



**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 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.
- iv.

Sec. 20-210. Enforcement; penalties.

- a. From January 1, 2020 until December 31, 2020, the commercial establishments shall receive warnings in order to provide awareness and allow the business to exhaust the plastic straw inventories.
- b. Beginning January 1, 2021, the following civil citations shall be issued for a violation of Article IX, Chapter 20, Division B.
 - i. *Each violation:* A fine of \$25.00.
 - ii. *Second violation:* A fine of \$50.00.
 - iii. *Third violation:* A minimum fine of \$50.00 and a mandatory appearance with the City Magistrate. The magistrate shall have the authority to enter a maximum fine of \$1,000.00 and assess administrative costs.

Sec. 20-211. Exemptions. The following businesses shall be exempt from the provisions of this Division of the Ordinance and shall therefore be allowed to distribute plastic straws when necessary:

- 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.

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.

Passed on first reading the 14th day of October, 2019.

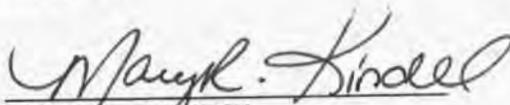
Commissioner MATHESON offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner GLASS LEIGHTON and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED on second and final reading this 28th day of October, 2018.

ATTEST:


MARY R. KINDEL
CITY CLERK


REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL J. MORTELL
CITY ATTORNEY





City of Stuart

Melissa "Joy" Warren | Assistant to the City Clerk
121 SW Flagler Ave. Stuart FL 34994
Phone: 772.288.3599

October 31, 2019

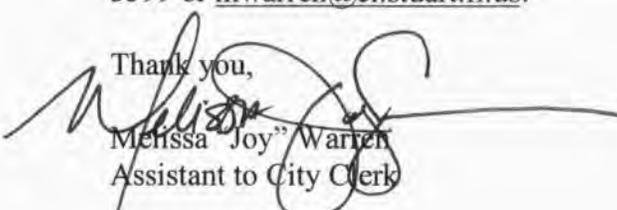
Clerk of the Circuit Court
Attn: Recording
P.O. Box 9016
Stuart, FL 34995

RE: PLEASE RECORD:
ORDINANCE NO. 2416-2019 SINGLE-USE PLASTIC STRAWS

Please record the above named documents into the public records of Martin County. Upon completion, please return the original document back to my attention via inter-office mail.

Should you have any questions or comments, please do not hesitate to contact me at 772-288-3599 or mwarren@ci.stuart.fl.us.

Thank you,



Melissa "Joy" Warren
Assistant to City Clerk

Enc.

