

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES,  
ENTITLED "ENVIRONMENT" BY CREATING ARTICLE VII  
ENTITLED "PLASTICS" TO PROHIBIT THE POSSESSION  
OR DISTRIBUTION OF PLASTIC STRAWS OR STIRRERS  
IN THE CITY OF KEY WEST; CREATING SECTION 26-  
312 ENTITLED "DEFINITIONS"; CREATING SECTION  
26-313 ENTITLED "PROHIBITIONS"; CREATING  
SECTION 26-314 ENTITLED "PENALTIES"; CREATING  
SECTION 26-315 ENTITLED "EXCEPTIONS";  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
REPEAL OF INCONSISTENT PROVISIONS; PROVIDING  
FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds  
that plastic, non-biodegradable drinking straws and stirrers  
constitute a portion of the litter in the city streets, beaches,  
stormwater drains, and waterways; and

WHEREAS, the City Commission for the City of Key West finds  
that it is in the interest of public health, safety, and welfare  
of the residents, visitors, and wildlife to reduce litter and  
pollutants on the land and in the waters surrounding Key West; and

WHEREAS, the City Commission for the City of Key West finds  
that discarded single-use drinking straws and stirrers are neither  
readily recyclable, nor are they biodegradable; and

WHEREAS, the City Commission for the City of Key West finds that as a small island community, discarded non-biodegradable drinking straws and stirrers easily make their way from being land-based litter into being litter in our nearshore waters that are catastrophic to our protected marine animals including various species of sea turtles and manatees that are endangered and/or protected; and

WHEREAS, many local, responsible food and drink vendors have already converted to plant-based drinking straws in recognition of the harm that non-biodegradable straws and stirrers can have on the marine environment; and

WHEREAS, the City Commission for the City of Key West finds that the inconvenience or financial impact of implementation of this new ordinance to be minor compared to the benefit to the environment achieved through a regulation that requires the elimination of non-biodegradable drinking straws and stirrers; and

WHEREAS, the City Commission for the City of Key West finds that this ordinance is necessary for the preservation of the City's environment and the public health, safety and welfare of City residents and visitors and future generations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,  
FLORIDA:

Section 1: That Section 26-312 of the Code of Ordinances is hereby created as follows\*:

**Sec. 26-312. - Definitions**

Definitions. For the purposes of this article, the following terms shall have the ascribed meanings unless expressly stated otherwise:

Retail Establishment means any person or entity engaged in the retail sale of food, drinks, or goods. Retail establishment includes any supermarket, grocery store, bar, restaurant, convenience store, shop, service station, farmer's market vendor, special events vendors, all city-contracted vendors, and any other sales outlet where a customer can directly purchase goods, materials, and products.

Single-use plastic beverage straw or stirrer means a tube, intended for only one-time use, that is made predominantly of plastic derived from either petroleum or a biologically based polymer, including polymers derived from corn or other plant sources, for stirring or transferring a beverage from its container to the mouth of the drinker. Single-use plastic beverage straw or stirrer includes compostable and

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

biodegradable petroleum or biologically based polymer straws, but does not include straws or stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

Section 2: That Section 26-313 of the Code of Ordinances is hereby created as follows:

**Section 26-313 - Prohibitions.**

~~(1) It shall be unlawful for any person to use or possess a single use plastic beverage straw or stirrer in the City of Key West.~~

~~(2)~~ (1) It shall be unlawful for any retail establishment to sell or distribute single use plastic beverage straws or stirrers in the City of Key West.

Section 3: That Section 26-314 of the Code of Ordinances is hereby created as follows:

**Sec. 26-314 - Penalties.**

(1) Any person or retail establishment in violation of Sec. 26-313 shall be subject to a notice of code violation pursuant to Chapter 2, Article VI, Division 2 of the Code of Ordinances.

Section 4: That Section 26-315 of the Code of Ordinances is hereby created as follows:

**Sec. 26-315 Exceptions.**

The prohibition in Sec. 26-313 shall not apply to:

- (1) Pre-packaged beverages with plastic straws sold or distributed within the City of Key West, provided that such beverages are prepared and packaged outside of the City and are not altered, packaged, or repackaged within the City.
- (2) Medical or dental facilities.
- (3) The use of a single-use plastic beverage straw or stirrer by any disabled person that requires or relies on the use of a straw or stirrer to consume beverages and/or food supplements.
- (4) Land or facilities owned or managed by the Monroe County School District, the State of Florida, or the Federal Government.

Section 5: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonably necessary to achieve the lawful purposes of this ordinance.

Section 6: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission; however, to allow time for individuals and retailers to expend their current stock of plastic straws and stirrers, to provide for time for a transition to reusable, recyclable, or compostable alternatives, as well as to allow for an educational period, the City will not commence enforcement of this ordinance until 8:00 a.m. on January 1, 2020.

Read and passed on first reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Filed with the Clerk \_\_\_\_\_, 2019.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

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TERI JOHNSTON, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK