



City of Stuart

A G E N D A

**SPECIAL MEETING OF THE STUART CITY COMMISSION
TO BE HELD September 23, 2019
AT 2:30 PM Commission Chambers - PLASTICS WORKSHOP #3
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306 . Fax: (772) 288-5305 . E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

WHAT IS CIVILITY? *Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.*

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

PUBLIC COMMENT: *If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.*

QUASI-JUDICIAL HEARINGS: *Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.*

DISCUSSION AND DELIBERATION

1. SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS.

ORDINANCE No. 2413-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING A NEW ARTICLE IX IN CHAPTER 20 OF THE CITY CODE ENTITLED "EXPANDED POLYSTYRENE AND PLASTICS REGULATION"; PROVIDING FINDINGS, INTENT AND DEFINITIONS; CREATING DIVISION (A) RELATED TO REGULATIONS FOR THE DISTRIBUTION OF EXPANDED POLYSTYRENE AND SINGLE-USE PLASTICS ON CITY-OWNED PROPERTY AND RIGHTS-OF-WAY; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

2. PROHIBITION OF PLASTIC STRAWS WITHIN CITY LIMITS.

ORDINANCE No. 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.

ADJOURNMENT:

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 9/23/2019

Prepared by: Michael Mortell

Title of Item:

SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS.

ORDINANCE No. 2413-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING A NEW ARTICLE IX IN CHAPTER 20 OF THE CITY CODE ENTITLED "EXPANDED POLYSTYRENE AND PLASTICS REGULATION"; PROVIDING FINDINGS, INTENT AND DEFINITIONS; CREATING DIVISION (A) RELATED TO REGULATIONS FOR THE DISTRIBUTION OF EXPANDED POLYSTYRENE AND SINGLE-USE PLASTICS ON CITY-OWNED PROPERTY AND RIGHTS-OF-WAY; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is the third workshop called by the City Commission to implement procedures intended to lead to the reduction of plastic products in the City of Stuart. Pursuant to Commission direction, the topics have been separated into two ordinances. The first creates Article IX in Chapter 20 of the City of Stuart Code of Ordinances. Within Article XI there are currently two subdivisions proposed. Division A provides regulations for the distribution and regulation of expanded polystyrene products on city owned property and Division B is drafted to regulate plastic straws within the geographic boundaries of the City. Ordinance 2413 will address Division A and Ordinance 2416 will address Division B.

Division A is the subject of this agenda item. There has been lengthy discussion by the Commission regarding this issue and the consensus is that the City Commission is seeking a reduction in the plastic waste that is disposed of on City property and ultimately transported to the landfill. Initially, the proposed remedy was to prohibit "non-recyclable" plastic on City property. The theory was that if patrons of the Stuart facilities only used recyclable plastics, it would result in an overall reduction of plastic ending up in the landfill and the remaining products would be in turn recycled for additional uses.

However, after review, staff believes that this will continue to result in excessive amounts of plastic ultimately ending up in the landfill. Even though the constituents will be trying to use "recyclable plastic", it will still be placed in the garbage receptacles because it will be combined with food products. As a result, the landfill will end up with "recyclable plastics" instead of single use plastics. Therefore, staff is proposing a requirement that only products which qualify for composting be allowed on City property. Accordingly, all plastics would be prohibited even though the City doesn't have a composting facility. The theory is that the compostable products will replace the plastics in the landfill and will ultimately degrade whereas the plastic will last forever.

