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1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
2 CITY OF OAKLAND PARK, FLORIDA THAT:

3
4 **SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed
5 as being true and correct and are hereby made a part of this Ordinance.
6

7 **SECTION 2.** That Chapter 8 entitled "Miscellaneous Offenses and Provisions,"
8 of the Code of Ordinances of the City of Oakland Park, Florida is amended by creating
9 Article IX, entitled "Prohibition of Sale or Distribution of Plastic Straws," to provide as
10 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 single use. The term shall not include food grade paper straws, straws made of compostable
23 plant material, or straws made of metal, wood, ceramic or similar materials and designed
24 for re-use.
25

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

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 facility.
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.

1
2 Commercial Establishment means an establishment used for commercial purposes,
3 such as bars, restaurants, coffee shops, distilleries, private offices, fitness clubs, retail
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.

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11
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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 This prohibition shall not apply to:

23
24 (a) Pre-packaged beverages with plastic straws sold or distributed within the City
25 provided that such beverages are prepared and packaged outside the City and are not
26 altered, packaged or repackaged within the City.

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 commercial

1 establishments of the provisions of this Section and to provide assistance in identifying
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 **Section 8-138. Enforcement: Penalties.**

9
10 (1) Commencing one (1) year after the adoption of this Ordinance, the City's Code
11 Compliance Officer(s) shall commence enforcement violations of this Section 8-138.

12
13 (2) Penalties for violations of the provisions shall be considered as a Class III violation
14 as set forth in Section 24-234 of the City's Code of Ordinances.

15
16 **SECTION 3.** If any section, subsection, sentence, clause or provision of this
17 Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such
18 invalidity.

19
20 **SECTION 4.** That all Ordinances or parts of Ordinances and all resolutions or
21 parts of Resolutions in conflict with this Ordinance are repealed to the extent of such
22 conflict.

23
24 **SECTION 5.** 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 of
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 "Article," or such other word or phrase in order to accomplish such intention.

29
30 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by
31 the City Commission of the City of Oakland Park.

32
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

1 **PASSED AND ENACTED BY THE CITY COMMISSION OF THE CITY OF**
2 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 16TH DAY OF**
3 **OCTOBER, 2019.**

4
5 CITY OF OAKLAND PARK, FLORIDA
6
7

8
9 _____
10 MAYOR SARA GUEVREKIAN

11 M. SPARKS _____

12 J. BOLIN _____

13 M. CARN _____

14 T. LONERGAN _____

15 S. GUEVREKIAN _____
16
17

18 ATTEST:
19
20

21 _____
22 RENEE M. SHROUT, CMC
23 CITY CLERK
24

25 LEGAL NOTE:
26
27

28 I hereby certify that I have approved the form of this Ordinance. (O-2019-XXX)
29
30

31 _____
32 DONALD J. DOODY, CITY ATTORNEY