

ORDINANCE NO. C-20-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 16 ENTITLED "MISCELLANEOUS PROVISIONS AND OFFENSES" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING ARTICLE IX ENTITLED "POLYSTYRENE PRODUCTS," PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Polystyrene which is a petroleum processing by-product used to make Polystyrene foam that is sometimes referred to as "Styrofoam"; and

WHEREAS, Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons and used for packing; and

WHEREAS, Polystyrene foam floats in water and is non-biodegradable and non-recyclable; and

WHEREAS, Polystyrene products pose a threat to wildlife, waterways, ecosystems, and contaminates the public drainage system as they create litter, and impede waste reduction and recycling goals; and

WHEREAS, regulating polystyrene products will reduce the accumulation of polystyrene litter in the environment and will improve the health of the city's waterways, wildlife and residents; and

WHEREAS, there are affordable alternatives to polystyrene foam that may be used to store products, foods, and beverages; and

WHEREAS, the City Commission finds that regulating the use of polystyrene products is in the best interest of the health, safety, and welfare of the City of Fort Lauderdale, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

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**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**SECTION 2.** Chapter 16 entitled "Miscellaneous Provisions and Offenses" of the Code of Ordinances of the City of Fort Lauderdale is amended by creating Article IX entitled "Polystyrene Products" to provide as follows:

**ARTICLE IX. - POLYSTYRENE PRODUCTS**

**Section 16-151. - Intent.**

1. The City seeks to protect the health, safety and welfare of the public by prohibiting the use of polystyrene products on city property by individuals.
2. The City strives to reduce the use of polystyrene products and encourage the use of environmentally friendly reusable and recyclable alternatives.
3. The City wishes to reduce waste and environmental hazards by entering into contractual relationships for the provision of goods and services with contractors that do not use polystyrene products.

**Section 16-152. - Definitions.**

The following words when used in this Section shall have the following meanings below and words not defined herein shall be interpreted by their common and ordinary meaning:

1. *Biodegradable.* All materials in the product or package that will break down or decompose or otherwise become part of a usable soil-conditioning material such as uncoated paper, wood, or bamboo.
2. *City Contractor.* Any contractor, vendor, commercial lessee, licensee, concessionaire, or individual that has a contract with the city for the provision of goods or services.
3. *City facility.* Any building, structure, public parking lot, public park, public beach, city-owned golf course, road, street, right-of-way, city-owned marina, city-owned pier, city-owned dock or city-owned boat ramp or boat ramp leased to the city, city-

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owned playground, or any property owned by the city, leased by the city, operated, or managed by the city.

4. City property. Refer to Definition provided in Section 16-140 of the Code of Ordinances.
5. Expanded polystyrene. Blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).
6. Food and Beverage Packaging. All bags, sacks, wrapping, containers, bowls, plates, lids, coolers, ice chests, trays, cartons, cups, straws, and lids or any packaging not intended for reuse, or any packaging in which any foods or beverages are placed or packaged.
7. Polystyrene. A thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to, rigid polystyrene or Expanded Polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, Expanded Polystyrene molding, or extrusion-blown molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The term Polystyrene also includes clear polystyrene known as oriented polystyrene.
8. Polystyrene foam. Blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam) which are thermoplastic, petrochemical materials utilizing a styrene monomer processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.
9. Polystyrene Products. Any product made from Polystyrene or Expanded Polystyrene. This includes but is not limited to: polystyrene foam, food and beverage service ware or articles, food and beverage packaging, lids, clamshells, bowls, plates, utensils, trays, bowls, wrappers, or wrapping, platters, condiment

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containers, cartons, cups, drinkware, as well as non-encapsulated coolers, containers, ice chests, marine buoys, boxes, packing in boxes, packing peanuts, or other packaging materials.

10. *Recyclable.* A description of a material capable of being recycled, which would otherwise be processed or be disposed of as solid waste.
11. *Temporary Vendor.* A supplier of goods or services operating on city property or a city facility for one year or less.
12. *Special event permittee.* Definition is provided in Section 16-140 of the Code of Ordinances.

**Section 16-153. - Prohibition of the use of polystyrene products by individuals and temporary vendors located on city property or city facilities.**

- (1) *Prohibition.* Individuals and temporary vendors who are located on or operating on city property or a city facility are prohibited from using polystyrene products. Individuals and temporary vendors operating on or located on a city facility or city property are prohibited from utilizing polystyrene food and beverage packaging while serving or preparing food or beverages, or providing polystyrene products to anyone while located or operating on a city facility or city property.

**Section 16-154. - Prohibition of the use of polystyrene products by city contractors and special event permittees operating on city property or city facilities.**

- (1) *Prohibition.*
  - (a) *City contractors* are prohibited from using polystyrene products while located on or operating on city property or city facilities. City contractors may not utilize polystyrene food and beverage packaging while serving or preparing food or beverages, and are prohibited from providing polystyrene products to anyone while operating or located on city facilities or city property. A violation of this section shall be deemed a default under the terms of the city contract, lease, or concession agreement.

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- (b) Special event permittees are prohibited from using polystyrene products, or utilizing polystyrene food and beverage packaging while serving or preparing food or beverages, or providing polystyrene products to anyone while operating or located on city facilities or city property. The city may revoke the special event permit immediately if this section is violated. This subsection shall not apply to expanded polystyrene food and beverage packaging that was packaged outside of the city and sealed prior to receipt by the special event permittee.

### **Section 16-155. - Penalties**

- (1) The City's Community Enhancement and Compliance Division shall enforce violations of Section 16-153 and 16-154 of the Code of Ordinances in accordance with the Code Enforcement procedures in Chapter 11 of the Code of Ordinances.
- (2) Any person or entity that violates any of the provisions in Sections 16-153 or 16-154 of the Code of Ordinances is subject to the following penalties:
- (a) First offense: A written warning notice with no civil penalty as a first response to a violation. A copy shall be kept on file with the City.
- (b) Second offense within any one (1) year period from the date of the first offense: One hundred dollars (\$100.00) civil citation.
- (c) Third offense within any one (1) year period from the date of the second offense: Two hundred dollars (\$200.00) civil citation.
- (d) Fourth offense and each subsequent offense within any one (1) year period from the date of the previous offense: Five hundred (\$500.00) civil citation.
- (e) When there is a permitted special event that will last for a period of two days or less, the compliance timeframe in the written warning shall not exceed twelve (12) hours.
- (3) Each day that a prohibited use occurs shall constitute a separate violation.

**SECTION 2.** That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

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SECTION 3. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 4. That this Ordinance shall be in full force and effect upon final passage and adoption.

PASSED FIRST READING this 5<sup>th</sup> day of November, 2020.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI

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