



City of Coral Gables
CITY COMMISSION MEETING
May 9, 2017

ITEM TITLE:

Ordinance on Second Reading. An Ordinance of the City Commission of Coral Gables, Florida, Amending the City of Coral Gables Code by:

- Creating Section 62-245 “Prohibition on Use of Single-Use Carry Out Plastic Bags” in Chapter 62, Article VII Special Events; and
- Creating Article IX “Sale, Use or Distribution of Single-Use Carry Out Plastic Bags by Retail Establishments within the City” in Chapter 34 Nuisance, of the City Code.

Providing for severability, repealer, codification, enforceability and an effective date.

(Sponsored by Commissioner Lago)

BRIEF HISTORY:

The purpose of the Ordinance is to reduce litter and pollutants on the land and in the waters of the City, in the best interest of the public health, safety and welfare of its residents and visitors. Distribution of single-use carry out plastic bags by retailers to consumers for use in carrying purchased goods has a detrimental effect on the environment of the City, County and State. Discarded single-use carry out plastic bags contribute to overburdened landfills, threaten wildlife and marine life and degrade and litter the beaches and waters off the Florida coast, which include areas within the City. Single-use carry out plastic bags are photo-biodegradable and break down into smaller pieces which can make their way into the food chain via such animals as jellyfish and endangered sea turtles. Further, plastic bags constitute a portion of the litter in the City’s streets, parks, public places and waterways.

As an environmental leader among local governments in the State of Florida, the goal of the City is to replace single-use carry out plastic bags with reusable, recyclable, or compostable alternatives whenever possible. The Ordinance is a major step toward the preservation of our environment and the public health, safety and welfare of City residents and visitors.

While local regulation of single-use carry out plastic bags was preempted by the State of Florida, recently the City was a party in a lawsuit with the State of Florida, the Florida Retail Federation and Super Progreso in which the Court held that Sections 403.708(9) and 403.7033, F.S., relating to plastic bags and packaging, are unconstitutional.

Commissioner Lago, the City Attorney’s Office, the Public Works Sustainability Division, and the Economic Development Department, have met with and discussed the Ordinance with representatives of the Chamber of Commerce and the Business Improvement District. Through this constructive and positive dialog, important enhancements were added at 2nd Reading, including a robust education program, an opportunity for merchants to use up current inventory, and a one-year enforcement provision. The City’s Sustainability Advisory Board and Economic Development Board have unanimously voted in support of this Ordinance.

ATTACHMENT(S):

- 1. Draft Ordinance**
- 2. Draft Ordinance with edits**