

COUNCIL AGENDA STATEMENT



Meeting Date: February 11, 2020
To: Honorable Mayor & Members of the City Council
From: Vernis & Bowling, Acting City Legal
Through: Chuck Lindsey, City Manager

Agenda Item: **Ordinance 2020-01**, Amending Chapter 14 of the Code of Ordinances of the City of Marathon (“Environmental and Natural Resources”) by Creating Article V (“Regulation of Plastics”) Opting Out of Monroe County’s Ordinance 044-2019 Which Regulates Use of Plastic Straws and Stirrers; Providing for Severability; and Providing for an Effective Date.

BACKGROUND & JUSTIFICATION:

On December 11, 2019, the Board of County Commissioners of Monroe County passed and adopted Ordinance 044-2019 which prohibits the sale and distribution of plastic straws and stirrers within Monroe County and provides for enforcement and fines beginning January 1, 2021. The County’s Ordinance provides for the County wide prohibition “[e]xcept within a municipality which has adopted an ordinance in conflict with this ordinance...” In order to opt-out of the County’s Ordinance, the City must enact its own ordinance.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Other _____	_____	_____
3. Not applicable <u> X </u>	_____	_____

RECOMMENDATION:

The City Council recommended an opt-out of the County’s ordinance after review and consideration. The opt-out must be completed through Ordinance.

Sponsored by: Lindsey
Introduction Date: February 11, 2020
Public Hearing Dates: February 11, 2020
March 10, 2020
Enactment date:

**CITY OF MARATHON, FLORIDA
ORDINANCE 2020-01**

AN ORDINANCE BY THE CITY OF MARATHON AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF MARATHON (“ENVIRONMENTAL AND NATURAL RESOURCES”) BY CREATING ARTICLE V (“REGULATION OF PLASTICS”) OPTING OUT OF MONROE COUNTY’S ORDINANCE 044-2019 WHICH REGULATES USE OF PLASTIC STRAWS AND STIRRERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Article VIII, § 2(b) of the Florida Constitution “grants to each municipality the authority to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, unless expressly prohibited by the Constitution, general or special law or county charter”; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution, and authorizes municipalities to exercise any power for municipal purposes except when prohibited by law; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida Monroe County, has adopted Ordinance 044-2019 prohibiting the distribution or sale of single-use plastic beverage straws or stirrers throughout Monroe County (“straw ban”) with enforcement to commence on January 1, 2021; and

WHEREAS, the City must pass an ordinance if it wishes to exclude the City from the County’s prohibition; and

WHEREAS, the City Council has determined that the straw prohibition is not in the best interests of the City as of this time.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARATHON, FLORIDA, AS FOLLOWS:

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Chapter 14 of the City Code of Ordinances entitled “Environment and Natural Resources” is amended to create Article V entitled “Regulation of Plastics” to read as follows:

(Inserted language appears underlined; deleted language appears ~~stricken through~~)

ARTICLE V. REGULATION OF PLASTICS

Section 14-101 – 14-104. – Reserved.

Section 14-105. Miscellaneous

The City will not adopt nor allow enforcement of the Monroe County’s Ordinance 044-2019, codified in Chapter 12, Article VIII of the Monroe County Code of Ordinances regarding the prohibition of plastic straws and stirrers, within the City of Marathon and therefore opts-out of the same.

SECTION 3. Severability. If any section, subsection, sentence, clause, or provision of this ordinance is held by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall not be affected by such invalidity.

SECTION 4. This Ordinance shall become effective immediately upon approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS ____ DAY OF _____, 2020.

THE CITY OF MARATHON, FLORIDA

Steven Cook, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

City Legal Department