



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

1 that reduce hazardous materials like polystyrene and straws; and

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

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

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

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

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

22       **WHEREAS**, the City of Stuart will serve as a leader in environmental protection  
23 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. 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.
- iii. Business operating with a drive through window are allowed to provide a straw to the customer without receiving a request.

b. Beginning 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 derived from any material shall only be available upon request by the consumer or patron. Under no circumstances shall they include plastic straws.
- iii. Business operating with a drive through window are allowed to provide a non-plastic straw to the customer without receiving a request.

1     **Sec. 20-210.       Enforcement; penalties.**

2             a. From January 1, 2020 until December 31, 2020, the commercial  
3               establishments shall receive warnings in order to provide awareness and  
4               allow the business to exhaust the plastic straw inventories.

5             b. Beginning January 1, 2021, the following civil citations shall be issued for a  
6               violation of Article IX, Chapter 20, Division B.

7                 i. *Each violation:* A fine of \$25.00.

8                 ii. *Second violation:* A fine of \$50.00.

9                 iii. *Third violation:* A minimum fine of \$50.00 and a mandatory appearance  
10                with the City Magistrate. The magistrate shall have the authority to  
11                enter a maximum fine of \$1,000.00 and assess administrative costs.

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

14             a. Medical and Dental Facilities

15             b. Assisted Living Facilities / Nursing Homes

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

19     **Sec. 20-212.    Reserved.**

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

22     **SECTION 3:**       If any word, clause, sentence, paragraph, section or part thereof  
23     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:

REBECCA S. BRUNER, MAYOR  
EULA R. CLARKE, VICE MAYOR  
KELLI GLASS LEIGHTON, COMMISSIONER  
MERRITT MATHESON, COMMISSIONER  
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

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