

**ORDINANCE NO. 2020-21 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, “OFFENSES – MISCELLANEOUS” OF THE CITY’S CODE OF ORDINANCES, BY CREATING A NEW ARTICLE VIII, TO BE ENTITLED, “PROHIBITION ON DISTRIBUTION OF PLASTIC STRAWS AT CITY FACILITIES”; PROVIDING FOR EXCEPTIONS, EDUCATION, ENFORCEMENT, AND PENALTIES; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE**

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, (hereinafter referred to as the “City”) pursuant to the authority granted in Chapter 166, Florida Statutes, is authorized and empowered to amend the City’s Code of Ordinances; and

WHEREAS, the City is committed to environmental protection and stewardship, and hereby finds that it is in the best interest, safety and welfare of its residents and visitors to reduce litter, waste, pollutants, and greenhouse gas emissions; and

WHEREAS, discarded single-use plastic straws threaten wildlife and marine life, contribute to overburdened landfills, and degrade and litter drainage and sewage systems and degrade and litter the beaches and waters off of Florida’s coast, which include areas with the City; and

WHEREAS, single-use plastic straws are neither readily recyclable nor biodegradable, and take hundreds of years to degrade constitute a portion of the litter in the City’s streets, parks, public places and waterfront areas; and

WHEREAS, prohibiting the distribution, sale or use of single-use plastic straws at City facilities will decrease the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and

WHEREAS, the City finds there are reasonable, environmentally friendly alternatives to single-use plastic straws including, but not limited to, straws made of paper, plant, vegetable, and other natural products; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents and visitors of the City to promote the public health, safety and general welfare by amending Chapter 15 of the Code of Ordinances to enact a prohibition against the distribution, sale or use of single-use plastic straws at City facilities and on City property; and

WHEREAS, the City Commission finds the adoption of this Ordinance serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The foregoing recitals are hereby affirmed and ratified as true and correct statements.

Section 2. That Chapter 15, entitled “Offenses – Miscellaneous,” of the City’s Code of Ordinances is amended to create a new Article VIII, to be entitled “Prohibition on Distribution of Plastic Straws at City Facilities” and which shall provide as follows:

**ARTICLE VIII. - PROHIBITION ON DISTRIBUTION OF PLASTIC STRAWS AT CITY FACILITIES**

**Sec. 15-105. - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except when the context clearly indicates a different meaning:

(a) **Plastic straw** means a straw sold or distributed for the purpose or intent of transferring a beverage from its container to the mouth of the drinker by suction, which is made predominantly of plastic derived from petroleum, a biologically-based source (such as corn or other plants), or polystyrene, polypropylene, or polyethylene and which is primarily intended for a single use. The term shall not include food grade paper straws, straws made of compostable plant material, or straws made of metal, wood, ceramic or similar materials and designed for re-use.

(b) **City facility** includes, but is not limited to, any building, structure, park, beach, road, street, right-of-way, or other facility owned, operated, or managed by the city.

(c) **City property** includes, but is not limited to, any land, water, or air rights owned, operated or managed by the city.

(d) **Distribution or to distribute** means the vending, sale, giving, deployment or delivering for any purpose of a plastic straw whether or not incident to the sale, vending or provision of any kind of beverage in a container.

(e) **Special event permittee** means any person or entity, and their officers, employees, agents and subcontractor(s), issued a special event permit by the city for a special event on city property or at a city facility.

**Sec. 15-106. – Distribution of plastic straws prohibited; exceptions.**

(a) A plastic straw shall not be distributed at any city facility or city property or by any special event permittee.

(b) **Exceptions.** This prohibition shall not apply to:

1. Pre-packaged beverages with plastic straws provided that such beverages are prepared and packaged outside the city and are not altered, packaged, or repackaged within the city.

2. The use of a plastic straw by any disabled person that requires or relies on the use of a plastic straw to consume beverages and/or food supplements.

3. A plastic straw that is included with and manufactured as a part of, or in combination with, a re-usable beverage container and is intended for continued and multiple uses with such container.

4. Use during a locally declared emergency.

**Sec. 15-105. – Public education prior to enforcement.**

Following adoption of this Article and for a period of 180 days, the city shall engage in public education efforts deemed appropriate by the city manager to educate persons regarding the provisions of this Article and to provide assistance in identifying alternatives to plastic straws.

**Sec. 15-105. – Enforcement; penalties.**

(a) Commencing 180 days after the adoption of the ordinance from which this Article derives, the city shall enforce violations of this Article.

(b) A violation of this article shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each repeat violation. Each day a violation of this article occurs shall constitute a separate offense. The city may pursue enforcement of this article through its code compliance provisions; through the issuance of a code citation; through the issuance of a notice to appear; and, prosecution in county court. The penalty set forth herein and the remedies available to enforce the same shall not preclude any other penalties or remedies available at law or in equity including, without limitation, injunctive relief in the circuit court.

(c) Nothing stated herein shall be construed as a limitation to the city's remedies available to it through its contract, lease, permit or other contractual-based relationship with the violator.

Section 3. That the publisher of the Code of Ordinances of the City is authorized to conform chapter, article, section, subsection, and clause numbers and letters and capitalization, set forth in this Ordinance to the numbering, lettering and capitalization structure established in the Code of Ordinances of the City of Lake Worth Beach, Florida, and to correct non-substantive scrivener's errors in the codification of this Ordinance

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Severability. If any provision of this ordinance or the application thereof is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. Effective Date. This ordinance shall become effective ten (10) days after its final passage.

The passage of this ordinance on first reading was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo  
Vice Mayor Andy Amoroso  
Commissioner Scott Maxwell  
Commissioner Herman Robinson

The Mayor thereupon declared this ordinance duly passed on first reading on the 15<sup>th</sup> day of December, 2020.

The passage of this ordinance on second reading was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo  
Vice Mayor Andy Amoroso  
Commissioner Scott Maxwell  
Commissioner Herman

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF LAKE WORTH BEACH

By: \_\_\_\_\_  
Pam Triolo, Mayor

ATTEST:

\_\_\_\_\_  
Deborah M. Andrea, CMC, City Clerk

### Exhibit A

Property Location: The subject eight (8) parcels are generally located south of 2<sup>nd</sup> Avenue North, east of North A Street, north of Lucerne Avenue and west of North D Street as depicted in the map below and include the following property control numbers: 38434421150060010, 38434421150040010, 38434421150020090, 38434421150020080, 38434421150020062, 38434421150020050, 38434421150020030, and 38434421150020021.

