

**CITY OF TAMARAC, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF TAMARAC, FLORIDA CREATING ARTICLE XVII. – ENTITLED “PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS AND STIRRERS”, OF CHAPTER 12 – LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF TAMARAC; PROVIDING LIMITATIONS ON THE DISTRIBUTION, USE, AND SALE OF PLASTIC STRAWS AND STIRRERS WITHIN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission is committed to environmental stewardship and leadership; and

WHEREAS, Policy 1.1 of the City’s Comprehensive Plan requires the City to monitor and review the land development regulations to identify any ways in which the codes require actions which are not sensitive to the environment and ways in which actions to protect the environment can be improved; and

WHEREAS, in 2015 Science Magazine published a report titled “*Plastic waste inputs from land into the ocean*” indicating approximately 8.8 million tons of plastic pollution flows into the ocean each year, and this amount is expected to double by 2025 (<https://doi.org/10.1126/science.1260352>); and

WHEREAS, the report also indicated that only 9% of the plastic produced to date has been recycled; and

WHEREAS, the U.S. EPA in 2014 in its *Advancing Sustainable Materials Management: Facts and Figures Report* indicated that annual recycling rates in the U.S.

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have stagnated at around 9% since 2012 ([https://www.epa.gov/sites/production/files/2016-11/documents/2014\\_smmfactsheet\\_508.pdf](https://www.epa.gov/sites/production/files/2016-11/documents/2014_smmfactsheet_508.pdf)); and

WHEREAS, plastic is commonly transported into the ocean from land-based sources, both directly and via river systems and wastewater treatment effluent according to *Microplastics as contaminants in the marine environment: A review* published in the Marine Pollution Bulletin in 2011 (<http://dx.doi.org/10.1016/j.marpolbul.2011.09.025>); and

WHEREAS, over 663 species including the majority of sea turtles, marine mammals, and seabirds are known to be impacted by plastic, either by ingesting or becoming entangled in plastic debris as set forth in research on the *Impacts of Marine Debris on Biodiversity: Current Status and Potential Solutions*, Montreal, Technical Series No. 67 published by the Secretariat of the Convention on Biological Diversity in collaboration with the Scientific and Technical Advisory Panel—GEF (2012) (<https://www.cbd.int/doc/publications/cbd-ts-67-en.pdf>); and

WHEREAS, the City Commission finds that it is in the public interest, safety, and welfare to reduce litter and pollutants on the lands and in the waters of the City; and

WHEREAS, discarded plastic straws and stirrers threaten wildlife and marine life; and degrade and litter the inland canals and waterways and eventually the beaches and waters off of Florida's coast, which include canals and waterways within the City; and

WHEREAS, the use, sale, and distribution of plastic straws and stirrers has a detrimental effect on the City's environment; and

WHEREAS, the City Commission finds that there are reasonable, environmentally- friendly alternatives to plastic straws and stirrers; and

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WHEREAS, the City Commission seeks to further preserve and enhance the City's environment by prohibiting the sale or use of single-use plastic straws and stirrers by contractors, special event permittees and businesses located within the City; and

WHEREAS, the City of Tamarac finds a substantial interest in furthering the public health, safety and welfare by providing for the preservation and improvement of the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

**SECTION 1.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That Article XVII, entitled Prohibition on Distribution, Sale or Use of Plastic Straws and Stirrers, of Chapter 12, of the Code of Ordinances of the City of Tamarac, Florida, is hereby created to provide as follows:

**Chapter 12 – LICENSES AND BUSINESS REGULATIONS**

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**Article XVII. – Prohibition on Distribution, Sale or Use of Plastic Straws and Stirrers**

**Sec. 12-389. - Definitions.**

For purposes of this Article, the following definitions apply:

- (1) City Contractor means a contractor, vendor, concessionaire of the City, or operator of a City facility or City property.

(2) *City Property* means any land, water, or air rights owned by the City, or any building, structure, park, waterbody, road, street, right-of-way, or other facility owned, operated or managed by the City.

(3) *Commercial Establishment* means an establishment used for commercial purposes, including but not limited to, bars, restaurants, offices, fitness clubs, retail stores, banks and financial institutions, supermarkets, hotels, and other establishments where food and/or beverages are provided directly to patrons whether such food is provided free of charge or sold.

(4) *Distribution or Distribute* means the vending, selling, giving or delivering for any purpose of a plastic straw or plastic stirrer, as defined in this Article, whether or not incident to the sale, vending or provision of any kind of liquid or beverage in a container.

(5) *Plastic Stirrer* means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, including polymers derived from corn or other plant sources. Single-use plastic stirrer includes compostable and biodegradable petroleum or biologically based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

(6) *Plastic Straw* means a tube, intended for only one-time use that is made predominantly of plastic derived from either petroleum or a biologically

based polymer, including polymers derived from corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. Single-use plastic beverage straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

(7) *Special Event Permittee* means any person or entity, and their subcontractor(s), issued a permit by the City under Article II, Division 3 of Chapter 15 of the City Code for a special event on City property, or in a City facility, or in the City's right-of-way.

**Sec. 12-390 Plastic Straws and Plastic Stirrers Prohibited; Exceptions.**

(1) No Plastic Straw or Plastic Stirrer shall be sold or distributed within the City in or by any commercial establishment, or at City property, or by any City Contractor or City Special Event Permittee.

(2) Exceptions. The prohibition in Section 12-390 (1) above shall not apply

to:

- a. pre-packaged drinks sold at commercial establishments or City Property; or
- b. medical or dental facilities; or
- c. school district or county, state, or federal governmental entities.
- d. where a reasonable accommodation is needed by an individual due to a medical or physical condition.

e. The requirements of this Article shall not restrict a City contractor from providing a beverage with, or offering the use of, a Plastic Straw or Plastic Stirrer upon request by or for an individual with a disability or medical condition that necessitates the use of a Plastic Straw or Plastic Stirrer. Such request does not require disclosure of the individual's disability.

f. This prohibition shall not apply to Plastic Straw or Plastic Stirrer used, provided, or given out by individuals who are Special Events Permittees for the purpose of hosting a small private event (150 people or less) (e.g. birthday party, family reunion).

g. Any City contract or concession agreement entered into prior to the effective date of this Article shall not be subject to the requirements of this Article, unless the City Contractor voluntarily agrees thereto. This Article shall not apply to contract extensions where the contractor has the option. If the City has the option of extension, however, the City Manager may consider whether the contractor complies or is willing to comply with subsection (b) (l) of this section in determining whether to extend the contract.

h. Where the Plastic Straw or Plastic Stirrer is wholly composed of products for which the regulation is preempted by State or Federal law.

**Sec. 12-391 Public Education Prior to Enforcement.**

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

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

**Sec. 12-392 Enforcement; Penalties.**

(1) The City's Code Enforcement division shall commence enforcing the provisions of this Article one (1) year after the adoption date of this Ordinance.

(2) Penalties for violations of the provisions of this Article shall be enforced through Code Compliance proceedings pursuant to Chapter 2, Article III, Division 2 of the City Code.

(3) The enforcement procedures outlined herein shall not be deemed to be prerequisites to the enforcement of this Article by any other means, including, but not limited to, injunction, abatement or as otherwise provided by state, county, administrative, and/or local laws.

**SECTION 3.** Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 4.** Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of