Funding Source:

N/A

Recommended Action:

Managers Note: Although in the form of an ordinance this item is to discuss the language. The item is to be brought back to a future commission meeting for adoption after language revisions.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Ord 2413 Polystyren prohibition on City property	9/9/2019	Ordinance add to Y drive
▣	Compostable Products presentation	9/6/2019	Presentation
▣	Special event flyer	9/6/2019	Attachment



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2413-2019

AN ORDINANCE OF THE CITY OF STUART, FLORIDA,
CREATING A NEW ARTICLE IX IN CHAPTER 20 OF THE CITY
CODE ENTITLED "EXPANDED POLYSTYRENE AND PLASTICS
REGULATION"; PROVIDING FINDINGS, INTENT AND
DEFINITIONS; CREATING DIVISION (A) RELATED TO
REGULATIONS FOR THE DISTRIBUTION OF EXPANDED
POLYSTYRENE AND SINGLE-USE PLASTICS ON CITY-OWNED
PROPERTY AND RIGHTS-OF-WAY; 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

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

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

8 **WHEREAS**, expanded polystyrene is neither biodegradable nor feasibly
9 recyclable within the current city recycling program. Instead it
10 fragments into microbeads, which are then ingested by marine life and other wildlife,
11 thus endangering their life and wellbeing; and

12 **WHEREAS**, expanded polystyrene products have little value and constitute a
13 portion of the litter and pollution in the City's waterways, rights-of-way, parks, and
14 other public places; and

15 **WHEREAS**, the City of Stuart will serve as a leader in environmental protection
16 by prohibiting the distribution and use of expanded polystyrene and non-recyclable,
17 single-use plastic food service articles by its contractors, vendors, and special event
18 permittees in City facilities and rights of way and on City property including but not limited
19 to in City parks and at City marinas, piers, and docks as well as future leases for entities
20 doing business on City owned property.

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

23 **SECTION 1:** The Stuart City Code is hereby amended by adding regulations

1 to Article IX to Chapter 20, to read as follows:

2 **ARTICLE IX. EXPANDED POLYSTYRENE AND PLASTICS REGULATION**

3 **Sec. 20-201. Findings and Intent.**

4 The City Commission finds that the reasonable control of the distribution of
5 expanded polystyrene products (sometimes called Styrofoam, a Dow Chemical Co.
6 trademarked form of polystyrene foam insulation) and single-use non-recyclable
7 plastics in response to the growing issue of these items ending up in overburdened
8 landfills, waterways, preserves and other public lands is required to protect the public
9 health, safety, and welfare of the residents. It is the intent and purpose of this Article to
10 provide and maintain, for the citizens and visitors of the City, healthy and aesthetically-
11 pleasing experiences, while simultaneously advancing the City's sustainability goals
12 and contributing to its long-term economic vitality by reducing the introduction of these
13 non-biodegradable and environmentally deleterious products into surrounding
14 ecosystems and landfills. The provisions of this Article are not intended and shall not
15 be construed as superseding or conflicting with any statutory provisions relating to, or
16 rules and regulations promulgated by, the State Department of Agriculture and
17 Consumer Services, but shall be construed as implementing and assisting the
18 enforcement thereof.

19 **Sec 20-202. Definitions.**

20 As used in this Article, the following words and phrases shall have the
21 following meanings ascribed to them respectively, regardless of whether or not the
22 words and phrases are capitalized:

23 "Biodegradable materials" are manufactured products made entirely from natural

1 materials, like uncoated paper or plant fibers, that will undergo a natural process of
2 deterioration.

3 Bioplastics are a type of biodegradable plastic derived from biological substances rather
4 than from petroleum, which have a rate of biodegradation that is exponentially faster
5 than traditional plastics.

6 City contractor shall mean any person in privity of contract with the City conducting
7 business on City-owned property or within the City right-of-way, including but not
8 limited to: contractors, vendors, lessees, licensees, concessionaires, and operators of a
9 City facility or property.

10 Distribute shall mean to sell, use, offer for sale or use, or provide for sale or use.

11 Drive-through food order shall mean food and/or beverage items that a customer
12 purchases via a drive-through at a food service establishment and consumes away from
13 the premises.

14 Expanded polystyrene shall mean blown polystyrene and expanded and extruded
15 foams that are thermoplastic petrochemical materials utilizing a styrene monomer and
16 processed by any number of techniques including, but not limited to, fusion of polymer
17 spheres (expandable bead foam), infection molding, foam molding and extrusion-
18 blown molding (extruded foam polystyrene).

