

48 **WHEREAS**, restricting the use of polystyrene foam and other plastic products will protect
49 the health and safety of the City’s residents, as well as its natural environment, beaches, waterways,
50 and wildlife.

51
52 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
53 **CITY OF BOYNTON BEACH, FLORIDA, AS FOLLOWS:**

54
55 Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being
56 true and correct and are hereby made a part of this Ordinance.

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58 Section 2. Part II, Chapter 15, "Offenses-Miscellaneous," is hereby amended by creating
59 a new Article XIV, entitled “Polystyrene Foam Waste Reduction Ordinance,” to read as follows:

60
61 Chapter 15 Offenses-Miscellaneous

62 Article XIV. Polystyrene Foam Waste Reduction Ordinance.

63
64 (a) Purpose. The City of Boynton Beach has a duty to protect the natural environment, the
65 economy, and the health of its residents. The purpose of this Article is to regulate the use and
66 distribution of Polystyrene Foam and other single-use plastic products on City property in order
67 to lead by example, protect the health of Boynton Beach residents, and promote sustainable
68 practices within the City.

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,
73 foil, metal, polychloroprene, Mylar, or nylon fabric that can be inflated or filled with air,
74 water, or gas such as helium, hydrogen, nitrous oxide, or oxygen.
- 75 (2) “City Facility” means any building, structure, or vehicle owned or operated by the City.
- 76 (3) “City Property” means any land owned or managed by the City.
- 77 (4) “City Contractor” means a contractor, vendor, lessee, licensee, programming partner, or
78 permittee of the City that uses, works at or on, provides services to or at, or undertakes
79 construction in a City Facility or on City Property; or an operator or manager of a City
80 Facility of City Property.
- 81 (5) “Confetti” means small pieces or streamers of plastic, paper, mylar, or metallic material
82 that are thrown or scattered during festive occasions.
- 83 (6) “Polystyrene Foam” means blown polystyrene and expanded and extruded foams which
84 are thermoplastic petrochemical materials utilizing a styrene monomer and processed by
85 any number of techniques including, but not limited to, fusion of polymer spheres
86 (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown
87 molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups,
88 bowls, plates, trays, clamshell containers, meat trays, and egg cartons, and is commonly
89 but often incorrectly referred to as “styrofoam.”

- 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
95 to provide or sell food on City Property or in a City Facility, including but not limited to
96 special event permits issued by the City for a special event on City Property or in a City
97 Facility.
98 (10) “Unencapsulated Polystyrene Foam Product” means any item that is made, in whole or
99 part, from Polystyrene Foam and that is not wholly encapsulated or encased within a
100 more durable material. These items include but are not limited to Polystyrene Foam
101 coolers, ice chests, pool toys, and beach toys.

102
103 (c) *Prohibition of the Use and Distribution of Polystyrene Foam Products, Balloons, and*
104 *Confetti by City Contractors and Temporary Vendors.*

- 105 (1) City Contractors and Temporary Vendors shall not sell, use, provide food in, or offer the
106 use of Polystyrene Foam Food Ware or Unencapsulated Polystyrene Foam Products in
107 City Facilities or on City Property
108 (2) City Contractors and Temporary Vendors shall not use City funds to purchase
109 Polystyrene Foam Food Ware or Unencapsulated Polystyrene Foam Products.
110 (3) City Contractors and Temporary Vendors shall not sell, use, or offer the use of Balloons
111 or Confetti in any outdoor area of City Property.
112 (4) The provisions of this section shall be incorporated into all contracts, leases, special event
113 permits, and concession agreements entered into or renewed after the effective date of
114 this article, and may be incorporated by reference requiring compliance with all laws,
115 rules, and ordinances of the City. A violation of this section shall be deemed a material
116 default under the terms of the contract, lease or concession agreement and is grounds for
117 revocation of a special event permit.
118 (5) *Exceptions.* This section shall not apply to:
119 a. *Prepackaged foods that have been filled and sealed prior to receipt by the City*
120 *Contractor or Temporary Vendor, including products used for the storage of raw*
121 *meat, pork, poultry, eggs, fish, and seafood.*
122 b. *Any City contract, lease or concession agreement entered into prior to the*
123 *effective date of this section or any temporary permit issued prior to the effective*
124 *date of this section, which shall not be subject to the requirements of this section,*
125 *unless the City Contractor or Temporary Vendor voluntarily agrees to comply*
126 *with this section.*

127
128 (d) *Prohibition of the Use of Polystyrene Foam Products, Balloons, and Confetti on City*
129 *Property.*

- 130 (1) No person shall use Polystyrene Foam Food Ware or Unencapsulated Polystyrene
131 Foam Products on City Property or in any City Facility.
132 (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.

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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 items.

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.

145 (3) Violations of the provisions of this Article by City Contractors and Temporary
146 Vendors shall be on a per occurrence basis and subject to the following penalties:

147 a. First violation: Written warning.

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 Section 3. 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 Section 4. 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 _____

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167 Vice-Mayor – Ty Penserga _____

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169 Commissioner – Justin Katz _____

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Commissioner – Woodrow L. Hay _____

Commissioner – Christina L. Romelus _____

VOTE _____

ATTEST:

Tammy Stanzione
Deputy City Clerk

(Corporate Seal)