

1 EXHIBIT 1

2 ORDINANCE NO. 2015-

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE
4 CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 13
5 HEALTH AND SANITATION BY RENAMING IT HEALTH, SANITATION
6 AND ENVIRONMENTAL PROTECTIONS; CREATING ARTICLE V,
7 ENVIRONMENTAL PROTECTIONS; CREATING SECTIONS 13-111 TO
8 ESTABLISH CERTAIN RESTRICTIONS ON THE USE OF EXPANDED
9 POLYSTYRENE (STYROFOAM) PRODUCTS AND 13-112 TO
10 PROHIBIT THE PURCHASE OF POLYSTYRENE (STYROFOAM)
11 PRODUCTS BY THE CITY; PROVIDING FOR CONFLICT; PROVIDING
12 FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND
13 PROVIDING AN EFFECTIVE DATE.
14

15
16 **WHEREAS**, the City of Hallandale Beach (“City”) declares that it is in the interest of the
17 public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on
18 the land and in the waters of the City; and
19

20 **WHEREAS**, the City is expending sufficient tax dollars for the improvement and
21 beautification of its beaches; and
22

23 **WHEREAS**, the City’s new beach parks will include food concessions for the sale and
24 consumption of food and beverages by visitors and patrons at the beach parks; and
25

26 **WHEREAS**, expanded polystyrene, a petroleum by-product commonly known as
27 Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of
28 years to degrade in the environment; and
29

30 **WHEREAS**, expanded polystyrene is a common pollutant, which fragments into smaller,
31 non-biodegradable pieces that are ingested by marine life and other wildlife, thus harming or
32 killing them; and
33

34 **WHEREAS**, due to the physical properties of expanded polystyrene, the EPA states that
35 such materials can also have serious impacts on human health, wildlife, the aquatic environment
36 and the economy; and
37

38 **WHEREAS**, disposable food service articles constitute a portion of the litter on the City's
39 beaches, and waterways; and

40

41 **WHEREAS**, the City's goal is to replace expanded polystyrene food service articles with
42 reusable, recyclable or compostable alternatives; and

43

44 **WHEREAS**, the City encourages the use of unbleached, non-coated, recycled-content,
45 paper food service articles and other fiber-based food service articles as the most environmentally
46 preferable alternatives when the use of reusable food ware is not feasible; and

47

48 **WHEREAS**, as an environmental conscious local government in Broward County, Florida,
49 the City of Hallandale Beach by virtue of this Ordinance will prohibit the purchase of polystyrene
50 products utilizing city funds and the use of expanded polystyrene food services articles by its
51 contractors of City's beach concessions; and

52

53 **WHEREAS**, this ordinance will prohibit the use or disposal of expanded polystyrene food
54 service articles by all City beaches concessions and the purchase of polystyrene products utilizing
55 city funds; and

56

57 **WHEREAS**, this Ordinance will preserve and enhance the environment of the City of
58 Hallandale Beach, its beaches.

59

60 **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**
61 **HALLANDALE BEACH, FLORIDA:**

62

63 **SECTION 1.** Chapter 13, Health and Sanitation is hereby renamed Health, Sanitation
64 and Environmental

65

66 **Article V. Environmental Protections** is hereby created to read as:

67 **Section 13-111. Prohibition regarding sale or use of expanded polystyrene food service**
68 **articles by city contractors.**

69 (a) Legislative intent. Expanded polystyrene, petroleum byproduct commonly known as
70 Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to

71 thousands of years to degrade. Expanded polystyrene is a common pollutant, which
72 fragments into smaller, non-biodegradable pieces that are harmful to marine life, and
73 the environment. The City of Hallandale Beach's goals are to reduce the use of
74 expanded polystyrene and encourage the use of reusable, recyclable, or compostable
75 alternatives for the protection of our environment and marine life.

76 (b) Definitions. For the purpose of this section only the following definitions shall apply:

77 (1) City contractor means a contractor, vendor, lessee, concessionaire of the City, or
78 operator of a City beach.

79 (2) Expanded polystyrene means blown polystyrene and expanded and extruded
80 foams that are thermoplastic petrochemical materials utilizing a styrene monomer
81 and processed by any number of techniques including but not limited to fusion of
82 polymer spheres (expandable bead foam), injection molding, foam molding, and
83 extrusion-blown molding (extruded foam polystyrene).

84 (3) Expanded polystyrene food service articles means plates, bowls, cups, containers,
85 lids, trays, coolers, ice chest, and all similar articles that consist of expanded
86 polystyrene.

87 (4) City beach includes a beach concession owned, operated, or managed by the
88 City of Hallandale Beach.

89 (c) City contractors shall not sell, use, provide food in, or offer the use of expanded
90 polystyrene food service articles on City beach. A violation of this section shall be
91 deemed a default under the terms of the City contract, lease, or concession agreement
92 and is grounds for termination of contract, lease or concession agreement. This
93 subsection shall not apply to expanded polystyrene food service articles used for
94 prepackaged food that have been filled and sealed prior to receipt by the City
95 contractor.

96 (d) Any City contract, lease, or concession agreement entered into prior to the effective
97 date of this section shall not be subject to the requirements of this section, unless the
98 City contractor voluntarily agrees thereto.

99 **Section 13-112. Prohibition of purchase of expanded polystyrene by the city.**

100 No city employee, agent or representative shall utilize city funds to purchase any expanded
101 polystyrene products for any event or purpose on behalf of the city.

102 .

103
104 **Sections 13-113-13-125 Reserved.**

105

106

107 **SECTION 2. Conflict.** All ordinances or portions of the Code of Ordinances of the City of
108 Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent
109 of such conflict.

110

111 **SECTION 3. Severability.** Should any provision of this ordinance be declared by a court
112 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a
113 whole, or any part thereof, other than the part declared to be invalid.

114

115 **SECTION 4. Codification.** It is the intention of the Mayor and City Commission that the
116 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention
117 the words "ordinance" or "section" may be changed to other appropriate words.

118

119 **SECTION 5.** This Ordinance shall take effect immediately upon adoption.

120

PASSED AND ADOPTED on 1st reading on April 1, 2015.

122

PASSED AND ADOPTED on 2nd reading on _____, 2015.

124

125

126

127

JOY F. COOPER
MAYOR

128

129

130

131

132 SPONSORED BY: COMMISSIONER KEITH LONDON

133

134 ATTEST:

135

136

137

138

MARIO BATAILLE, CMC
CITY CLERK

139

140

141

142 APPROVED AS TO LEGAL SUFFICIENCY and
143 FORM

144

145

146

147

148 _____
V. LYNN WHITFIELD

149 CITY ATTORNEY