



1           **NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE**  
2 **OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

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4           **Section 1. Chapter 15, Code of Palmetto Bay-** is hereby  
5 amended as follows:

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7           **Section 2.** Amending the Code of Ordinances. That Chapter 15  
8 of the Code of Ordinances is hereby amended by adding a new article  
9 which shall read as follows

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11       1 : Chapter 15, Article VI. Prohibition on Distribution or Use of Plastic  
12 Straws.

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14       Definitions. For purposes of this article, the following definitions apply:

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16       a. Plastic Straw means a straw or stirrer provided, sold or distributed  
17 for the purpose of imbibing liquids or transferring a beverage from  
18 its container to the mouth of the drinker by suction or for the  
19 purpose of mixing a beverage, which is predominantly made of  
20 plastic derived from one or more of the following: petroleum; a  
21 biologically-based source (such as corn or other plants);  
22 polypropylene; or polyethylene, and which is intended for a single  
23 use. A Plastic Straw does not include a straw that is made on non-  
24 plastic materials such as paper, sugar cane, bamboo, or other  
25 similar materials.

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27       b. Special Event Permittee means any person or entity, and their  
28 subcontractor(s), issued a special events permit by the Village for a  
29 special event on Village property, or in a Village facility or in the  
30 Village's right-of-way.

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32       c. Village Facility includes, but is not limited to, any building, structure,  
33 park, road, street, right-of-way, or other facility owned, operated or  
34 managed by the Village.

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36       d. Village Property includes, but is not limited to, any land, water, or air  
37 rights owned, operated or managed by the Village.

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39       Sec. 15- . Plastic Straws Prohibited; Exceptions.

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a. A Plastic Straw shall not be used, sold or distributed in any commercial establishment in connection with the consumption of any product or by any mobile vendor, at any Village Facility, on Village Property or any other public property, or by any Special Event Permittee.

b. Exceptions.

1. This prohibition shall not apply to pre-packaged drinks sold at commercial establishments.

2. This prohibition shall not apply to medical or dental facilities.

3. This prohibition shall not apply to the school district or county, state, or federal governmental entities.

4. This prohibition shall not apply where a reasonable accommodation is needed for an individual due to a medical or physical condition.

Sec. 15- . Enforcement; Penalties.

a. Following adoption of this article, the Village shall engage in public education efforts to inform commercial establishments of the provisions of the Code of Ordnances and to provide assistance with identifying alternatives to Plastic Straws.

b. Beginning July 1, 2019, the Village's Building and Planning Department shall enforce all provisions of this article.

c. Penalties for violations of the provisions of this article shall be through Sec. \_\_\_\_\_ of the Code.

**Section 3. Conflicting Provisions.** The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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**Section 4. Severability.** The provisions of this ordinance are declared to be severable and if any sentence, section, 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 sentences, clauses or 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.

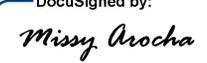
**Section 5. Codification.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this ordinance may be renumbered or re-lettered to accomplish such intentions and that the word Ordinance: shall be changed to "section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall take effect on January 1, 2019.

**PASSED and ENACTED** this 17<sup>th</sup> day of June 2019.

**FIRST READING:** May 20, 2019

**SECOND READING:** June 17, 2019

Attest:   

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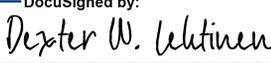
**Missy Arocha**  
**Village Clerk**

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**Karyn Cunningham**  
**Mayor**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

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**Dexter W. Lehtinen**  
**Village Attorney**

1	<b>FINAL VOTE AT ADOPTION:</b>	
2		
3	Council Member Patrick Fiore	<u>YES</u>
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5	Council Member David Singer	<u>YES</u>
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7	Council Member Marsha Matson	<u>YES</u>
8		
9	Vice-Mayor John DuBois	<u>YES</u>
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11	Mayor Karyn Cunningham	<u>YES</u>