

ORDINANCE NO. 2018-010

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE OF ORDINANCES ENTITLED “GARBAGE, TRASH, AND WEEDS” BY CREATING SECTION 94.25, “PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS”; AMENDING SECTION 153.04 “SCHEDULE OF CIVIL PENALTIES”; PROVIDING FOR ENFORCEMENT; CODIFICATION; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. *(INTRODUCED BY MAYOR CONNIE LEON-KREPS, VICE MAYOR ANDREANA JACKSON, COMMISSIONER JOSE ALVAREZ, COMMISSIONER LAURA CATTABRIGA, AND COMMISSIONER EDDIE LIM)*

WHEREAS, North Bay Village (“Village”) is committed to environmental conscientiousness and leadership, and towards that end has previously adopted ordinances prohibiting the sale or use of polystyrene food service articles by Village contractors, special event permittees, food service providers, and stores; and

WHEREAS, the Village finds that plastic straws are non-biodegradable and when irresponsibly discarded pose an environmental hazard to health, safety and welfare of the residents and visitors of the Village as well as negatively impacting water quality and the surrounding marine life; and

WHEREAS, the Village 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 Village; and

WHEREAS, discarded plastic straws threaten wildlife and marine life and degrade and litter the beaches and waters off of Florida’s coast, which include areas within the Village; and

WHEREAS, plastic straws constitute a portion of the litter in the Village’s streets, parks, public places, and waterfront areas; and

WHEREAS, the use, sale, and distribution of plastic straws has a detrimental effect on the Village’s environment; and

WHEREAS, the Village Commission finds that there are reasonable, environmentally-friendly alternatives to plastic straws, including straws made of paper, plant, vegetable and other natural products are available and are a more environmentally - friendly alternative to plastic straws; and

WHEREAS, the Village Commission wishes to amend Chapter 94 of the Village's Code to create Section 94.25 to prohibit the sale, distribution, and use of plastic straws; and

WHEREAS, the Village Commission finds that this Ordinance is necessary for the preservation and improvement of the environment, public health, safety and welfare of the Village's residents and visitors.

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, AS FOLLOWS:

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Village Code Amended. The North Bay Village Code of Ordinances is hereby amended by adding Section 94.25, which section reads as follows:

Section 94-25. Prohibition on Distribution, Sale or Use of Plastic Straws.

(a) **Definitions.** For purposes of this section, the following definitions apply:

(1) Natural products mean an item containing nothing artificial or synthetic in its compounds while it remains a whole item and throughout its decomposition process.

(2) "Distribution" or to "distribute" shall mean the vending, sale, giving, deployment or delivering for any purpose of a plastic straw, other than as defined herein, whether or not incident to the sale, vending or provision of any kind of beverage

(3) Plastic Straw shall mean a straw provided, sold, or distributed for the purpose of imbibing liquids or transferring a beverage from its container to the mouth of the drinker by suction, which is made predominantly of plastic derived from petroleum, a biologically-based source (such as corn or other plants), or polystyrene, polypropylene, or polyethylene, and which is intended for a single-use.

(4) Special Event Permittee shall mean any person or entity, and their subcontractor(s), issued a special event permit by the Village for a special event on Village property or in a Village facility,

(5) Village Facility includes, but is not limited to, any building, structure, park, beach, road, street, right-of-way, or other facility owned, operated or managed by the Village.

(4) Village Property includes, but is not limited to, any land, water, or air rights owned, operated or managed by the Village.

(b) Plastic Straws Prohibited; Exceptions

(1) A Plastic Straw shall not be used, sold, or distributed in any commercial establishment or at any Village Facility or Village Property or by any Special Event Permittee.

(2) Exceptions.

a. This prohibition shall not apply to pre-packaged drinks sold at commercial establishments.

b. This prohibition shall not apply to medical or dental facilities.

c. This prohibition shall not apply to the school district or county, state, or federal governmental entities.

(c) Enforcement; Penalties

(1) Following adoption of this Section, the Village shall engage in public education efforts to inform commercial establishments of the provisions of this Section and to provide assistance with identifying alternatives to Plastic Straws.

(2) Beginning ninety (90) days after the adoption of this Ordinance, the Village's Code Enforcement Department shall enforce all provisions of this Section.

(3) Penalties for violations of the provisions of this Section shall be enforced through Chapter 153 of the Village Code.

Section 153.04, Schedule of Civil Penalties is hereby amended as follows:

Section Description of Violation

94.25(b) Using, selling, or distributing plastic straws in Village commercial establishment, at Village facility, Village property, or by Special Event Permittee.

Penalty for violation of Sections 94.25(b)

(a) First violation within a 12-month period.....\$100.00

(b) Second violation within a 12-month period.....\$200.00

(c) Third or subsequent violation within a 12-month period..\$500.00

Section 3. Codification. It is the intent of the Village Commission that the provisions of this Ordinance shall become and be made a part of the North Bay Village Code of Ordinances, and that the sections of this Ordinance may be re-numbered or re-lettered, and the word “Ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All Ordinances or parts of Ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Andreana Jackson who moved for its approval on first reading. This motion was seconded by Commissioner Laura Cattabriga, and upon being put to a vote, the vote was as follows:

THE VOTES WERE AS FOLLOW:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Andreana Jackson	<u>Yes</u>
Commissioner Jose Alvarez	Yes
Commissioner Laura Cattabriga	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

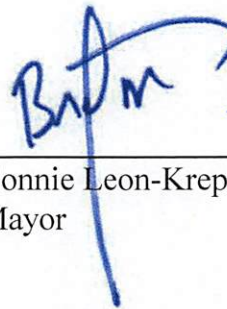
APPROVED ON FIRST READING during a regular session of the North Bay Village Commission Meeting this 10th day of September 2018.

The foregoing Ordinance was offered by Vice Mayor Andreana Jackson, who moved for its enactment. This motion was seconded by Commissioner Laura Cattabriga, and upon being put to a vote, the vote was as follows:

FINAL VOTE ON ADOPTION:

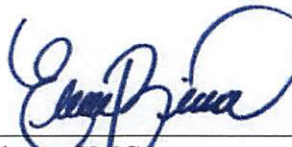
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Andreana Jackson	<u>Yes</u>
Commissioner Jose Alvarez	<u>Yes</u>
Commissioner Laura Cattabriga	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

PASSED AND ENACTED by the Commission of North Bay Village
this 11th day of September, 2018.

for: 
Connie Leon-Kreps
Mayor

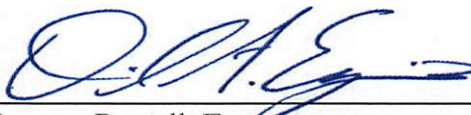
Brent Latham

ATTEST:

for: 
Yvonne Hamilton, CMC
Village Clerk

Elora Birera, CMC

APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:

for: 
Norman Powell, Esq.
Village Attorney

*Daniel Espino
Weiss Serota Helfman
Cote & Bierman, PL*