5	"MISCELLANEOUS OFFENSES AND PROVISIONS," OF THE CODE OF
6	ORDINANCES OF THE CITY OF OAKLAND PARK, FLORIDA, BY
7	CREATING ARTICLE IX, TO BE ENTITLED "PROHIBITION OF SALE
8	OR DISTRIBUTION OF PLASTIC STRAWS," TO PROHIBIT THE SALE
9	AND DISTRIBUTION OF PLASTIC STRAWS, EXCEPT AS OTHERWISE
10	PROVIDED, PROVIDING FOR PENALTIES, PROVIDING FOR
11	CONFLICT, PROVIDING FOR SEVERABILITY, PROVIDING FOR
12	CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.
13	
14	
15	WHEREAS, the City of Oakland Park is committed to environmental protection
16	and stewardship, and hereby finds that it is in the best interest, safety and welfare of the
17	citizens and visitors to the City of Oakland Park to reduce litter and pollutants on the lands
18	and in the surrounding waters of the City of Oakland Park in order to continue to protect
19	the quality of life enjoyed by the residents of the City of Oakland Park; and
20	
21	WHEREAS, discarded plastic straws threaten wildlife on the lands and in the
22	waters of the City of Oakland Park and litter the City of Oakland Park's parks and public
23	amenities, which includes areas within the geographical boundaries of the City of Oakland
24	Park; and
25	
26	WHEREAS, the City Commission finds that there are reasonable,
27	"environmentally-friendly" alternatives to plastic straws including, but not limited to
28	straws made of paper, plant, vegetable and other natural products; and
29	
30	WHEREAS, the City Commission has determined that it is in the best interest of
31	the residents of the City to promote the public health, safety, and general welfare by
32	amending the Code of Ordinances to address the use and distribution of plastic straws
33	within the City of Oakland Park; and
34	
35	WHEREAS, the International Coastal Cleanup Report of 2017 issued by Ocean
36	Conservancy identified plastic straws as being in the top ten of items collected in the United
37	States during environmental clean-up efforts; and
38	
39	WHEREAS, as reported in Phys.org, scientists estimate that the United States has
40	nearly 7.5 Million plastic straws lying on its shorelines and that marine life as well as
41	other wildlife are adversely affected by the resultant plastic contamination.
12	

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF

OAKLAND PARK, FLORIDA, AMENDING CHAPTER 8, ENTITLED

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4

1 2 3	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:
4 5	<b>SECTION 1</b> . The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.
6 7 8 9 10	SECTION 2. That Chapter 8 entitled "Miscellaneous Offenses and Provisions," of the Code of Ordinances of the City of Oakland Park, Florida is amended by creating Article IX, entitled "Prohibition of Sale or Distribution of Plastic Straws," to provide as follows:
11	
12	Section 8-135 Definitions.
13	
14	For the purpose of this Article, the following terms, phrases, words, abbreviations
15	and their derivations shall have the meaning ascribed to them in this section, except where
16	the context clearly indicates a different meaning.
17	
18	Plastic Straw means a tube like implement made predominantly of plastic derived
19	from petroleum, a biologically-based source (such as corn or other plants), or
20	polypropylene, or polyethylene, for the purpose of transferring a beverage from its
21	container to the mouth of an individual by suction, and which is primarily intended for a
22 23	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
24	for re-use.
25	101 1C-usc.
26	Single Use means an item that is intended to be used one time in its same form by
27	the customer, food vendor, or entity.
28	<u> </u>
29	
30	Special Event Permittee means any person or entity, and their subcontractor(s)
31	issued a special event permit by the City for a special event on City property or in a City
32	<u>facility.</u>
33	
34	Distributed means the vending, giving, deployment or delivering of a straw for any
35	purpose, other than as defined herein, whether or not incident to the sale, vending
36	provision of any kind of beverage in a container.
37	
38	City Facility includes, but is not limited to, any building, structure, park, road
39	street, right-of-way, or other facility owned, operated or managed by the City.
40 41	City Property includes, but is not limited to, any real property, water, or air rights
42	owned, operated or managed by the City.
T4	owned, operated or managed by the city.

1	
2	Commercial Establishment means an establishment used for commercial purposes
3	such as bars, restaurants, coffee shops, distilleries, private offices, fitness clubs, retai
4	stores, banks and financial institutions, supermarkets, auto and boat dealerships, and other
5	establishments with common business areas.
6	
7	Distribution or to Distribute means the vending, sale, giving, deployment or delivering for
8	any purpose of a straw, other than as defined herein, whether or not incident to the sale
9	vending or provision of any kind of beverage in a container.
10	
11	
12	
13	
14	Section 8-136. Sale or Distribution of Plastic Straws Prohibited: Exceptions.
15	
16	(1) A Plastic Straw shall not be sold or distributed within the City of Oakland Park in
17	or by any commercial establishment or at any City Facility or City Property or by any
18	Special Event Permittee.
19	
20	(2) Exceptions.
21 22 23	This much this is an about mass and the second seco
22 <b>2</b> 2	This prohibition shall not apply to:
	(a) Pre-packaged beverages with plastic straws sold or distributed within the City
24 25	provided that such beverages are prepared and packaged outside the City and are no
26	altered, packaged or repackaged within the City.
27 27	(b) Medical or dental facilities.
28	(c) Hospitals and property owned by a Hospital District.
29	(d) The use of a Plastic Straw by any disabled person that requires or relies on the use
30	of a straw to consume beverages and/or food supplements.
31	(e) A Plastic Straw that is included with and manufactured as a part of, or in
32	combination with, a re-usable beverage container and is intended for continued and
33	multiple uses with such container.
34	(f) Land or facilities owned and managed by the Broward County School Board
35	Broward County, the State of Florida or the Federal Government.
36	(g) Use during a locally declared emergency.
37	
38	Section 8-137. Public Education Prior to Enforcement.
39	
40	(1) Following adoption of this Section and for a period of six (6) months, the City shall
41	engage in public education efforts deemed appropriate by the City to inform commercia

2	alternatives to Plastic Straws.			
3 4	(2) Following the successful completion of the public education efforts and for a period			
5	of six (6) months, no commercial establishment shall distribute Plastic Straws except upon			
6	a customer's specific request.			
7 8 9	Section 8-138. Enforcement: Penalties.			
10	(1) Commencing one (1) year after the adoption of this Ordinance, the City's Cod			
11	Compliance Officer(s) shall commence enforcement violations of this Section 8-138.			
12				
13 14	(2) Penalties for violations of the provisions shall be considered as a Class III violation as set forth in Section 24-234 of the City's Code of Ordinances.			
15	as set form in Section 24-234 of the City's Code of Ordinances.			
16 17 18	SECTION 3. If any section, subsection, sentence, clause or provision of the Ordinance is held invalid, the remainder of this Ordinance shall not be affected by su invalidity.			
19				
20	SECTION 4. That all Ordinances or parts of Ordinances and all resolutions of			
21 22	parts of Resolutions in conflict with this Ordinance are repealed to the extent of succonflict.			
23	connect.			
24	<b>SECTION 5</b> . It is the intention of the City Commission of the City of Oakland			
25	Park, that the provisions of this Ordinance shall become and be made a part of the Code or			
26	Ordinances of the City of Oakland Park, Florida, and that the Sections of this ordinance			
27	may be renumbered, re lettered and the word "Ordinance" may be changed to "Section,			
28 29	"Article," or such other word or phrase in order to accomplish such intention.			
30	<b>SECTION 6</b> . This Ordinance shall be effective upon its passage and adoption by			
31 32	the City Commission of the City of Oakland Park.			
33	PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,			
34	FLORIDA, ON FIRST READING, THIS 2ND DAY OF OCTOBER, 2019.			
35				
36				
37	M. SPARKS YES			
38	J. BOLIN YES			
39	M. CARN YES			
40	T. LONERGAN YES			
41	S. GUEVREKIAN NO			
42				
	Page 4 of 5			

establishments of the provisions of this Section and to provide assistance in identifying

PASSED AND ENACTED BY THE CITY COMMISSION OF THE CITY OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 16 <sup>TH</sup> DAY			
OCTOBER, 2019.			
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	CITY OF OAKLAND PARK, FLORIDA		
	MAYOR SARA GUEVREKIAN		
	M. SPARKS		
	J. BOLIN		
	M. CARN		
	T. LONERGAN		
	S. GUEVREKIAN		
ATTECT			
ATTEST:			
RENEE M. SHROUT, CM	<u>IC</u>		
CITY CLERK			
CITT CEEIGE			
LEGAL NOTE:			
I hereby certify that I have	approved the form of this Ordinar	ice. (O-2019-XX	
J J			