ORDINANCE NO. 2018-11076

AN ORDINANCE OF THE TOWN COMMISSION OF THE
TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER
34 “ENVIRONMENT” OF THE TOWN’S CODE OF
ORDINANCES TO CREATE SECTION 34-11,
“PROHIBITION ON DISTRIBUTION, SALE OR USE OF
PLASTIC STRAWS;” PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; AND PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, the Town of Surfside (“Town”) 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 Town contractors, special event
permittees, food services providers, and stores; and

WHEREAS, the Town 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 Town; and

WHEREAS, Chapter 34 of the Town’s Code of Ordinances (“Code”) pertains to the
environment; 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 Town; and

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

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

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

WHEREAS, the Town Commission wishes to amend Chapter 34 of the Town’s Code to
create Section 34-11 to prohibit the sale, distribution, and use of plastic straws; and

WHEREAS, the Town Commission finds that this Ordinance is necessary for the
preservation and improvement of the environment, public health, safety and welfare of the
Town’s residents and visitors.
NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE
HEREBY ORDAINS:

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

Section 2. Town Code Amended. The Code of the Town of Surfside, Florida is
hereby amended by adding a section, to be numbered Section 34-11, which section reads as
follows:

Chapter 34 – Environment

Article I. – In General

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Division 4. Food Service Articles

Section 34-11. Prohibition on Distribution, Sale or Use of Plastic Straws.

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

(1) Customer means any person receiving or purchasing goods, food, or liquids
from a commercial establishment or at a Town Facility or Property.

(2) (1) Plastic Straw means 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.

(3) (2) Special Event Permittee means any person or entity, and their
subcontractor(s), issued a special event permit by the Town for a special event
on Town property, or in a Town facility, or in the Town’s right-of-way.

(4) (3) Town 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 Town.

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

(b) Plastic Straws Prohibited: Exceptions

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1 Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlighted double strikethrough and double underline.
(1) A Plastic Straw shall not be used, sold, or distributed in any commercial establishment or at any Town Facility or Town 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 Town 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 May 1, 2018, the Town’s Code Compliance Department shall enforce all provisions of this Section.
   (3) Penalties for violations of the provisions of this Section shall be enforced through Chapter 15 of the Town Code. Fines shall be in the amounts prescribed in the schedule of civil penalties adopted by resolution.

Secs. 34-1012 – 34-25. Reserved.

Section 3. Codification. It is the intent of the Town Commission that the provisions of this ordinance shall become and be made a part of the Town’s Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered, 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.

PASSED on first reading on the 13th day of February, 2018.
PAassed and Adopted on second reading on the 13th day of March, 2018.

On Final Reading Moved By: Commissioner Paul

On Final Reading Second By: Vice Mayor Cohen

Final Vote on Adoption

- Commissioner Daniel Gielchinsky • Yes
- Commissioner Michael Karukin • Yes
- Commissioner Tina Paul • Yes
- Vice Mayor Barry Cohen • Yes
- Mayor Daniel Dietch • Yes

Daniel Dietch
Mayor

Attest:

Sandra Novoa, MMC
Town Clerk

Approved as to form and legality for the use and benefit of the Town of Surfside only:

Weiss Serota Helfman Cole & Berman, P.L.
Town Attorney