1	ORDINANCE NO. 21
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3	AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA,
4	AMENDING PART II. "CODE OF ORDINANCES," CHAPTER 15,
5	"OFFENSES-MISCELLANEOUS," BY CREATING A NEW ARTICLE
6	XIV, ENTITLED "POLYSTYRENE FOAM WASTE REDUCTION
7	ORDINANCE"; PROHIBITING THE USE AND DISTRIBUTION OF
8	POLYSTYRENE FOAM FOOD WARE, UNENCAPSULATED
9	POLYSTYRENE FOAM PRODUCTS, BALLOONS, AND CONFETTI ON
10	CITY PROPERTY; PROVIDING FOR DEFINITIONS, CODIFICATION,
11 12	CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE
12 13	WHEREAS, the City of Boynton Beach has a duty to protect the natural environment, the
13 14	economy, and the health of its citizens; and
15	economy, and the neutri of its entizens, and
16	WHEREAS, the City's 2020 Climate Action Plan identifies waste reduction as a key
17	strategy to help make Boynton Beach a regional and national leader in sustainability; and
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19	WHEREAS, polystyrene foam, a petroleum-based plastic material often incorrectly
20	referred to as "styrofoam," is an environmental pollutant that is commonly used for packaging and
21	as food service ware in the City; and
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23	WHEREAS, due to the physical properties of polystyrene foam, the U.S. Environmental
24	Protection Agency states that "such materials can have serious impacts upon human health,
25	wildlife, and aquatic environment, and the economy"; and
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27	WHEREAS, polystyrene foam is difficult or impossible to recycle, as it is easily
28	contaminated and difficult to sort, and is not compostable; and
29 20	WHEDEAS polyetyrana form is commonly littered or blown out of trush recented as and
30 31	WHEREAS , polystyrene foam is commonly littered or blown out of trash receptacles and migrates to the storm drain system and eventually to the ocean and beaches; and
32	inigrates to the storm drain system and eventuary to the ocean and ocacnes, and
33	WHEREAS, polystyrene foam breaks down in the marine environment into smaller
34	pieces, which are non-biodegradable and which negatively impact water quality and harm marine
35	life that often mistake pieces of polystyrene for food; and
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37	WHEREAS, balloons and confetti are also common forms or plastic litter that contribute
38	to marine debris, harming sea turtles and other wildlife that commonly mistake them for food; and
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plastic products; and

WHEREAS, Florida Statute 500.90 preempts cities from regulating polystyrene citywide, but does not limit a city's authority to prohibit its use by individuals on city property, temporary vendors on city property, or entities engaged in a contractual relationship with the city; and

ordinances banning or restricting the sale and/or use of polystyrene foam and/or other single-use

WHEREAS, due to these concerns, more than 20 municipalities in Florida have enacted

WHEREAS, restricting the use of polystyrene foam and other plastic products will protect 48 the health and safety of the City's residents, as well as its natural environment, beaches, waterways, 49 and wildlife. 50 51 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE 52 CITY OF BOYNTON BEACH, FLORIDA, AS FOLLOWS: 53 54 55 <u>Section 1.</u> The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance. 56 57 58 Section 2. Part II, Chapter 15, "Offenses-Miscellaneous," is hereby amended by creating a new Article XIV, entitled "Polystyrene Foam Waste Reduction Ordinance," to read as follows: 59 60 Chapter 15 Offenses-Miscellaneous 61 62 Article XIV. Polystyrene Foam Waste Reduction Ordinance. 63 (a) Purpose. The City of Boynton Beach has a duty to protect the natural environment, the 64 65 economy, and the health of its residents. The purpose of this Article is to regulate the use and distribution of Polystyrene Foam and other single-use plastic products on City property in order 66 to lead by example, protect the health of Boynton Beach residents, and promote sustainable 67 practices within the City. 68 69 70 (b) Definitions. For the purpose of this Article, the following words and phrases shall have the 71 following meanings: 72 (1) "Balloon" means a flexible nonporous bag made from materials such as rubber, latex, foil, metal, polychloroprene, Mylar, or nylon fabric that can be inflated or filled with air, 73 water, or gas such as helium, hydrogen, nitrous oxide, or oxygen. 74 (2) "City Facility" means any building, structure, or vehicle owned or operated by the City. 75 (3) "City Property" means any land owned or managed by the City. 76 (4) "City Contractor" means a contractor, vendor, lessee, licensee, programming partner, or 77 permittee of the City that uses, works at or on, provides services to or at, or undertakes 78 construction in a City Facility or on City Property; or an operator or manager of a City 79 Facility of City Property. 80 (5) "Confetti" means small pieces or streamers of plastic, paper, mylar, or metallic material 81 82 that are thrown or scattered during festive occasions. (6) "Polystyrene Foam" means blown polystyrene and expanded and extruded foams which 83 are thermoplastic petrochemical materials utilizing a styrene monomer and processed by 84 85 any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown 86 molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, 87 bowls, plates, trays, clamshell containers, meat trays, and egg cartons, and is commonly 88 but often incorrectly referred to as "styrofoam." 89

