

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 26 OF THE CODE
OF ORDINANCES, ENTITLED "ENVIRONMENT",
DIVISION VIII, ENTITLED "SINGLE USE
PLASTICS" BY AMENDING SECTION 26-312, TO
ADD A DEFINITION OF MARINE BIODEGRADABLE,
AND AMEND THE DEFINITION OF SINGLE-USE
PLASTIC BEVERAGE STRAW OR STIRRER;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is
necessary to amend its ordinance that addresses single use
plastic straws, to accommodate consumer demand and the
commercial availability of marine biodegradable products,
which pose minimal adverse environmental impact; and

WHEREAS, an amendment to section 26-312 of the Code of
Ordinances will promote the health, safety and welfare of
the citizens and visitors of the City of Key West.

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 amended 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:

Marine Biodegradable means the product will completely break down, biodegrade, and return to nature decomposing into elements found in the marine environment within one year, as shown by reliable and competent scientific evidence.

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.

*(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.)

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 biodegradable petroleum or~~ biologically based polymer straws, provided, however that it does not include a compostable biologically based polymer straw or stirrer that is also marine biodegradable. ~~but does not include straws or stirrers~~ Single-use plastic beverage straws or stirrers does not include straws or stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.

Sec. 26-313. - Prohibitions.

(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.

Sec. 26-314. - Penalties.

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

Sec. 26-315. - Exceptions.

The prohibition in Section 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 2: 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 reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: 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 4: 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.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2023.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk _____, 2023.

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

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK