

ORDINANCE NO. 2019-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.62, "SALE OR USE OF PLASTIC BEVERAGE STRAWS," TO PROVIDE ADDITIONAL DEFINITIONS AND TO PROVIDE ADDITIONAL REQUIREMENTS AND PROHIBITIONS FOR THE DISTRIBUTION OF PLASTIC BEVERAGE STRAWS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has, in its enactment of the "Beach and Shore Preservation Act," Chapter 161, Florida Statutes, found that Florida's ocean and coastal resources contribute significantly to the state economy by supporting multiple beneficial uses and a wide range of economic value that requires balancing of competing considerations; and

WHEREAS, Florida's oceans and coastal resources comprise habitats that support endangered and threatened species and extraordinary marine biodiversity, including highly migratory marine species such as sea turtles, which must be protected by restoring, rehabilitating, and maintaining the quality and natural function of oceans and coastal resource; and

WHEREAS, the City Commission desires to promote resource conservation and reduce solid waste disposal, waste, and pollution; and

WHEREAS, discarded plastic beverage straws continue to 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 solid waste, 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 96 to enact additional procedures and prohibitions regarding the distribution of plastic beverage straws on city property, and that such prohibition is rationally related to promote resource conservation and reduce solid waste and does not, in any manner, discriminate against or excessively burden interstate commerce and, enhances the goals of conservation also found in Ordinance No. 2019-05 previously passed on October 23, 2018; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. The foregoing recitals represent the legislative findings of the City Commission supporting the need for amendment of this ordinance.

SECTION 2. That Section 96.62, “Sale or Use of Plastic Beverage Straws, of Chapter 96, “Health and Safety,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 96.62 SALE OR USE OF PLASTIC BEVERAGE STRAWS.

A. *Definitions.* For purposes of this section, the following words terms and phrases, including their respective derivatives have the following meanings:

...

BEVERAGE PROVIDER. Any business, organization, entity, group, or individual located within the city that offers beverages to the public for consumption, including food providers as defined herein.

...

FAST FOOD SERVICE VENDOR. Food service establishments that serve food and/or beverages (1) via a drive-through; (2) in a packaged form

for take-out/take-away; (3) from stands or kiosks which may or may not provide shelter or seating for customers; or (4) from food trucks or other mobile food vendors.

FOOD PROVIDER. Any person or entity that is a retailer of prepared food or beverages for public consumption on or off premises, including, but not limited to, any store, market, fast food service vendor, supermarket, delicatessen, restaurant, shop, or caterer ~~or mobile food vendor~~.

...

PUBLIC EVENT PERMITTEE. A person who has obtained a Public Event Permit from the city pursuant to Section 98.07 of the City Code.

RESTAURANT. Any vendor or establishment within the city that provides food and/or beverage for public consumption on the premises, for take-out or for both.

SINGLE-USE. A product that is designed to be used only one time in its same form by the customer, food vendor or other entity.

B. *Plastic Beverage Straws Prohibited.*

(1) (a) No person shall use plastic beverage straws or otherwise sell, distribute, or offer for use on public beaches within city limits or in city parks or other city facilities.

(b) No person, food provider, beverage provider or fast food service vendor, as defined herein, shall provide a plastic straw to any customer and shall otherwise comply with the provisions of subsection (4) below.

...

(4) Beverage straws upon request. On and after March 1, 2019, all food providers within the city, as defined herein, restaurants, and all persons working for or engaged as a food provider, shall ask each dine-in customer or take-out prepared food order customer if the customer wants a single-use beverage straw. If the customer requests a single-use beverage straw, they shall be provided with a single-use beverage straw composed of renewable or compostable material, such as paper, sugar cane, or bamboo.

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SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2018.

PASSED SECOND READING this _____ day of _____, 2019.

MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
11/6/18
L:ord/ch96/2019-37