19 Expanded polystyrene product shall mean food containers, plates, bowls, cups,
20 lids, trays, coolers, ice chests, "clamshells," and all similar articles that consist of
21 expanded polystyrene.

22 Food service establishment shall mean any vendor within the City of Stuart that sells food
23 and/or beverages for consumption by customers on, near, or off its premises.

Food service provider shall mean any person listed in Section 20-203 of this Division that distributes food or beverages.

Plastic is a synthetic material derived from petroleum or a biologically based source.

Plastic bag is a bag provided to a customer, typically at the point of sale or distribution, for the purpose of transporting food service related items, and is made predominantly of nonwoven, flexible plastic that is less than 10 mils thick.

Plastic straw is a tube intended for transferring a beverage from its container to the mouth of the drinker, or for mixing a beverage in its container, which is made predominantly of plastic.

Polystyrene is a synthetic resin which is a polymer of styrene, used chiefly as lightweight rigid foam and films.

Polystyrene products are disposable food service articles including protective packaging, containers, cups and lids.

Recyclable materials are raw or processed materials that are accepted and processed by the City of Stuart recycling program.

Single-use plastics. For purposes of this policy, single-use plastics include polystyrene and expanded polystyrene products, plastic straws, and any un-numbered plastic products designed with the intent of being used one time and then disposed of, as defined herein.

DIVISION A. – REGULATION OF EXPANDED POLYSTYRENE AND SINGLE-USE PLASTICS ON CITY-OWNED PROPERTY AND CITY RIGHT-OF-WAY

Sec. 20-203. Prohibition of the distribution of single-use plastic products on City-owned property or rights-of-way.

- 1 a. No person or entity within the parameter of a permitted event, may
2 bring or otherwise distribute any single-use plastics on City property. The
3 City encourages the use of compostable products for food items including
4 plates, bowls, cups, silverware, bags and napkins. Compostable items will
5 be accepted on City property.
- 6 b. Beverages may be served in recyclable cups, cans or bottles.
- 7 c. It is the intention of the City to encourage reuse when possible and to
8 reduce plastic pollution through the use of alternative products.
- 9 d. In addition to permitted events, the following persons/entities shall not
10 distribute any single-use food service plastic products in conjunction with the
11 provision of food or beverage services on City-owned property, or within or
12 abutting the City right-of-way:
- 13 i. Sidewalk café permittees
 - 14 ii. City Contractors
 - 15 iii. Pushcart vending permittees
 - 16 iv. Mobile food establishment permittees
 - 17 v. Food truck rally permittees
 - 18 vi. Park and public facility permittees
 - 19 vii. Outdoor special events and public assembly permittees
 - 20 viii. Minor easement permittees
 - 21 ix. Vendors providing services or engaged in commercial activity on city
22 owned property in direct privity with the City or on behalf of a permittee
23 or licensee.

e. These regulations regarding polystyrene and single use plastics are intended to supplement Sec. 30-3 of the City Code and are not intended to rescind or replace same.

Sec. 20-204. Applicable contracts, permits, and licenses related to use of City Property or Rights of Way shall include a provision that single-use plastic products shall not be permitted on City property as provided in this ordinance.

Sec. 20-205. Revocation. The City may revoke or cancel any permit for non-compliance with this ordinance, and may use past non-compliance as grounds for the denial of renewal or reissuance of a permit. Where applicable, the City may pursue appropriate contractual remedies for non-compliance with this ordinance.

Sec. 20-206. Exemption

a. The following are exempt from the prohibition set forth in 0 of this Division:

- i. Pre-packaged foods that food service providers distribute to their customers and that have been filled and sealed prior to receipt by the food service provider.
- ii. Single-use products used for pre-packaged food that have been filled and sealed prior to receipt by the City contractor or permittee, or for packaging.

