

ORDINANCE NO. 17-13

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA PROHIBITING THE DISTRIBUTION OF PLASTIC STRAWS, AS DEFINED, BY ANY PERSON, AS DEFINED, WITHIN THE TOWN; PROVIDING FOR PENALTIES FOR ANY SUCH DISTRIBUTION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS: the Town finds that plastic straws, when irresponsibly discarded, pose an environmental hazard to the health, safety and welfare of the citizens and visitors of Fort Myers Beach as well as negatively impacting water quality and the surrounding marine life ; and,

WHEREAS: the Town's Marine Resource Task Force, charged with researching and recommending resolutions to issues relating to citizen health and safety and the preservation of the Town's natural characteristics and marine environment, has found that plastic straws when irresponsibly discarded into the natural environment negatively affects that environment;

WHEREAS: Straws made of paper, plant, vegetable and other natural products are available and are a more environmentally-friendly alternative to plastic straws;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida that:

I. Name:

This Ordinance shall be known as the "Prohibition of Plastic Straws" Ordinance. The preamble and findings of fact above are incorporated herein.

II. Definitions:

- A. "Person" means any person, business, corporation, public nonprofit entity, agency or institution, partnership or other organization or group, however organized.
- B. "Natural products" means an item containing nothing artificial or synthetic in its compounds while it remains a whole item and throughout its decomposition process.
- C. "Straw" means a tube for transferring a beverage from its container to the mouth of the drinker by suction.
- E. "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. "Distribution" does not include provision of a straw with a beverage on private property used as a residence or by the School Board

of Lee County or by beverages prepared and packaged outside the Town, provided such beverage is not altered, packaged or repackaged within the Town.

III. Distribution of Plastic Straws Prohibited.

Beginning 90 days after the date of adoption of this Ordinance, no person shall distribute plastic straws within the Town.

IV. Penalties for Distribution.

A. For any violation of Section III:

- (1). First offense within any one year period: \$100.00 fine.
- (2). Second offense within any one year period: \$200.00 fine.
- (3). Third offense or more within any one year period: \$500.00 fine.

B. Each and every prohibited distribution is a single violation.

V. Enforcement.

Officers of the Town's Code Enforcement Division, or such other Town employees so authorized by the Town Manager to issue citations, shall enforce this Ordinance by written citation issued to the violator.

VI. INCLUSION INTO THE CODE OF ORDINANCES.

The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or relettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

VII. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

VIII. CONFLICTS.

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

IX. EFFECTIVE DATE.

This ordinance becomes effective immediately upon adoption.

The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member Shamp and seconded by Vice Mayor Gore, and upon being put to a roll call vote, the result was as follows:

Dennis Boback, Mayor	aye	Tracey Gore, Vice Mayor	aye
Anita Cereceda, Council Member	nay	Joanne Shamp, Council Member	aye
Bruce Butcher, Council Member	aye		

DULY PASSED AND ADOPTED THIS 6TH DAY OF NOVEMBER, 2017 BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH.

ATTEST:

By: 
Dennis C. Boback, Mayor

By: 
Michelle D. Mayher, Town Clerk

Approved as to form and legal
sufficiency

By: 
The Peterson Law Group,
Town Attorney