

1 EXHIBIT 1

2 ORDINANCE NO. 2019 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
4 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
5 CHAPTER 13 "HEALTH AND SANITATION" OF THE CITY OF
6 HALLANDALE BEACH CODE OF ORDINANCES;
7 SPECIFICALLY CREATING SECTIONS 13-5 TO 13-8
8 ENTITLED "OUR LOCAL CORAL REEF PROTECTION ACT"
9 TO REDUCE LAND BASED SOURCES OF POLLUTION AND
10 PROTECT FLORIDA'S CORAL REEFS; PROVIDING FOR
11 PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR CODIFICATION; AND
13 PROVIDING FOR AN EFFECTIVE DATE.

14
15 **WHEREAS**, Coral reefs are found approximately 500 feet from the shores of Hallandale
16 Beach. A colony of Staghorn Coral (*Acropora cervicornis*) can be found less than a half-mile
17 offshore the City. This species (Staghorn) was listed in 2006 as a Critically Endangered Species,
18 facing significant threats from climate change, disease, and land-based sources of pollution; and

19 **WHEREAS**, Coral reefs provide many benefits to human well-being including but not
20 limited to medicine, coastal protection, aesthetics, and food. Healthy coral reefs can reduce wave
21 energy by up to 97%, thus protecting the coast in the event of storms or hurricanes. Additionally,
22 coral reefs contribute to tourism. The National Oceanic and Atmospheric Administration estimates
23 that coral reefs in southeast Florida have an economic asset value of \$8.5 billion; and

24 **WHEREAS**, the City Commission desires to reduce waste, litter and pollution on the
25 land and in the waters of the City that may affect the coral reef off the shores of City beaches
26 and the Florida Reef Tract in general; and

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

30 **WHEREAS**, Plastic fragments into smaller non-biodegradable pieces that are ingested
31 by marine life and other wildlife, thus harming or killing them; and

32 **WHEREAS**, disposable polystyrene food service articles and plastic bags constitute an
33 avoidable portion of the litter in the City of Hallandale Beach's beaches, parks, public places
34 and waterways; and

35 **WHEREAS**, effluent (liquid waste) from ocean outfalls has a negative impact on marine

environments, including coral reefs. A 2017 brief (Exhibit 4) compiled by UN Environment, Global Coral Reef Partnership, and Global Wastewater Initiative found that chronic wastewater/stormwater stress prevents reef communities from recovering from a bleaching event. The same study (Exhibit 4) asserts that more than “80% of marine pollution originates from land-based wastewater and sediments and nutrients delivered via waterways;” and

WHEREAS, the Mayor and the City Commission have determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by amending Chapter 13 “Health and Sanitation” to enact procedures and prohibitions regarding the distribution of polystyrene food service articles or single use-carry out plastic bags from beachside establishments and on public beaches, the application of fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Wet Season, the application of fertilizers and/or phosphorus to turf grass and/or landscape plants during certain advisories issued by the National Weather Service and the discharge of boat blackwater holding tanks within any waters in the City limits; and

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

SECTION 1. The foregoing “Whereas” clauses are hereby incorporated herein.

SECTION 2. Chapter 13 ““Health and Sanitation” of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended, creating Sections 13.5-13.8, entitled “Our Local Coral Reef Protection Act” as follows:

Sec. 13-5. – Our Local Coral Reef Protection Act.

Statutory authorization, statement of purpose and objectives. The legislature of the State has in F.S. Chapter 166 delegated the responsibility to municipalities to adopt regulations designed to promote the public health, safety and general welfare of its citizens. Coral reefs are one of the most biologically diverse ecosystems in the world, providing billions of dollars in food, medicine, products, tourism, and coastal protection each year. Less than a half-mile offshore Hallandale Beach is a patch of staghorn coral, a Federally listed Critically Endangered species, which is simultaneously battling climate change impacts, land based sources of pollution, and coral disease. This Ordinance has multiple purposes:

- a. Reduce sources of land based pollution;
- b. Meet ocean outfall legislation goals by prioritizing the use of wastewater reuse and greywater;
- c. Protect public health, safety, and welfare; and
- d. Protect the value (intrinsic and tangible) of Florida coral reefs, the Florida Reef Tract, and Hallandale Beach's Staghorn coral population.

Sections 13-5 through 13-8 shall hereafter be known as the "Coral Reef Protection Act."

Section 13-6.-Definitions.