Sec. 20-207. Enforcement; penalties.

a. Any permit issued prior to the effective date of this ordinance shall be informed of the ordinance however, it shall be exempt from enforcement.

b. The following code violations shall be issued by the City for a violation of Article IX, Section A:

- 1 a. Other communities have staggered violations based upon size and
2 impact of event
3 b. *First violation. Set forth in Appendix A*
4 c. *Second violation. Set forth in Appendix A*
5 d. *Third violation and any subsequent violation. Set forth in Appendix A*
6 e. *Any violation shall serve as grounds to revoke the deposit for the*
7 *permitted event.*
8 f. *A violation may also serve as grounds for refusal to issue a permit for*
9 *the event or to the applicant for any event in the future.*
10 c. Nothing stated herein shall be construed as a limitation to the City's remedies
11 available to it through its contract, lease, permit, or other relationship
12 with a vender, licensee, tenant or other entity in violation of this code.

13 **Sec. 20-208. Reserved.**

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

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

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

21 **SECTION 5:** This ordinance shall take effect upon adoption.
22

1 Passed on first reading the ____day of ____.

2
3 Commissioner _____ offered the foregoing Ordinance and moved its
4 adoption. The motion was seconded by Commissioner _____ and upon
5 being put to a roll call vote, the vote was as follows:

REBECCA S. BRUNER, MAYOR
EULA R. CLARKE, VICE MAYOR
KELLIGLASSLEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

6
7
8 ADOPTED on second and final reading this ____ day of ____.

9
10
11
12 ATTEST:

13
14
15 _____
16 MARY R. KINDEL
17 CITY CLERK

18
19 _____
20 REBECCA S. BRUNER
21 MAYOR

22
23 APPROVED AS TO FORM
24 AND CORRECTNESS:

25 _____
MICHAEL MORTELL
CITY ATTORNEY



COMPOSTABLE Q & A

What's wrong with plastic and Styrofoam?

Plastic and Styrofoam are:

- **non-biodegradable**
- **petroleum derived**
- **stay in the environment for hundreds to thousands of years**
- **leach toxic substances into the groundwater**
- **harm marine life and habitats**

What are biodegradable and compostable products?

Biodegradable and compostable products are made from organic, natural materials like corn, potato starch, oils and bagasse (sugar cane).

Why COMPOSTABLE products?

- products come from annually renewable resources
- sustainably manufactured
- non-toxic while in use
- decompose back into the soil under the right environmental conditions

How do they break down?

Biodegradable products are products which will degrade from naturally occurring microorganisms, such as bacteria, fungi etc. over a period of time.

Composting is breaking down organic material by bacteria, yeasts and fungi into healthy, fertile soil (humus).

Approximately 40 billion nonrecycled plastic utensils are used every year in the USA alone, together with billions of Styrofoam and plastic cups, plates etc.

Ton for ton, would you prefer plastic/Styrofoam or compostable/biodegradable products in the landfill, roadside, or waterways?

COMPOSTABLE OR TRADITIONAL PLASTICS?

“The life cycle analysis data shows that products made from a renewable resource, not petroleum-based plastic, are the most sustainable choice. This is true even if no composting option is available and the item must be sent to the landfill.”

World Centric.com The Next Generation of Plastics

COMPOSTABLE PRODUCTS ARE AFFORDABLE AND READILY AVAILABLE.

PLATES



6" Brown Round Plate

\$63.15 1000/case



9" Brown Round Plate

\$62.46 500/case



1lb Boat Tray

\$33.77 1000/case



3lb Boat Tray

\$28.52 500/case



8oz Boat Tray

\$33.42 1000/case



2lb Boat Tray

\$32.59 1000/case



2.5lb Boat Tray

\$32.59 500/case



5lb Boat Tray

\$39.17 500/case

CLAMSHELLS & BOXES



**6" 1-Compartment
Clamshell**

\$72.32 200/Case



**8" 3-Compartment
Clamshell**

\$82.31 200/case

STRAWS, UTENSILS & NAPKINS



+
add

Unwrapped Straws
\$36.26 2000/case



+
add

Heat Resistant Spoons
\$47.48 500/case



+
add

Wrapped Straws
\$39.17 2000/case



+
add

Heavy Duty Knives
\$47.48 500/case



+
add

Beverage Napkin
\$27.17 4000/case



+
add

Heavy Duty Forks
\$47.48 500/case

SOUP CONTAINERS



8oz Soup Container
\$108.15 1,000/case



12oz Soup Container
\$67.92 500/case



16oz Soup Container
\$80.70 500/CASE



8oz Soup Container Lid
\$107.63 1000/case



12-16oz Soup Container Lid
\$104.54 500/case

SORTING OF DISPOSED ITEMS BECOMES EASIER

Allow **beverages** to be served in plastic cups, cans, or bottles.

Drink containers all get RECYCLED!



09232019 SCM - Plastics Workshop #3

www.danmarrick.com - 2005/02/09

Require **food service** items to be **COMPOSTABLE**.

Food scraps and service items all go in the TRASH!



09232019 SCM - Plastics Workshop #3

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INFORMATION SOURCE FOR SLIDES: SAVANNAH NATURE HOUSE.COM

Anne Ellig
Program Manager

Sort Your Waste at Special Events



Tips for staff and volunteers on sorting garbage and recyclables at events

Stuart's Recycling Practices:

- Event food vendors **must** use **compostable packaging** for food items. **Beverages** may be served in **recyclable cups, cans, or bottles**.
- The City of Stuart **disallows** the **disposing of recyclable materials in the garbage**.
- Events in Stuart **MUST provide recycle collection bins** in areas including public, vendor and staff areas to collect appropriate materials for recycling.

Tips for Sorting GARBAGE

Garbage: YES!

- All food
- Food-soiled paper like napkins, paper plates and paper food trays
- Compostable packaging
- Straws and utensils



BEWARE!

When in doubt, throw it out!

Tips for Sorting RECYCLING

Recycling: YES!

- **EMPTY** aluminum cans, plastic and glass bottles, and plastic cups
- Lids >3 inches (most cup lids are fine)



BEWARE!

- If drink containers are not empty, have them **dump the liquid** first
- **Caps (< 3 inches) are only recyclable if on the bottle**

Use approved compostable food packaging at special events and festivals. For a list of compostable food packaging options, check with your local supplier or visit our website.

Have more recycling questions? Contact us!

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 9/23/2019

Prepared by: Michael Mortell

Title of Item:

PROHIBITION OF PLASTIC STRAWS WITHIN CITY LIMITS.

ORDINANCE No. 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.

Summary Explanation/Background Information on Agenda Request:

At the previous workshop, the Commission directed staff to bifurcate the ordinance and create a separate regulation pertaining to the distribution of straws within the City limits. Therefore, Ordinance 2413 will address distribution of plastic on City property.

The pending ordinance, 2416 is drafted to prohibit the distribution of straws by commercial businesses within the geographic limits of the City of Stuart. There has been significant discussion regarding exemptions or the ability of commercial businesses to apply for an exception to the ordinance. The proposed ordinance does not include an exemption process nor does it include criteria that would be considered for the issuance of an exemption.

Funding Source:

N/A

Recommended Action:

Managers Note: Although in the form of an ordinance this item is to discuss the language. The item is to be brought back to a future commission meeting for adoption after language revisions.

ATTACHMENTS:

Description	Upload Date	Type
Ord 2416-2019 Prohibition of plastic straws	9/9/2019	Ordinance add to Y drive



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

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

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

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

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

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

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

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

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

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

5 **ARTICLE IX, CHAPTER 20**

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

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

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

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

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

14 b. January 1, 2021:

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

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

21
22 **Sec. 20-210. Enforcement; penalties.**

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

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

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

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

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

10 a. Medical and Dental Facilities

11 b. Assisted Living Facilities / Nursing Homes

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

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

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

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

20 **SECTION 3:** If any word, clause, sentence, paragraph, section or part
21 thereof contained in this Ordinance is declared to be unconstitutional,
22 unenforceable, void or inoperative by a court of competent jurisdiction, such
23 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