- 90 (7) "Food Ware" means all containers, bowls, plates, trays, cups, lids, and other like items
 91 that are designed for one-time use for serving or distributing food or drink.
 92 (8) "Person" means an individual, trust, firm, or company, including a government
 93 corporation, partnership, or association.
 94 (9) "Temporary Vendor" means any Person or entity issued a temporary permit by the City
 - (9) "Temporary Vendor" means any Person or entity issued a temporary permit by the City to provide or sell food on City Property or in a City Facility, including but not limited to special event permits issued by the City for a special event on City Property or in a City Facility.
 - (10) "Unencapsulated Polystyrene Foam Product" means any item that is made, in whole or part, from Polystyrene Foam and that is not wholly encapsulated or encased within a more durable material. These items include but are not limited to Polystyrene Foam coolers, ice chests, pool toys, and beach toys.

(c) Prohibition of the Use and Distribution of Polystyrene Foam Products, Balloons, and Confetti by City Contractors and Temporary Vendors.

- (1) City Contractors and Temporary Vendors shall not sell, use, provide food in, or offer the use of Polystyrene Foam Food Ware or Unencapsulated Polystyrene Foam Products in City Facilities or on City Property
- (2) City Contractors and Temporary Vendors shall not use City funds to purchase Polystyrene Foam Food Ware or Unencapsulated Polystyrene Foam Products.
- (3) City Contractors and Temporary Vendors shall not sell, use, or offer the use of Balloons or Confetti in any outdoor area of City Property.
- (4) The provisions of this section shall be incorporated into all contracts, leases, special event permits, and concession agreements entered into or renewed after the effective date of this article, and may be incorporated by reference requiring compliance with all laws, rules, and ordinances of the City. A violation of this section shall be deemed a material default under the terms of the contract, lease or concession agreement and is grounds for revocation of a special event permit.
- (5) Exceptions. This section shall not apply to:

- a. Prepackaged foods that have been filled and sealed prior to receipt by the City Contractor or Temporary Vendor, including products used for the storage of raw meat, pork, poultry, eggs, fish, and seafood.
- b. Any City contract, lease or concession agreement entered into prior to the effective date of this section or any temporary permit issued prior to the effective date of this section, which shall not be subject to the requirements of this section, unless the City Contractor or Temporary Vendor voluntarily agrees to comply with this section.
- (d) Prohibition of the Use of Polystyrene Foam Products, Balloons, and Confetti on City Property.
 - (1) No person shall use Polystyrene Foam Food Ware or Unencapsulated Polystyrene Foam Products on City Property or in any City Facility.
 - (2) No person shall use Balloons or Confetti in any outdoor area of City Property.

133	(3) The provisions of this section shall be incorporated into the City's facility rental			
134	policies and any related rental agreements entered into or renewed after the effective			
135	date of this article, and may be incorporated by reference requiring compliance with all			
136	laws, rules, and ordinances of the City.			
137				
138	(e) Penalties and Enforcement.			
139	(1) Following adoption of this Article, the City shall engage in public education efforts to			
140	inform affected persons and entities of the provisions of this Article and to provide			
141	assistance with identifying environmentally friendly alternatives to the prohibited			
142	<u>items.</u>			
143	(2) Beginning twelve (12) months after the effective date of this article, the City shall			
144	enforce all provisions of this Article and shall continue to engage in public education.			
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148	b. Second violation: \$25 fine.			
149	c. Third and subsequent violations: \$50 fine.			
150	d. These penalties shall be in addition to enforcement of any contract remedy or			
151	termination proceeding of any City contract, concession or lease.			
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153	<u>Section 3.</u> That ordinances or parts of ordinances in conflict herewith be and the same			
154	are hereby repealed, provided that in the event of a conflict with respect to the administration of			
155	the building codes, existing administrative laws or rules of the City shall control.			
156	Should any section or provision of this Ordinance or any portion thereof be			
157	declared by a court of competent jurisdiction to be invalid, such decision shall not affect the			
158	remainder of this Ordinance.			
159	Section 5. Authority is hereby given to codify this Ordinance.			
160	Section 6. This Ordinance shall become effective immediately.			
161	FIRST READING this day of April, 2021			
162	SECOND, FINAL READING AND PASSAGE this day of, 2021.			
163				
164	YES NO			
165	Mayor – Steven B. Grant			
166				
167	Vice-Mayor – Ty Penserga			
168	Commission of T. C. W.			
169	Commissioner – Justin Katz			

	Commissioner – Woodrow L. Hay	
	Commissioner – Christina L. Romelus	
	VOTE	
ATTEST:		
Tammy Stanzione		
Deputy City Clerk		
(Corporate Seal)		