



1
2
3
4 **BEFORE THE CITY COMMISSION**
5 **CITY OF STUART, FLORIDA**

6
7 **ORDINANCE NUMBER 2416-2019**
8

9
10 **AN ORDINANCE OF THE CITY OF STUART, CREATING DIVISION**
11 **B IN ARTICLE IX, CHAPTER 20 OF THE CITY CODE RELATED TO**
12 **REGULATIONS FOR THE DISTRIBUTION OF SINGLE-USE**
13 **PLASTIC STRAWS BY FOOD SERVICE ESTABLISHMENTS;**
14 **PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT**
15 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER**
16 **PURPOSES**

17
18
19 **WHEREAS**, the City of Stuart declares that it is in the interest of the public health,
20 safety and welfare of its residents and visitors to reduce litter and pollutants on the land
21 and in the waters of the City; and

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

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

28 **WHEREAS**, the City Commission calls for the citywide goals of zero waste
29 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 of plastic drinking straws within the geographical borders of

1 the City of Stuart.

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

4 **ARTICLE IX, CHAPTER 20**

5 **DIVISION B. – REGULATION OF SINGLE-USE PLASTIC STRAWS**

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

7 a. Until December 31, 2020:

- 8 i. No commercial business operating as a food service establishment
9 shall distribute or provide as a display for self-dispensing any single-
10 use plastic straw to any customer.
- 11 ii. Straws may be provided but only after specific request from the
12 consumer.
- 13 iii. Business operating with a drive through window are allowed to provide
14 a straw to the customer without receiving a request.

15 b. Beginning January 1, 2021:

- 16 i. No commercial business operating as a food service establishment
17 shall distribute or provide as a display for self-
18 dispensing a single-use plastic straw to any customer.
- 19 ii. After January, 1, 2021, straws derived from any material shall only be
20 available upon request by the consumer or patron. Under no
21 circumstances shall they include plastic straws.
- 22 iii. Business operating with a drive through window are allowed to provide
23 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 shall be exempt from the
13 provisions of this Division of the Ordinance and shall therefore be allowed to distribute
14 plastic straws when necessary:

15 a. Medical and Dental Facilities

16 b. Assisted Living Facilities / Nursing Homes

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

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

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

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

1 contained in this Ordinance is declared to be unconstitutional, unenforceable, void
2 or inoperative by a court of competent jurisdiction, such declaration shall not affect
3 the validity of the remainder of this Ordinance.

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

5 **SECTION 5:** This ordinance shall take effect upon adoption.

6
7 Commissioner _____ offered the foregoing Ordinance and moved its adoption.
8 The motion was seconded by Commissioner _____ and upon being put to a roll
9 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

10
11
12 ADOPTED on second and final reading this _____ day of _____.

13
14
15 ATTEST:

16
17
18
19 _____
20 MARY R. KINDEL
21 CITY CLERK

22
23
24 _____
25 REBECCA S. BRUNER
26 MAYOR

27 APPROVED AS TO FORM
28 AND CORRECTNESS:

29 _____
MICHAEL MORTELL
CITY ATTORNEY