

ORDINANCE NO. 1435

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES ENTITLED, "FINANCE", AT ARTICLE III ENTITLED "PROCUREMENT CODE" BY AMENDING DIVISION 10, ENTITLED "PROHIBITION ON USE OF EXPANDED POLYSTYRENE" TO PROHIBIT THE USE OF SINGLE-USE PLASTIC BEVERAGE STRAWS BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami ("City") is committed to environmental conscientiousness and has previously adopted ordinances prohibiting the sale or use of polystyrene food service articles by City contractors and special event permittees in support of this objective; and

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

WHEREAS, the use of plastic straws has a detrimental effect on the City's environment and there are reasonable, environmentally-friendly alternatives to plastic straws; and

WHEREAS, the City 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 City; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that it is in the best interest of the residents of the City to amend Chapter 7 to enact prohibitions regarding the distribution of plastic beverage straws to reduce waste.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Chapter 7 of the City Code of Ordinances, entitled “Finance” is hereby amended at Article III entitled “Procurement Code” at Division 10 to prohibit the use of single-use plastic beverage straws as follows:

CHAPTER 7. FINANCE

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ARTICLE III. PROCUREMENT CODE

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DIVISION 10. - PROHIBITION ON USE OF EXPANDED POLYSTYRENE AND SINGLE-USE PLASTIC BEVERAGE STRAWS

Sec. 7-201. - Prohibitions on sale or use of expanded polystyrene food service articles and single-use plastic beverage straws by city contractors and special event permittees.

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

- (1) *City contractor* means a contractor, vendor, lessee, concessionaire of the city, or operator of a city facility or property.
- (2) *City facility* includes, but is not limited to, any buildings, structures or parks owned, operated or managed by the city.
- (3) *City property* includes, but is not limited to, any land, water, or air rights owned, operated or managed by the city.
- (24) *Expanded polystyrene* means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).
- (35) *Expanded polystyrene food service articles* means plates, bowls, cups, containers, lids, trays, coolers, ice chests and all similar articles that consist of expanded polystyrene.
- (4) ~~*City faeility* includes, but is not limited to, any buildings, structures or parks owned, operated or managed by the city.~~
- (5) ~~*City property* includes, but is not limited to, any land, water, or air rights owned, operated or managed by the city.~~
- (6) *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.

This does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo or other similar materials.

(67) *Special event permittee* means any person or entity issued a special event permit by the city for a special event on city property or in a city facility.

(b) Prohibited uses of expanded polystyrene and single-use plastic beverage straws.

(1) City contractors and special event permittees shall not sell, use, provide food in, or offer the use of expanded polystyrene food service articles or single-use plastic beverage straws in city facilities or on city properties.

(2) City contractors shall not sell or use expanded polystyrene or single-use plastic beverage straws within the city or completing their duties to the city under contract.

(3) A violation of this section shall be deemed a default under the terms of the city contract, lease or concession agreement and is grounds for revocation of a special event permit.

(4) This subsection shall not apply to expanded polystyrene food service articles or single-use plastic beverage straws used for prepackaged food that have been filled and sealed prior to receipt by the city contractor or special event permittee.

(5) Any city contract, lease, 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.

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

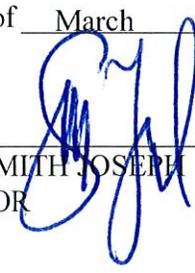
Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, 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. Codification. It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 26th day of February, 2019.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 12th day of March, 2019.



DR. SMITH, JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: COUNCILWOMAN CAROL KEYS

Moved by: Galvin

Seconded by: Keys

Vote:

Mayor Smith Joseph, D.O., Pharm. D.	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Carol Keys, Esq.	<u>X</u>	(Yes)	_____	(No)
Councilman Alix Desulme	<u>X</u>	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.