

ORDINANCE NO. 2018-

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES BY ADDING ARTICLE VIII, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Pinecrest is committed to environmental conscientiousness and leadership; and

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

WHEREAS, discarded plastic straws threaten wildlife and marine life and degrade and litter areas within the Village; and

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

WHEREAS, the Village Council finds that there are reasonable, environmentally-friendly alternatives to plastic straws; and

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

WHEREAS, the Village Council wishes to amend the Village's Code of Ordinances to prohibit the sale, distribution and use of plastic straws; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS:

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

Section 2. Amending the Code of Ordinances. That Chapter 16 of the Code of Ordinances is hereby amended by adding a new article which shall read as follows¹:

Article VIII. Prohibition on Distribution, Sale or Use of Plastic Straws.

Sec 16- . Definitions. For purposes of this article, the following definitions apply:

- a. Plastic Straw means a straw or stirrer 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 or for the purpose of mixing a beverage, which is predominantly made of plastic derived from one or more of the following: petroleum; a biologically-based source (such as corn or other plants); polypropylene; or polyethylene, and which is intended for a single-use. A Plastic Straw does not include a straw that is made on non-plastic materials such as paper, sugar cane, bamboo, or other similar materials.
- b. Special Event Permittee means any person or entity, and their subcontractor(s), issued a special events permit by the Village for a special event on Village property, or in a Village facility or in the Village's right-of-way.
- c. Village Facility includes, but is not limited to, any building, structure, park, road, street, right-of-way, or other facility owned, operated or managed by the Village.
- d. Village Property includes, but is not limited to, any land, water, or air rights owned, operated or managed by the Village.

Sec. 16- . Plastic Straws Prohibited; Exceptions.

- a. A Plastic Straw shall not be used, sold or distributed in any commercial establishment or by any mobile vendor, at any Village Facility, on Village Property or any other public property, or by any Special Event Permittee.
- b. Exceptions.
 - 1. This prohibition shall not apply to pre-packaged drinks sold at commercial establishments.
 - 2. This prohibition shall not apply to medical or dental facilities.

¹ Words in ~~strike through~~ type are deletions; words in underlined type are additions.

3. This prohibition shall not apply to the school district or county, state, or federal governmental entities.
4. This prohibition shall not apply where a reasonable accommodation is needed for an individual due to a medical or physical condition.

Sec. 16- . Enforcement; Penalties.

- a. Following adoption of this article, the Village shall engage in public education efforts to inform commercial establishments of the provisions of the Code of Ordnances and to provide assistance with identifying alternatives to Plastic Straws.
- b. Beginning January 1, 2019, the Village's Building and Planning Department shall enforce all provisions of this article.
- c. Penalties for violations of the provisions of this article shall be through Sec. 2-147 of the Code.

Section 3. 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 4. Inclusion in Code. It is the intent of the Village Council that the provisions of this ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered 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 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.

PASSED on first reading this 11th day of September, 2018.

PASSED AND ADOPTED on second reading this ___ day of _____, 2018.

Joseph M. Corradino, Mayor

ATTEST:

Guido H. Inguanzo, Jr., CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Mitchell Bierman
Village Attorney

Motion on Second Reading by:
Second on Second Reading by:

Vote: