

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 25, 2018

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO PROHIBIT ANY PERSON FROM CARRYING ANY SINGLE-USE PLASTIC BEVERAGE STRAW OR SINGLE-USE PLASTIC STIRRERS ONTO ANY BEACH OR PARK WITHIN THE CITY, OR ONTO ANY CITY MARINA, PIER, DOCK, OR BOAT RAMP; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 82-8 THEREOF, TO BE ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF SINGLE-USE PLASTIC BEVERAGE STRAWS AND SINGLE-USE PLASTIC STIRRERS BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO PROHIBIT THE SALE, USE, AND OFFERING OF SINGLE-USE PLASTIC BEVERAGE STRAWS AND SINGLE-USE PLASTIC STIRRERS BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO PROVIDE PROHIBITIONS REGARDING SINGLE-USE PLASTIC BEVERAGE STRAWS AND SINGLE-USE PLASTIC STIRRERS ON THE RIGHT-OF-WAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

BACKGROUND

On April 11, 2012, the Mayor and City Commission adopted Ordinance No. 2012-3759 which, in pertinent part, prohibits any business from providing plastic straws with the service or delivery of any beverage to patrons on the beach, in order to reduce plastic straw litter on the sand. Since the adoption of this Ordinance, Miami Beach continues to see plastic straws littered on beaches, parks, streets, and in other areas of the City.

The attached Ordinance is hereby submitted for consideration by the Mayor and City Commission. The Ordinance was approved on first reading by the Mayor and City Commission on June 6, 2018.

ORDINANCE

The attached Ordinance (Attachment A) is proposed in order to reduce the amount of plastic pollution outside of the waste stream and in Miami Beach's storm drains and waterways through litter and the circulation of windblown debris, as well as to improve the City's water quality. The proposed Ordinance amends Chapter 46 of the City Code, to create definitions for single-use plastic beverage straws ("plastic straws") and single-use plastic stirrers ("plastic stirrers"), and to prohibit single-use plastic beverage straws and single-use plastic stirrers on the City's beaches, parks, marinas, piers, docks, and boat ramps. The Ordinance also amends Chapter 82 of the City Code, to prohibit City contractors and special event permittees from selling, using, providing beverages with, or offering the use of single-use plastic beverage straws or single-use plastic stirrers in City facilities or on City property. Furthermore, the Ordinance amends the Sidewalk Cafe Ordinance (set forth in Chapter 82, Article IV, Division 5 of the City Code), to prohibit single-use plastic beverage straws and single-use plastic stirrers on the right-of-way, and to provide that single-use plastic beverage straws and single-use plastic stirrers shall not be provided to sidewalk cafe patrons.

Similar to the City's polystyrene restriction, the Ordinance proposes a phased implementation.

- During the first three months, a public education campaign would be conducted in order to inform sidewalk cafe permittees, City contractors, and special event permittees of the provisions of the Ordinance, and to provide assistance with identifying alternatives to single-use plastic beverage straws and single-use plastic stirrers (i.e. from August 6, 2018, through October 31, 2018).
- Following the City's public education efforts, the City would provide for another three-month written warning period (i.e. from November 1, 2018, through January 31, 2019), during which time written warnings shall be issued by the Code Compliance Department for violations of the Ordinance.
- Beginning on February 1, 2019, the Code Compliance Department would enforce the full enforcement and penalty provisions in the Ordinance.

City staff is currently working on the development of a 'plastic free' campaign that will assist with the public outreach implementation phase.

ANALYSIS

The small size and disposable nature of single-use plastic beverage straws and single-use plastic stirrers cause them to become an environmental blight for coastal communities worldwide. The City of Miami Beach, similar to other cities, is a major and internationally recognized tourist destination that continues to encounter a proliferation of discarded plastic straws and plastic stirrers on the City's beaches, waterways, and streets, as a result of businesses providing plastic straws and plastic stirrers with beverages, and improper disposal of those beverages and straws by consumers.

The average plastic straw is used only for a few minutes before being discarded. Plastic straws are one of the most commonly found littered items during beach cleanups and pose a challenge to daily cleaning efforts carried out by Miami-Dade County Parks and Recreation Beach Operations and Miami Beach Sanitation Department staff. It is estimated that 500 million single-use plastic beverage straws are used by Americans on a daily basis. Many of these end up in the ocean, where it takes them approximately 200 years to begin degrading. According to a United Nations (UN) article, over eight million metric tons of plastic are found in our oceans

every year, impacting our marine wildlife, fisheries, and tourism, and costing at least \$8 billion in damage to marine ecosystems. Plastic straws are among the top 10 marine debris items.

The remains and broken-down particles of these types of plastic are ingested by wildlife such as shore birds, sea turtles, and fish. The UN takes the position that it is critical to the public's health, safety, and welfare to reduce litter and pollutants. Accordingly, the UN has launched a full campaign to encourage countries around the world to reduce their dependency on single-use plastics.

As a result of increasing awareness of this issue, several U.S. cities have been addressing this concern, developing campaigns and policies to ban the use of plastic straws and plastic stirrers. The Town of Fort Myers Beach, FL, recently adopted an ordinance, which was implemented this year, prohibiting the distribution, vending, sale, giving, and deployment or delivering of plastic straws for any purpose. In addition, the City of Malibu, CA, adopted a similar policy that takes effect on June 1, 2018, in which the city will enforce its prohibition on the use, distribution, and sale of single-use plastic straws, as well as stirrers and cutlery items, in all retail stores and restaurants in Malibu. The City of Oakland, CA, also adopted an ordinance, which will take effect on July 1, 2018, prohibiting restaurants from provide single-use beverage straws to dine-in customers, unless specifically requested by the customer. The California Legislature has proposed a bill that would prohibit food facilities from providing single-use plastic straws to consumers, unless specifically requested by the consumer.

In 2017, the City of Seattle, WA, supported a voluntary campaign ("Strawless in Seattle"), driven by the Lonely Whale Foundation, for local businesses and restaurants, which campaign resulted in a reduction of 2.3 million plastic straws in a period of about three months. Upon the launch of the "Strawless in Seattle" campaign, the Mayor of Seattle announced that, in July 2018, Seattle would become the largest metropolitan city to ban single-use plastic straws. Seattle recently approved a bill to eliminate plastic straws and other single-use plastic items. This legislation will take effect in July 2018, and will require more than 4,500 food service providers to provide compostable or recyclable options to their patrons. A number of these businesses have opted to only provide straws if requested by their customers. Moreover, several other major U.S. cities are currently discussing the adoption of similar policies, including New York City.

The cities adopting these policies have worked with local non-profit organizations and businesses to identify materials that can serve as substitutes for plastic straws and stirrers, such as paper, reusable glass, stainless steel, copper, bamboo, and several other kinds of reusable materials.

FISCAL IMPACT STATEMENT

According to the City's Code Compliance Department, the City will use existing resources to enforce this Ordinance. Accordingly, the Ordinance is anticipated to have no more than a nominal impact on the City's resources.

CONCLUSION

The Administration recommends that the City Commission adopt the proposed Ordinance.

Attachments:

A- Draft Ordinance

SMT/ESW/FCT/YP