

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-__

**AN ORDINANCE OF THE CITY OF CORAL GABLES,
FLORIDA, AMENDING THE CITY OF CORAL GABLES
CODE BY:**

- **CREATING SECTION 2-731 “PROHIBITION ON USE OF SINGLE-USE PLASTIC BEVERAGE STRAWS AND SINGLE-USE PLASTIC STIRRERS BY CITY CONTRACTORS IN CHAPTER 2- ADMINISTRATION, ARTICLE VIII- PROCUREMENT CODE**
- **CREATING SECTION 62-264 “PROHIBITION ON USE OF SINGLE-USE PLASTIC BEVERAGE STRAWS AND SINGLE USE PLASTIC STIRRERS” IN CHAPTER 62- STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE VII- SPECIAL EVENTS AND PARADES**

**PROVIDING FOR A REPEALER PROVISION,
SEVERABILITY CLAUSE, CODIFICATION,
ENFORCEABILITY, AND AN EFFECTIVE DATE**

WHEREAS, discarded single-use plastic beverage straws and stirrers end up in landfills, threaten wildlife and marine life and degrade and litter the beaches and waters off the Florida coast, which include areas within the City; and

WHEREAS, persistent organic pollutants in the marine environment attach to the surface of plastic debris, such as plastic straws, accumulating pollutants and transporting them through ocean currents; and

WHEREAS, as an environmental leader among local governments in the State of Florida, the goal of the City is to replace single-use plastic beverage straws and stirrers with reusable, recyclable, or sustainable alternatives whenever possible; and

WHEREAS, the City in partnership with the Coral Gables Chamber of Commerce, is already planning to educate the business community through a “Skip the Straw” Campaign and through the launch of Coral Gables Green Business Program; and

WHEREAS, the City Commission finds that this Ordinance is necessary for the preservation of our environment and the public health, safety and welfare of City residents and visitors and future generations.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 2, Article VIII- Procurement Code of the City Code of Coral Gables, Florida, be hereby amended to add Section 2-731 as follows:

Sec. 2-731 Prohibition on use of single-use plastic beverage straws and single-use plastic stirrers by city contractors

- a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

City Contractor means a contractor, vendor, concessionaire of the city, or operator of a city facility or property

Single-use plastic beverage straw means a tube, intended for only one-time use that is made predominantly of plastic derived from either petroleum or a biologically based polymer, including polymers derived from corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. Single-use plastic beverage straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

Single use plastic stirrer means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, including polymers derived from corn or other plant sources. Single-use plastic stirrer includes compostable and biodegradable petroleum or biologically based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

b) Prohibited use of single-use plastic beverage straws and single-use plastic stirrers; Penalties

- (1) City contractors shall not sell or use single-use plastic beverage straws or single-use plastic stirrers within the city or in completing their duties to the city under contract.
- (2) A violation of this section shall be deemed a default under the terms of the city contract, lease or concession agreement.
- (3) Any city contract, or concession agreement entered into prior to the effective date of this section shall not be subject to the requirements of this section, unless the city contractor voluntarily agrees thereto. This section shall not apply to contract extensions where the contractor has the option. If the city has the option of extension, however, the city manager may consider whether the contractor

complies or is willing to comply with subsection (b)(1) of this section in determining whether to extend the contract.

c) ***Exceptions***

- (1) The requirements of this section shall not restrict a city contractor from providing a beverage with, or offering the use of, a single-use plastic beverage straw or single-use plastic stirrer upon request by or for an individual with a disability or medical condition that necessitates the use of a single-use plastic beverage straw or single use plastic stirrer. Such request does not require disclosure of the individual's disability.
- (2) This prohibition shall not apply to pre-packaged drinks where plastic straws have been attached to or sealed with a beverage container or packaging prior to receipt by a city contractor.

SECTION 3. That Chapter 62, Article VII- Special Events and Parades of the City Code of Coral Gables, Florida, be hereby amended to add Section 62-264 as follows:

Sec. 62-264 Prohibition on use of single-use plastic beverage straws and single-use plastic stirrers

- (a) ***Definitions.*** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

City Facility includes, but is not limited to, any building, structure, park, or golf course owned, operated or managed by the city.

Single-use plastic beverage straw means a tube, intended for only one-time use, that is made predominantly of plastic derived from either petroleum or a biologically based polymer, including polymers derived from corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. Single-use plastic beverage straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

Single use plastic stirrer means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, including polymers derived from corn or other plant sources. Single-use plastic stirrer includes compostable and biodegradable petroleum or biologically based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

Special event permittee means any person or entity, and their subcontractor, issued a special events permit by the city for a special event on city property, in a city facility or in the city's right-of-way.

- b) Prohibited use of single-use plastic beverage straws and single-use plastic stirrers;
Penalties***

- (1) Special event permittees shall not sell, use, or provide a beverage with a single-use plastic beverage straws or single-use plastic stirrers in city facilities.
- (2) Upon warning, the special event permittee must stop use of single-use plastic beverage straws or single-use plastic stirrers or replace them with a non-single-use plastic alternative as soon as practicable. If the special events permittee does not do so within a reasonable amount of time, he/she may be forced to discontinue the service, sale or participation in the event.
- (3) A violation of this section shall constitute a city code violation and may result in the revocation of the special events permit and fines and may be grounds for the placement of conditions on or for denial of a future special events permit.

c) Exceptions:

- (1) The requirements of this section shall not restrict a special event permittee from providing a beverage with, or offering the use of, a single-use plastic beverage straw or single-use plastic stirrer upon request by or for an individual with a disability or medical condition that necessitates the use of a single-use plastic beverage straw or single use plastic stirrer. Such request does not require disclosure of the individual's disability.
- (2) This prohibition shall not apply to single-use plastic beverage straws or single-use plastic stirrers used, provided, or given out by individuals who are special events permittees for the purpose of hosting a small private event (100 people or less) (e.g. birthday party, family reunion).
- (3) This prohibition shall not apply to pre-packaged drinks where plastic straws have been attached to or sealed with a beverage container or packaging prior to receipt by a special event permittee.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This Ordinance shall become effective six months upon passage and adoption herein, following an extensive education campaign by the City for potential City Contractors and Special-Event Permittees.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2018.

APPROVED:

RAUL VALDES-FAULI

MAYOR

ATTEST:

WALTER FOEMAN

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY