

ORDINANCE 18-06

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING CHAPTER 54, WATERWAY AND BEACHES, OF THE CODE OF ORDINANCES; CREATING A NEW SECTION 54-39 PROHIBITING THE USE OF PLASTIC STRAWS BY THOSE BUSINESSES LOCATED DIRECTLY ADJACENT TO CITY BEACHES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, maintaining and enhancing the quality of the waters in the Gulf of Mexico is important to the quality of life enjoyed by City residents, businesses and visitors; and

WHEREAS, City Council desires to ensure the quality of the waters in the Gulf of Mexico for its use and enjoyment by City residents, businesses and visitors; and

WHEREAS, City Council finds that plastic straws are not recyclable; and

WHEREAS, City Council finds that plastic drinking straws are not biodegradable, that they break down into ever smaller pieces becoming difficult to manage; and

WHEREAS, City Council finds plastics such as those used in drinking straws attract other pollutants in the water, increasing the toxicity of the plastic fragments consumed by fish that people may consume; and

WHEREAS, City Council finds that plastic straws and trash/debris on the beach pose a threat to marine and other wildlife; and

WHEREAS, City Council finds that plastic straws contaminate food waste that could otherwise become compost; and

WHEREAS, City Council finds that the use of plastic straws and other trash/debris are a source of pollution of City beaches and the adjacent waters of the Gulf of Mexico, and increases the cost of coastal clean-up; and

WHEREAS, City Council finds that the City has a significant and substantial interest in protecting the City's beaches and the waters of the Gulf of Mexico from pollution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underling this Ordinance.

SECTION 2. That the Code of Ordinances, Marco Island, Florida, is hereby amended by adding a section to be numbered 54-39, which section reads as follows:

Sec. 54-39. Prohibition on use or service of plastic straws.

(a) No business, restaurant, including, but not limited to, cafeteria, including school cafeterias, café, bar or other establishment at which food or drink is served or purchased, and which is located directly adjacent to city beaches as defined and as depicted in Exhibit "A", (which is attached hereto and made a part hereof), shall use, serve, or distribute plastic drinking straws on or after the effective date of this Ordinance. For purposes of this Section, the following definitions shall apply: (i) "beach" is the sand portion of land lying seaward of a seawall or line of permanent vegetation and landward of the mean high water line; and (ii) a "straw" is defined to mean a tube for transferring a beverage or liquid from a container to the mouth of a drinker by suction or other means.

(b) *Amortization.* Any business, restaurant, including, but not limited to, hotels, motels and time-shares, cafeteria, café, bar; any other establishment at which food or drink is served or purchased, and any school cafeteria, which is located directly adjacent to city beaches as defined and as depicted in Exhibit "A", (which is attached hereto and made a part hereof), and, other than a school cafeteria, that possesses an active Collier County local business tax receipt on the adoption date of this Ordinance, shall be permitted to continue to use, serve or distribute plastic drinking straws for a period of time not to exceed three months from the date of the ordinance creating this section. even if it is not in compliance with this Ordinance

(c) *Exemptions.* This section does not apply to:

- (1) Food grade paper straws.
- (2) Straws made of compostable plant material.
- (3) Reusable non-plastic straws.

SECTION 3. Codification.

It is the intention of the City Council, and it is hereby ordained, that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall constitute a new Section 54-39 of the City of Marco Island Code of Ordinances, and that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section", "Article" or other appropriate word.

SECTION 4. Conflicts.

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

SECTION 5. Severability.

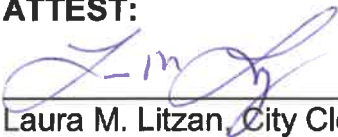
If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences or phrases portions of this Ordinance, and this Ordinance shall be read and applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

SECTION 6. Effective Date.

This Ordinance shall become effective upon its adoption.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 5th day of March 2018.

ATTEST:



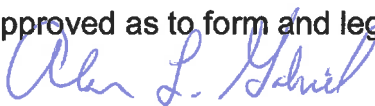
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

