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THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The City Commission for the City of Key West
From: Ron Ramsingh, Assistant City Attorney
Date: January 7, 2016/ February 26, 2016
RE: A new ordinance prohibiting the unlawful deposit of cigarette butts.
Sponsor: Commissioner Sam Kaufman & Mayor Craig Cates

Action statement:

This proposed ordinance prohibits the unlawful deposit of cigarette butts in public or semi-public areas of Key West, including parks, beaches, and sidewalks.

Background:

Studies have shown (attached) that the deposit of cigarette butts in parks and on beaches or sidewalks have a strong likelihood to have a detrimental environmental and health effect. Specifically, when a cigarette butt is extinguished on the ground and not properly disposed of, the carcinogens that are contained in the filter are shown to leach into the soil or are carried into the storm water runoff system that eventually leads to the ocean, having a negative impact on marine life. When cigarette butts are left on the ground of our parks, beaches and sidewalks, there is also a risk of pets and children ingesting these harmful chemicals that can have an amplified effect compared to adults.

This proposed ordinance specifically identifies cigarette butts within the existing anti-littering ordinance of Key West. A violation of this new ordinance is punishable by a \$25.00 fine payable within 10 days to the Clerk of Court. A violator can elect to dispute the citation in county court. If a violator fails to pay the fine, or fails to timely request a hearing, a judgement can be entered against the violator for an amount not to exceed \$100.00. *These amounts have been reduced from \$100.00 and \$500.00, respectively from passage at first reading.* Further, a violator who refuses to accept and sign a citation shall be guilty of a 2nd degree misdemeanor that is punishable by up to 60 days in jail and/or a \$500.00 fine, independent of the actual littering violation.

Options:

1. To approve the proposed ordinance which will more directly ban the deposit of cigarette butts in public or semi-public areas such as parks, beaches and sidewalks.
2. To defeat the proposed ordinance.

Recommendation: To approve the proposed ordinance thereby creating a ban on the deposit of cigarette butts in typical places such as our public parks, beaches and sidewalks. The penalty will be a \$25.00 civil fine.
