

CITY OF DANIA BEACH

Agenda Request Item

Type of Request: Public Hearing

Continued from:

Requested Action (Identify appropriate Action or Motion)

ADOPT ORDINANCE AMENDING CHAPTER 17, ENTITLED “OFFENSES - MISCELLANEOUS”, ARTICLE XIII, ENTITLED “PROHIBITION OF DISTRIBUTION OF PLASTIC STRAWS”, SECTION 17-134, ENTITLED “PROHIBITION OF DISTRIBUTION OF PLASTIC STRAWS”, OF THE CITY CODE OF ORDINANCES, PERTAINING TO A CITY-WIDE PLASTIC STRAW BAN **(SECOND READING)**

Purchasing Requests ONLY

Dept:	Acct #:	Amt:
Fund:		

Fiscal Impact/Cost Summary

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Exhibits Attached

Memo - Plastic Straw Ordinance Amendment, O-2019- Amending Section 17-134 Plastic Straw Prohibition making Prohibition City-wide



CITY OF DANIA BEACH CITY ATTORNEY'S OFFICE

MEMORANDUM

DATE: August 27, 2019

TO: Honorable Mayor and Commissioners

FROM: Thomas J. Ansbro, City Attorney *TJA/MN*

SUBJECT: Adoption of Ordinance – City-wide Plastic Straw Ban

The Request

The City Commission is requested to adopt an ordinance which will expand the current plastic straw ban that applies to restaurants and establishments that sell alcoholic beverages which are located adjacent to any waterway, to now include all restaurants and establishments that sell beverages within the City.

Background

At the July 30, 2019 City Commission Meeting, there was a consensus by the City Commission to amend the existing Ordinance (Code Section 17-134), which prohibits the distribution of single-use plastic straws by restaurants and establishments that serve alcohol that are located adjacent to any waterway, to expand the prohibition to all restaurants and establishments that sell beverages for on or off premises consumption.

The enforcement of the expanded provision of the Ordinance will take effect January 1, 2020; the existing Ordinance will remain in effect until that date.

Budgetary Impact

Not applicable.

Recommendation

It is recommended that the City Commission adopt the Ordinance on First Reading.

TJA/la

cc: Ana M. Garcia, ICMA-CM, City Manager
Marc LaFerrier, Director, Community Development Department

ORDINANCE NO. 2019-011

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 17, ENTITLED “OFFENSES - MISCELLANEOUS”, ARTICLE XIII, ENTITLED “PROHIBITION OF DISTRIBUTION OF PLASTIC STRAWS”, SECTION 17-134, ENTITLED “PROHIBITION OF DISTRIBUTION OF PLASTIC STRAWS”, OF THE CITY CODE OF ORDINANCES, PERTAINING TO A CITY-WIDE PLASTIC STRAW BAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dania Beach, Florida is committed to environmental conscientiousness and leadership; and

WHEREAS, on September 11, 2018, the City Commission adopted Ordinance No. 2018-017 creating Article XIII, “Prohibition of Distribution of Plastic Straws” within the City’s Code of Ordinances (“Code”); and

WHEREAS, the City Commission finds that Article XIII of the City Code should be amended to regulate the distribution of single-use plastic straws throughout the City; and

WHEREAS, the City finds that it is in the public interest, safety, and welfare to reduce litter and pollutants within the City; and

WHEREAS, the City Commission finds that this Ordinance is necessary to contribute to the preservation and improvement of the environment, public health, safety and welfare of the City’s residents and visitors;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That Article XIII, entitled “Offenses - Miscellaneous” of Chapter 17, entitled “Prohibition of Plastic Straws”, Section 17-134, “Prohibition of Distribution of Plastic Straws”, of the City Code of Ordinances, is amended to read as follows:

Sec. 17-134. – Prohibition of distribution of plastic straws.

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(b) Plastic Straws Prohibited: Exceptions.

(1) No plastic straw shall be distributed in or from any restaurants and establishments that sell alcoholic beverages which are located adjacent to any navigable waterway located within the city, including the Atlantic Ocean, or

at any city facility or city property or by any city special event permittee. However effective January 1, 2020, no plastic straw shall be distributed in or from any restaurant or establishment that sells beverages (for on or off premises consumption) within the City of Dania Beach, or at any City facility or City property or by any City special event permittee.

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(c) Enforcement Penalties.

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(2) Beginning January 1, 2019 2020-the City's Code Compliance Division shall enforce all provisions of this Section as amended: until that time, the existing prohibition will be enforced.

Section 2. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance, are repealed to the extent of such conflict.

Section 4. That this Ordinance shall take full effect immediately upon its passage and adoption.

PASSED on first reading on August 27, 2019.

PASSED AND ADOPTED on second reading on September 10, 2019.

ATTEST:

THOMAS SCHNEIDER, CMC
CITY CLERK

LORI LEWELLEN
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY