed for recycling and often become litter or are landfilled, making them a nuisance on the environment (see generally “Production, use, and fate of all plastics ever made” by Roland Geyer, Jenna R. Jambeck, and Kara Lavender Law, published by Science Advances on July 19, 2017, last viewed on May 29, 2019 at <https://advances.sciencemag.org/content/3/7/e1700782.full>); and

WHEREAS, non-plastic straws such as those made of paper, bamboo, sugar cane, or other natural products are compostable alternatives to the single-use plastic straws currently in use (see generally “Swap your Straw Resources” by Jackie Nunez, published by The Last Straw on a date unknown, last viewed on May 29, 2019 at <https://thelastplasticstraw.org/resources/>); and

WHEREAS, with ample alternatives to single-use plastics, several companies such as Starbucks, McDonalds, American Airlines, and Aramark have announced plans to phase out or discontinue the use of plastic straws, plastic cutlery, and various packaging materials to further the efforts made by this grassroots movement (see generally “The Real Reason Why So Many Cities and Businesses Are Banning Plastic Straws Has Nothing To Do With Straws At All,” by Hilary Brueck, published by Business Insider on October 22, 2018, last viewed on June 3, 2019 at <https://www.businessinsider.com/plastic-straw-ban-why-are-there-so-many-2018-7>); and

WHEREAS, as the trend for dining out increases, so will the amount of waste derived from single-use plastics, including plastic straws, thus it is imperative to regulate the distribution of those items that are within the City’s authority to regulate, unlike the regulation of auxiliary containers, wrappings, or disposable plastic bags that are preempted by Section 403.7033, Fla. Stat. 2018 (see generally the Business Insider article cited above, and “Plastic-Free Eats,” published by Plastic Pollution Coalition on a date unknown, last viewed on June 3, 2019 at <https://www.plasticpollutioncoalition.org/guides-eats>); and

WHEREAS, in 2018, California became the first state in the U.S. to prohibit a full-service restaurant from providing single-use plastic straws to consumers unless requested by the consumer, making such behavior a new crime and imposing additional enforcement duties on local health agency (see generally California Assembly Bill No. 1884 (2018), approved by the Governor on September 20, 2018, last viewed on June 3, 2019, at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1884); and

WHEREAS, in 2008, Seattle, Washington became the largest U.S. city to mandate the use of compostable or recyclable food service ware (thereby banning plastic straws, cocktail picks, utensils, and foam food service packaging) and since then many local jurisdictions across the nation have followed suit (see generally “A Brief History of How Plastic Straws took over the World,” by Sarah Gibbens, published by National Geographic on January 2, 2019, last viewed on May 30, 2019 at <https://www.nationalgeographic.com/environment/2018/07/news-plastic-drinking-straw-history-ban/>); and see also Seattle Municipal Code Sections 21.36.084 and 21.36.086); and

WHEREAS, in Broward County alone several cities such as Hallandale Beach, Dania Beach, Deerfield Beach, Fort Lauderdale, and Pompano Beach have enacted some form of ban on single-use plastics within their jurisdictions; and

WHEREAS, the City Commission of the City of Coconut Creek finds and determines that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter, the overburdening of landfills, and the introduction of pollutants on the lands and in the water bodies of the City by banning the distribution or use of non-readily recyclable or biodegradable single-use plastic straws.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 11, “Food and Food Establishments,” by enacting Section 11-2, “Prohibition on the Distribution or Use of Single-Use Plastic Straws,” to read as follows:

Sec. 11-2. – Prohibition on the Distribution or Use of Single-Use Plastic Straws.

(a) Intent. Single-use plastics are neither readily recyclable nor biodegradable, and as a result, contribute to overburdening landfills and environmental pollution. The intent of this section is to reduce the amount of single-use plastic straws that enter the stream of commerce in an effort to curtail the known adverse effects of such plastics.

(b) Definitions. For purposes of this section, the following definitions apply:

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

City permittee means any person or entity, and their subcontractor(s), issued a special event permit by the City for a special event located within the City, or a facility use permit for use of a City facility.

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

Distribute or distribution occurs when an individual or entity, including, but not limited to, a hotel, restaurant, café, mobile food vendor, or retail store: 1) sells single-use plastic straws, as defined herein; or 2) gives single-use plastic straws, as defined herein, to a customer in furtherance of a direct or indirect business or organizational purpose. As defined, distribution applies to for-profit and non-profit entities alike, and is not limited to transactions that occur at locations that are open to the public.

Single-use Plastic Straw means a plastic tube used to transfer a beverage from its container to the mouth of the drinker, intended for use only once, and made predominantly of plastic derived from one (1) or more of the following: petroleum or a biologically based polymer (including polymers derived from corn or other plant sources), polystyrene, polypropylene, or polyethylene. Single-use plastic straws do not include straws, that are predominately made of paper, sugar cane, bamboo, or other similar materials, and are readily recyclable or biodegradable.

(c) Single-Use Plastic Straws prohibited; exceptions.

(1) Distribution of single-use plastic straws, as defined herein, is prohibited. This prohibition includes distribution by City permittees.

(2) The use of single-use plastic straws on City property or at City facilities is prohibited.

(3) Exceptions. This prohibition shall not apply:

- a. to pre-packaged drinks sold at commercial establishments.
- b. to medical or dental facilities.
- c. to the school district or county, state, or federal governmental entities.
- d. where a reasonable accommodation is required by an individual due to a medical or physical condition, or a sincerely held religious belief.
- e. during a declared city-wide or state-wide state of emergency.

(d) Enforcement; penalties.

- (1) Following adoption of this section, the City shall engage in public education efforts to inform relevant commercial establishments and the public of the provisions of this section, and to provide assistance with identifying alternatives to single-use plastic straws.
- (2) The City's code compliance division shall enforce all provisions of this Section 1102, "Prohibition on the Distribution and Use of Plastic Straws," starting on January 1, 2020.
- (3) Penalties for violations of the provisions of this section shall be enforced through Section 1-8, "General penalties for violation of Code; continuing violation and other remedies and administrative fees," within the City's Code of Ordinances. For purposes of continuing violations of this section, each day that a violation exists shall constitute a separate violation.

Section 3: Transmittal. That the City Clerk is hereby directed to provide a copy of this ordinance to the Broward League of Cities and to all Broward County municipalities.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 6: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 7: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS ____ DAY OF _____, 2019.

PASSED SECOND READING THIS ____ DAY OF _____, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Welch	_____	_____
Sarbone	_____	_____
Tooley	_____	_____
Belvedere	_____	_____
Rydell	_____	_____

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