



33 **Section 2. Town Code Amended.** The Code of the Town of Surfside, Florida is  
34 hereby amended by amending Section 34-11 as follows:

35 Chapter 34 – Environment

36 Article I. – In General

37 \*\*\*

38 **Division 4. Food Service Articles**

39 **Section 34-11. Prohibition on Distribution, Sale or Use of Plastic Straws.**

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

41 (1) *Plastic Straw* means a straw or stirrer provided, sold, or distributed for the  
42 purpose of imbibing liquids or transferring a beverage from its container to the  
43 mouth of the drinker by suction or for the purpose of mixing a beverage,  
44 which is made predominantly of plastic derived from one or more of the  
45 following: petroleum, a biologically-based source (such as corn or other  
46 plants), or polystyrene, polypropylene, or polyethylene, and which is intended  
47 for a single-use. A Plastic Straw does not include a straw that is made of non-  
48 plastic materials, such as paper, sugar cane, bamboo, or other similar  
49 materials.

50 (2) *Special Event Permittee* means any person or entity, and their  
51 subcontractor(s), issued a special event permit by the Town for a special event  
52 on Town property, or in a Town facility, or in the Town’s right-of-way.

53 (3) *Town Facility* includes, but is not limited to, any building, structure, park,  
54 beach, road, street, right-of-way, or other facility owned, operated or managed  
55 by the Town.

56 (4) *Town Property* includes, but is not limited to, any land, water, or air rights  
57 owned, operated or managed by the Town.

58 (b) *Plastic Straws Prohibited; Exceptions*

59 (1) A Plastic Straw shall not be used, sold, or distributed in any commercial  
60 establishment or at any Town Facility or Town Property or by any Special  
61 Event Permittee.

62 (2) *Exceptions.*

63 a. This prohibition shall not apply to pre-packaged drinks sold at  
64 commercial establishments.

- 65 b. This prohibition shall not apply to medical or dental facilities.
- 66 c. This prohibition shall not apply to the school district or county, state,
- 67 or federal governmental entities.
- 68 d. This prohibition shall not apply where a reasonable accommodation is
- 69 needed by an individual due to a medical or physical condition.

70 (c) **Enforcement; Penalties**

- 71 (1) Following adoption of this Section, the Town shall engage in public education
- 72 efforts to inform commercial establishments of the provisions of this Section
- 73 and to provide assistance with identifying alternatives to Plastic Straws.
- 74 (2) ~~Beginning May 1, 2018,~~ The Town's Code Compliance Department shall
- 75 enforce all provisions of this Section.
- 76 (3) Penalties for violations of the provisions of this Section shall be enforced
- 77 through Chapter 15 of the Town Code. Fines shall be in the amounts
- 78 prescribed in the schedule of civil penalties adopted by resolution.

79 **Secs. 34-12 – 34-25. Reserved.**

80 **Section 3. Codification.** It is the intent of the Town Commission that the provisions  
81 of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that  
82 the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may  
83 be changed to "section," "article," "regulation," or such other appropriate word or phrase in  
84 order to accomplish such intentions.

85 **Section 4. Severability.** The provisions of this Ordinance are declared to be  
86 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be  
87 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
88 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it  
89 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
90 part.

91 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
92 resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

95 **PASSED** on first reading on the 13<sup>th</sup> day of November, 2018.

96 **PASSED AND ADOPTED** on second reading on the 11<sup>th</sup> day of December, 2018.

97 On Final Reading Moved By: Commissioner Paul

98 On Final Reading Second By: Commissioner Karukin

99 **FINAL VOTE ON ADOPTION**

100 Commissioner Barry Cohen yes  
101 Commissioner Michael Karukin yes  
102 Commissioner Tina Paul yes  
103 Vice Mayor Daniel Gielchinsky Absent  
104 Mayor Daniel Dietch yes


105

106

107

108

109

  
\_\_\_\_\_  
Daniel Dietch  
Mayor

110

**ATTEST:**

111

112

113

  
\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

116

117 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
118 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

119

120

121

  
\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

122

123