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**ORDINANCE NO. O-2019-XXX**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 8, ENTITLED “MISCELLANEOUS OFFENSES AND PROVISIONS,” OF THE CODE OF ORDINANCES OF THE CITY OF OAKLAND PARK, FLORIDA, BY CREATING ARTICLE IX, 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 Oakland Park 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 Oakland Park to reduce litter and pollutants on the lands and in the surrounding waters of the City of Oakland Park in order to continue to protect the quality of life enjoyed by the residents of the City of Oakland Park; and

**WHEREAS**, discarded plastic straws threaten wildlife on the lands and in the waters of the City of Oakland Park and litter the City of Oakland Park’s parks and public amenities, which includes areas within the geographical boundaries of the City of Oakland Park; 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 the Code of Ordinances to address the use and distribution of plastic straws within the City of Oakland Park; and

**WHEREAS**, the International Coastal Cleanup Report of 2017 issued by Ocean Conservancy identified plastic straws as being in the top ten of items collected in the United States during environmental clean-up efforts; and

1           **WHEREAS**, as reported in Phys.org, scientists estimate that the United States has nearly  
2 7.5 Million plastic straws lying on its shorelines and that marine life as well as other wildlife are  
3 adversely affected by the resultant plastic contamination.  
4

5           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**  
6 **OF OAKLAND PARK, FLORIDA THAT:**  
7

8 Section 1.     The foregoing "Whereas" clauses are hereby ratified and confirmed as being true  
9 and correct and are hereby made a part of this Ordinance.  
10

11 Section 2.     That Chapter 8 entitled "Miscellaneous Offenses and Provisions," of the Code of  
12 Ordinances of the City of Oakland Park, Florida is amended by creating Article IX, entitled  
13 "Prohibition of Sale or Distribution of Plastic Straws," to provide as follows:  
14

15 **Section 8-135 Definitions.**  
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17           For the purpose of this Article, the following terms, phrases, words, abbreviations and their  
18 derivations shall have the meaning ascribed to them in this section, except where the context  
19 clearly indicates a different meaning.  
20

21           Plastic Straw means a tube like implement made predominantly of plastic derived from  
22 petroleum, a biologically-based source (such as corn or other plants), or polypropylene, or  
23 polyethylene, for the purpose of transferring a beverage from its container to the mouth of an  
24 individual by suction, and which is primarily intended for a single use. The term shall not include  
25 food grade paper straws, straws made of compostable plant material, or straws made of metal,  
26 wood, ceramic or similar materials and designed for re-use.  
27

28           Single Use means an item that is intended to be used one time in its same form by the  
29 customer, food vendor, or entity.  
30

31           Special Event Permittee means any person or entity, and their subcontractor(s), issued a  
32 special event permit by the City for a special event on City property or in a City facility.  
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35           Distributed means the vending, giving, deployment or delivering of a straw for any  
36 purpose, other than as defined herein, whether or not incident to the sale, vending, provision of  
37 any kind of beverage in a container.  
38

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

3  
4 City Property includes, but is not limited to, any real property, water, or air rights owned,  
5 operated or managed by the City.

6  
7 Commercial Establishment means an establishment used for commercial purposes, such as  
8 bars, restaurants, coffee shops, distilleries, private offices, fitness clubs, retail stores, banks and  
9 financial institutions, supermarkets, auto and boat dealerships, and other establishments with  
10 common business areas.

11  
12 Distribution or to Distribute means the vending, sale, giving, deployment or delivering for any  
13 purpose of a straw, other than as defined herein, whether or not incident to the sale, vending or  
14 provision of any kind of beverage in a container.

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19 **Section 8-136. Sale or Distribution of Plastic Straws Prohibited: Exceptions.**

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21 (1) A Plastic Straw shall not be sold or distributed within the City of Oakland Park in or by  
22 any commercial establishment or at any City Facility or City Property or by any Special Event  
23 Permittee.

24  
25 (2) Exceptions.

26  
27 This prohibition shall not apply to:

28  
29 (a) Pre-packaged beverages with plastic straws sold or distributed within the City provided  
30 that such beverages are prepared and packaged outside the City and are not altered, packaged or  
31 repackaged within the City.

32 (b) Medical or dental facilities.

33 (c) Hospitals and property owned by a Hospital District.

34 (d) The use of a Plastic Straw by any disabled person that requires or relies on the use of a  
35 straw to consume beverages and/or food supplements.

36 (e) A Plastic Straw that is included with and manufactured as a part of, or in combination with,  
37 a re-usable beverage container and is intended for continued and multiple uses with such container.

38 (f) Land or facilities owned and managed by the Broward County School Board, Broward  
39 County, the State of Florida or the Federal Government.

1 (g) Use during a locally declared emergency.

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3 **Section 8-137. Public Education Prior to Enforcement.**

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

9  
10 (2) Following the successful completion of the public education efforts and for a period of six  
11 (6) months, no commercial establishment shall distribute Plastic Straws except upon a customer's  
12 specific request.

13  
14 **Section 8-138. Enforcement: Penalties.**

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16 (1) Commencing one (1) year after the adoption of this Ordinance, the City's Code  
17 Compliance Officer(s) shall commence enforcement violations of this Section 8-138.

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19 (2) Penalties for violations of the provisions shall be considered as a Class III violation as set  
20 forth in Section 24-234 of the City's Code of Ordinances.

21  
22 Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is  
23 held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

24  
25 Section 4. That all Ordinances or parts of Ordinances and all resolutions or parts of  
26 Resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

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28 Section 5. It is the intention of the City Commission of the City of Oakland Park, that  
29 the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the  
30 City of Oakland Park, Florida, and that the Sections of this ordinance may be renumbered, re  
31 lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or  
32 phrase in order to accomplish such intention.

33  
34 Section 6. This Ordinance shall be effective upon its passage and adoption by the City  
35 Commission of the City of Oakland Park.

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37 PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA,  
38 ON FIRST READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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M. SPARKS \_\_\_\_\_  
J. BOLIN \_\_\_\_\_  
M. CARN \_\_\_\_\_  
T. LONERGAN \_\_\_\_\_  
S. GUEVREKIAN \_\_\_\_\_

PASSED AND ENACTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND  
PARK, FLORIDA, ON SECOND READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

CITY OF OAKLAND PARK, FLORIDA

\_\_\_\_\_  
MAYOR SARA GUEVREKIAN

M. SPARKS \_\_\_\_\_  
J. BOLIN \_\_\_\_\_  
M. CARN \_\_\_\_\_  
T. LONERGAN \_\_\_\_\_  
S. GUEVREKIAN \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance (O-2019-XXX):

\_\_\_\_\_  
DONALD J. DOODY, CITY ATTORNEY