(a) Definitions. For purposes of this Act, the following definitions shall apply:

- (1) User means any person who applies fertilizer on turf and/or landscape plants in the City.
- (2) Blackwater means human body waste and waste from toilets and other receptacles intended to receive or retain human body waste and includes any material that has been collected or treated through a marine sanitation device.
- (3) Expanded polystyrene means 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). Expanded polystyrene is commonly referred to as Styrofoam.
- (4) Expanded polystyrene food service articles means plates, bowls, cups, containers, to-go containers, lids, trays, coolers, ice chests and all similar articles that consist of expanded polystyrene.
- (5) Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
- (6) Green Stormwater Infrastructure means a resilient approach to treat stormwater at its source via plants while delivering environmental, social, and economic benefits.
- (7) Ocean Friendly Landscaping means landscapes, gardens, or lawns which are designed to absorb and filter stormwater, reduce non-point source pollution, and sequester carbon.

(8) Rain Garden means a landscaped, depressed area that can hold stormwater runoff from impervious surfaces (such as a street) while it infiltrates the soil below.

(9) Single-use carry out plastic bag means a bag provided by a company or individual to a customer, typically at the point of sale, for the purpose of transporting purchases, which is made predominately of plastic derived from petroleum or a biologically-based source. This definition includes bags, as defined above, provided to an individual to transport items provided free of charge, including but not limited to, samples and informational materials.

(10) Wet Season means the National Weather Service designated dates of May 15 through October 15.

Section 13-7-Regulations.

(a) Regulations.

(1) It shall be unlawful to use or bring a single-use carry out plastic bag or expanded polystyrene food service article on public beaches within City limits.

(2) It shall be unlawful to distribute expanded polystyrene food service articles or single-use carry out plastic bags from beachside establishments within City-limits.

(3) No User shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the defined Wet Season.

(4) No User shall apply fertilizers containing nitrogen and/or phosphorus to turf grass and/or landscape plants during a period for which the National Weather Service has issued any of the following advisories for any portion of the City: a severe thunderstorm warning or watch, flood warning or watch, tropical storm warning or watch, hurricane warning or watch, or if rain greater than or equal to two (2) inches in a twenty-four (24) hour period is forecasted.

(5) It shall be unlawful to discharge boat blackwater holding tanks within any waters in City-limits.

(b) Exceptions.

Sections 13-7(a)(3) and 13-7(a)(4) shall not apply for the following:

a. Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes, as amended.

b. Vegetable gardens, owned by individual property owners or a community, provided that fertilizer application rates do not exceed UF/IFAS

131 recommendations according to SP103 Florida Vegetable Gardening Guide,
132 December 2008, as updated.

- 133 c. Yard waste compost, mulches, or other similar materials that are primarily
134 organic in nature and are applied to improve the physical condition of the soil.
135 d. Tree trunk injection fertilization treatments that are performed by a certified
136 arborist.

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138 **Section 13-8: Enforcement: penalties.**

- 139 (1) Following adoption, the City will engage in public education efforts related to the
140 implementation of this section.
141 (2) The City shall enforce all provisions of this Act, including Section 13-7(a)(1), starting
142 October 1, 2019.
143 (3) Violation of this Act may be in the form of a civil citation and enforced in accordance with
144 Section 1-8 or under Chapter 9, Code Enforcement, utilizing the Special Magistrate
145 provisions, Class I violations as set forth in the Code of Ordinances.
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147 **SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City
148 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the
149 extent of such conflict.
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151 **SECTION 4. Severability.** Should any provision of this ordinance be declared by a
152 court of competent jurisdiction to be invalid, the same shall not affect the validity of the
153 ordinance as a whole, or any part thereof, other than the part declared to be invalid.
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155 **SECTION 5. Codification.** It is the intention of the Mayor and City Commission that the
156 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
157 intention the words "ordinance" or "section" may be changed to other appropriate words.
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159 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon
160 adoption.
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163 PASSED AND ADOPTED on 1st reading on _____, 2019.

164 PASSED AND ADOPTED on 2nd reading on _____, 2019.

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JOY D. ADAMS
MAYOR

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173 SPONSORED BY: VICE MAYOR SABRINA JAVELLANA

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175 ATTEST:

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JENORGEN GUILLEN, CMC
CITY CLERK

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182 APPROVED AS TO LEGAL SUFFICIENCY
183 AND FORM

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JENNIFER MERINO
CITY ATTORNEY

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FIRST READING VOTE ON ADOPTION

Mayor Adams

Vice Mayor Javellana

Commissioner Butler

Commissioner Lazarow

Commissioner Lima- Taub

FINAL VOTE ON ADOPTION

Mayor Adams

Vice Mayor Javellana

Commissioner Butler

Commissioner Lazarow

Commissioner Lima- Taub

Yes

Yes

Yes

Yes

Yes

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