



32 NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE  
33 HEREBY ORDAINS:<sup>1</sup>

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

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

39 Chapter 34 – Environment

40 Article I. – In General

41 \*\*\*

42 **Division 4. Food Service Articles**

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

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

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

47 (2) (1) Plastic Straw means a straw provided, sold, or distributed for the purpose  
48 of imbibing liquids or transferring a beverage from its container to the mouth  
49 of the drinker by suction, which is made predominantly of plastic derived  
50 from petroleum, a biologically-based source (such as corn or other plants), or  
51 polystyrene, polypropylene, or polyethylene, and which is intended for a  
52 single-use.

53 ~~(3) (2) Special Event Permittee means any person or entity, and their~~  
54 ~~subcontractor(s), issued a special event permit by the Town for a special event~~  
55 ~~on Town property, or in a Town facility, or in the Town's right-of-way.~~

56 (4) (3) Town Facility includes, but is not limited to, any building, structure, park,  
57 beach, road, street, right-of-way, or other facility owned, operated or managed  
58 by the Town.

59 ~~(5) (4) Town Property includes, but is not limited to, any land, water, or air rights~~  
60 ~~owned, operated or managed by the Town.~~

61 (b) **Plastic Straws Prohibited; Exceptions**

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<sup>1</sup> 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.

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

65 (2) Exceptions.  
66 a. This prohibition shall not apply to pre-packaged drinks sold at  
67 commercial establishments.  
68 b. This prohibition shall not apply to medical or dental facilities.  
69 c. This prohibition shall not apply to the school district or county, state,  
70 or federal governmental entities.

71 (c) Enforcement; Penalties

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

75 (2) Beginning May 1, 2018, the Town's Code Compliance Department shall  
76 enforce all provisions of this Section.

77 (3) Penalties for violations of the provisions of this Section shall be enforced  
78 through Chapter 15 of the Town Code. Fines shall be in the amounts  
79 prescribed in the schedule of civil penalties adopted by resolution.

80 **Secs. 34-1012 – 34-25. Reserved.**

81 **Section 3. Codification.** It is the intent of the Town Commission that the provisions  
82 of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that  
83 the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may  
84 be changed to "section," "article," "regulation," or such other appropriate word or phrase in  
85 order to accomplish such intentions.

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

92 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
93 resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

96 **PASSED** on first reading on the 13<sup>th</sup> day of February, 2018.

97 **PASSED AND ADOPTED** on second reading on the 13<sup>th</sup> day of March, 2018.

98 **On Final Reading Moved By:** Commissioner Paul

99 **On Final Reading Second By:** Vice Mayor Cohen

100 **FINAL VOTE ON ADOPTION**

101	Commissioner Daniel Gielchinsky	<u>yes</u>
102	Commissioner Michael Karukin	<u>yes</u>
103	Commissioner Tina Paul	<u>yes</u>
104	Vice Mayor Barry Cohen	<u>yes</u>
105	Mayor Daniel Dietch	<u>yes</u>

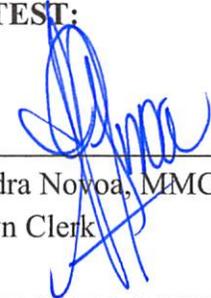
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Daniel Dietch  
Mayor

111 **ATTEST:**

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Sandra Novoa, MMC  
Town Clerk

118 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
119 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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