



Legislation Details (With Text)

File #: 17-5900 **Version:** 1 **Name:** Plastic Bags Ordinance
Type: Ordinance **Status:** Adopted
File created: 3/9/2017 **In control:** City Commission
On agenda: 5/9/2017 **Final action:** 5/9/2017
Enactment date: 5/9/2017 **Enactment #:** 2017-13

Title: An Ordinance of the City Commission of the City 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 entitled Nuisance, of the City Code; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date.
(Sponsored by Commissioner Lago)

Sponsors: Mayor Lago

Indexes:

Code sections:

Attachments: 1. Signed Ordinance 2017-13, 2. Cover Memo - plastic bags 5-9-17, 3. Ordinance - plastic bags draft second reading 5-9-17, 4. Ordinance - plastic bags draft second reading with edits 5-9-17, 5. Cover Memo - plastic bags, 6. Ordinance - plastic bags, 7. CCMtg March 14 2017 - Agenda Item E-5 - Ordinance amending City Code creating Prohibition on Use of Single-Use Carry Out Plastic Bags, 8. CCMtg May 9 2017 - Agenda Item E-1 - Ordinance amending the Code to Prohibit the Use of Single-Use Carry Out Pla

Date	Ver.	Action By	Action	Result
5/9/2017	1	City Commission	adopted by Ordinance Number	Pass
3/14/2017	1	City Commission	approved as an Ordinance on First Reading	Pass

**An Ordinance of the City Commission of the City 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 entitled Nuisance, of the City Code; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date.
(Sponsored by Commissioner Lago)**

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 or recyclable 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 and members of the City Attorney's Office have met with and discussed the Ordinance with representatives of the Chamber of Commerce and the Business Improvement District.