

CITY OF SANIBEL

ORDINANCE 18-008

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 30 – ENVIRONMENT, ARTICLE II, LITTER, BY ADDING NEW SECTION 30-41 ENTITLED “PROHIBITION OF SALE OR DISTRIBUTION OF PLASTIC STRAWS”; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel is committed to environmental protection and stewardship, and hereby finds that it is in the best interest, safety and welfare of the citizens and visitors to the City of Sanibel to reduce litter and pollutants on the lands and in the surrounding waters of Sanibel Island in order to continue to protect the wildlife of Sanibel; and

WHEREAS, discarded plastic straws threaten wildlife on the lands and in the waters of Sanibel and litter Sanibel’s beaches and the adjacent waters of Florida’s coast, which includes areas within the geographical boundaries of the City of Sanibel; and

WHEREAS, the City Council finds that there are reasonable, “environmentally-friendly” alternatives to plastic straws including, but not limited to, straws made of paper, plant, vegetable and other natural products;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida:

SECTION ONE. The Code of Ordinances, Chapter 30 - Environment, Article II, Litter, Section 30-41 – “Prohibition of sale or distribution of plastic straws”, is hereby added with underlining indicating added language and ~~strikethroughs~~ indicating deletions, as follows:

Sec. 30-41. Prohibition of sale or distribution of plastic straws.

(a) Definitions. For purposes of this section, the following definitions apply:

(1) *Plastic Straw* means a straw sold or distributed for the purpose of transferring a beverage from its container to the mouth of the drinker by suction, which is made predominantly of plastic derived from petroleum, a biologically-based source (such as corn or other plants), or polystyrene, polypropylene, or polyethylene and which is primarily intended for a single use. The term shall not include food grade paper straws, straws made of compostable plant material, or straws made of metal, wood, ceramic or similar materials and designed for re-use.

(2) *Special Event Permittee* means any person or entity, and their subcontractor(s), issued a special event permit by the City for a special event on City property or in a City facility.

- (3) City Facility includes, but is not limited to, any building, structure, park, beach, road, street, right-of-way, or other facility owned, operated or managed by the City.
- (4) City Property includes, but is not limited to, any land, water, or air rights owned, operated or managed by the City.
- (5) Distribution or to distribute means the vending, sale, giving, deployment or delivering for any purpose of a straw, other than as defined herein, whether or not incident to the sale, vending or provision of any kind of beverage in a container.

(b) Sale or Distribution of Plastic Straws Prohibited; Exceptions.

- (1) A Plastic Straw shall not be sold or distributed within the City of Sanibel in or by any commercial establishment or at any City Facility or City Property or by any Special Event Permittee.

(2) Exceptions.

This prohibition shall not apply to:

- (a) Pre-packaged beverages with plastic straws sold or distributed within the City provided that such beverages are prepared and packaged outside the City and are not altered, packaged or repackaged within the City.
- (b) Medical or dental facilities.
- (c) The use of a Plastic Straw by any disabled person that requires or relies on the use of a straw to consume beverages and/or food supplements.
- (d) A Plastic Straw that is included with and manufactured as a part of, or in combination with, a re-usable beverage container and is intended for continued and multiple uses with such container.
- (e) Land or facilities owned and managed by the Lee County School Board, Lee County, the State of Florida or the Federal Government.

(c) Public Education Prior to Enforcement.

- (1) Following adoption of this Section and for a period of 120 days, the City shall engage in public education efforts deemed appropriate by the City to inform commercial establishments of the provisions of this Section and to provide assistance in identifying alternatives to Plastic Straws.

(d) Enforcement; Penalties.

(1) Commencing 120 days after the adoption of this Ordinance, the City Code Enforcement Officer(s) shall enforce violations of this Section 30-41.

(2) Penalties for violations of the provisions shall be as follows:

(a) First offense: a written warning with a copy kept on file with the City.

(b) Second offense within any one year period: \$50.00 fine.

(c) Third offense within any one year period: \$200.00 fine.

(d) Fourth offense and each subsequent offense within any one year period: \$500.00 fine.

Each day that a prohibited sale or other distribution occurs shall constitute a separate violation.

SECTION TWO. Codification.

The city manager is hereby authorized and directed to cause the amendment approved herein to be incorporated into the Sanibel Code of Ordinances.

SECTION THREE. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION FOUR. Effective date.

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this _____ day of _____, 2018.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:


John D. Agnew, City Attorney

7/24/18
Date

Publication and Hearing Dates:

First Reading: August 7, 2018, 2018

Publication Notice: _____, 2018

Second Reading: _____, 2018

Vote of Council Members:

Ruane _____

Denham _____

Goss _____

Maughan _____

Smith _____

Date filed with the City Clerk: _____