BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2416-2019

AN ORDINANCE OF THE CITY OF STUART, CREATING DIVISION B IN ARTICLE IX, CHAPTER 20 OF THE CITY CODE RELATED TO REGULATIONS FOR THE DISTRIBUTION OF SINGLE-USE PLASTIC STRAWS BY FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the City of Stuart declares that it is in the interest of the public health, safety and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City; and

WHEREAS, it is the City's intent to maintain and enhance Stuart's quality of life, natural beauty and small-town waterfront character, its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County; and

WHEREAS, Element IV, Objective A4 of the City's Comprehensive Plan commits to ongoing monitoring and reduction of solid waste collection through its Residential Single Stream Recycling Program and a voluntary Commercial Recycling Program; and

WHEREAS, the City Commission calls for the citywide goals of zero waste

and the protection and enhancement of the city's environment by implementing policies that reduce hazardous materials like polystyrene and straws; and

WHEREAS, the City Commission wishes to continue the City's legacy of environmental leadership by adopting "green" ordinances and policies that will act to conserve natural resources, contribute to the long-term economic vitality of the St. Lucie River region as well as its tributaries, and reduce waste and pollution in the environment; and

WHEREAS, the City Commission recognizes that while certain single-use straws may be defined as recyclable, it has been determined that the current city recycling facilities cannot process any plastic straws including those that are labeled as recyclable. In addition, most of these items are not recycled and often end up in overburdened landfills, waterways and wetlands; and

WHEREAS, improperly discarded plastic straws and stirrers are the fifth most common plastic in ocean clean-ups, posing a direct threat to marine life because they fragment into microplastics, which are then ingested by marine life and other wildlife, endangering their life and wellbeing; and

WHEREAS, the City finds that there are alternatives to plastic straws which are reasonable, less harmful to the natural environment, and can be composted or biodegrade in landfill; and

WHEREAS, single-use plastic straws have little value and constitute a portion of the litter and pollution in the City's waterways, rights-of-way, parks, and other public places; and

WHEREAS, the City of Stuart will serve as a leader in environmental protection

by prohibiting the distribution and use of plastic drinking straws within the geographical borders of the City of Stuart.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

ARTICLE IX, CHAPTER 20

DIVISION B. – REGULATION OF SINGLE-USE PLASTIC STRAWS

Sec. 20-209. Distribution of Single-Use Plastic Straws

a. January 1, 2020 until December 31, 2020:

i. No commercial business operating as a food service establishment shall distribute or provide as a display for self-dispensing any single-use plastic straw to any customer.

ii. Straws may be provided but only after specific request from the consumer.

b. January 1, 2021:

i. No commercial business operating as a food service establishment shall distribute or provide as a display for self-dispensing a single-use plastic straw to any customer.

ii. After January, 1, 2021, straws shall only be available upon request by the consumer or patron. Under no circumstances shall they include plastic straws.

Sec. 20-210. Enforcement; penalties.

a. From January 1, 2020 until December 31, 2020, the following civil citations shall be issued by the City for a violation of Article IX, Chapter 20, Division B.

i. *Each violation:* A fine as set forth in appendix "A".

ii. *Second violation:* Two times the fine set forth in Appendix "A"

iii. Third violation: Three times the fine set forth in Appendix "A" and a mandatory appearance with the City Magistrate.

Sec. 20-211. Exemptions. The following businesses and activities are authorized to seek an exemption from the provisions of this Division:

a. Medical and Dental Facilities

b. Assisted Living Facilities / Nursing Homes

c. Pre-packaged outside the City, provided such beverage is not altered, packaged or repackaged within the City, by supermarkets, convenience retailers and restaurant suppliers.

d. The City Commission shall grant exceptions to these entities upon receipt of proper application after public hearing.

Sec. 20-212. **Reserved.**

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____ day of _____.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY