

ORDINANCE NO. 2024-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, AMENDING CHAPTER 10 OF THE CITY CODE, ENTITLED "LICENSES, PERMITS AND BUSINESS REGULATIONS," BY CREATING ARTICLE XVI "POLYSTYRENE PRODUCTS"; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, polystyrene which is 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 of the City of Wilton Manors, Florida finds that regulating the use of polystyrene products is in the best interest of the health, safety, and welfare of the City of Wilton Manors, Florida.

{00603952.4 2976-9201291 ;

1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
2 **CITY OF WILTON MANORS, FLORIDA:**

3 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being true and
4 correct and are hereby made a specific part of this Ordinance upon adoption hereof.

5 **Section 2:** Chapter 10, Article XVI of the City Code of the City of Wilton Manors,
6 shall be amended as follows:

7 **ARTICLE XVI POLYSTYRENE PRODUCTS**

8 **Sec. 10-140. Intent.**

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

16 **Sec. 10-141. Definitions.**

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

- 19 (1) *Biodegradable* shall mean all materials in the product or package that will break down or
20 decompose or otherwise become part of a usable soil-conditioning material such as
21 uncoated paper, wood, or bamboo.
22 (2) *City contractor* shall mean any contractor, vendor, commercial lessee, licensee,
23 concessionaire, or individual that has a contract with the City for the provision of goods or
24 services.
25 (3) *City facility* shall mean any building, structure, public parking lot, public park, road, street,
26 right-of-way, City-owned marina, City-owned pier, City-owned dock or City-owned boat
27 ramp or boat ramp leased to the City, City-owned playground, or any property owned by
28 the City, leased by the City, operated, or managed by the City.
29 (4) *City property* shall mean any land, water, or air rights owned by the City, or any building,
30 structure, park, waterbody, road, street, right-of-way, or other facility owned, operated or
31 managed by the City.
32 (5) *Expanded polystyrene* shall mean blown polystyrene and expanded and extruded foams
33 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* shall mean 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* shall mean 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* shall mean 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* shall mean 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 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* shall mean a description of a material capable of being recycled, which would otherwise be processed or be disposed of as solid waste.

(11) *Temporary vendor* shall mean a supplier of goods or services operating on City property or a City facility for one year or less.

(12) *Special event permittee* shall mean any person or entity, and their subcontractor(s), issued a special events permit by the City under article XIII of Chapter 10 of the City Code for a special event on City property, in a City facility, or in the City's right-of-way.

Sec. 10-142. 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.

Sec. 10-143. 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.

(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.

Sec. 10-144. Penalties.

(1) The City's Code Compliance Division shall enforce violations of Section 10-142 and 10-143 of the Code of Ordinances in accordance with the Code Enforcement procedures in Chapter 2, Article III, Division 2 of the Code of Ordinances of the City of Wilton Manors.

(2) Any person or entity that violates any of the provisions in Sections 10-142 or 10-143 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 3: Codification. It is the intention of the City Commission of the City

of Wilton Manors, and it is hereby ordained that the provisions of this Ordinance shall become and

1 be made a part of the Code and Ordinances of the City of Wilton Manors, Florida, and that Sections
2 of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to
3 “Section,” “Article,” or such other word or phrase in order to accomplish such intention.

4 **Section 4:** **Severability.** If any clause, section, or other part of this Ordinance
5 shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such
6 unconstitutional or invalid part shall be considered as eliminated and in no way affecting the
7 validity of the other provisions of this Ordinance.

8 **Section 5:** **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions, or
9 parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

10 **Section 6.** **Effective Date.** This Ordinance shall take effect on August 1, 2024.

11
12 **THE REMAINDER OF THIS PAGE HAS**
13 **BEEN INTENTIONALLY LEFT BLANK.**
14

1 PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF
2 WILTON MANORS, FLORIDA, THIS 28th DAY OF MAY, 2024.

3
4 PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY
5 COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 1st DAY OF
6 June, 2024.

7
8 CITY OF WILTON MANORS, FLORIDA

9
10
11 By:

12 
SCOTT NEWTON, MAYOR

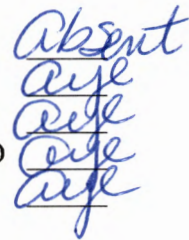
13
14 ATTEST:

15 RECORD OF COMMISSION VOTE: 1ST
16 Reading

17 

18 FAITH LOMBARDO, J.D., CMC
19 CITY CLERK

20 MAYOR NEWTON
21 VICE MAYOR BRACCHI
22 COMMISSIONER CAPUTO
23 COMMISSIONER D'ARMINIO
24 COMMISSIONER ROLLI



25 I HEREBY CERTIFY that I have
26 approved the form of this Ordinance.

27 /s/ Kerry L. Ezrol

28 KERRY L. EZROL, ESQ.
29 CITY ATTORNEY

30 RECORD OF COMMISSION VOTE: 2ND
31 Reading

32 MAYOR NEWTON
33 VICE MAYOR BRACCHI
34 COMMISSIONER CAPUTO
35 COMMISSIONER D'ARMINIO
36 COMMISSIONER ROLLI





COMMUNITY DEVELOPMENT SERVICES

(954) 390-2180 FAX: (954) 567-6069

Life's Just Better Here

TO: Mayor and City Commission

THRU: Leigh Ann Henderson, City Manager

THRU: Roberta Moore, Community Development Services Director

FROM: Evangeline G. Kalus, City Planner

DATE: May 20, 2024 / May 29, 2024

RE: Creation and Establishment of Chapter 10 entitled "Licenses, Permits and Business Regulations", Article XVI of the City's Code of Ordinances entitled "Polystyrene Products".

One of the key performance indicators of "Goal F – Improve Environmental Sustainability" of the City of Wilton Manors 2021-2026 Strategic Plan is to decrease the community's overall carbon footprint. The City Commission gave direction to City staff at the March 26, 2024 City Commission meeting to add regulations regarding Styrofoam to the City's Code of Ordinance. City staff has drafted an ordinance with regards to the prohibition of polystyrene (Styrofoam) products by individuals and temporary vendors on City property or within City facilities, by City contractors, for use at special events permitted on City property or within City facilities.

The following is an outline of Article XVI – Polystyrene Products

Section 10-140 – Intent

- The section indicates that it is the intent of this ordinance to protect the health, safety, and welfare of the public on City property, to reduce the use of polystyrene (styrofoam) products, encourage the use of environmentally friendly alternatives, to reduce waste, and to prohibit the use of styrofoam by contractors doing business with the City.

Section 10-141 – Definitions

- This section includes the following definitions pertinent to the proposed ordinance: Biodegradable, City contractor, City facility, City property, Expanded polystyrene, Food and beverage packing, Polystyrene, Polystyrene foam, Polystyrene products, Recyclable, Temporary vendor, and Special event permittee.

Section 10-142 – Prohibition of the use of polystyrene products by individuals and temporary vendors located on City property or City facilities.

- This section states that 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 10-143 – Prohibition of the use of polystyrene products by City contractors and special event permittees operation on City property or City facilities.

- This section includes language that any contractor, vendor, commercial lessee, licensee, concessionaire, or individual that has a contractor with the City for the provision of food or beverages is prohibited from using polystyrene products on City property or City facilities for packing of food and beverages or providing polystyrene products to anyone while operating on City property or City facility.
- In addition, this section states that a violation of this section would be considered a default under the terms of the contract with the City.
- This section also states that any person or entity, and their subcontractor who has been issued a special event permit by the City for a special event on City property, in a City facility, or in the City's right of way are prohibited from using or providing polystyrene products while operating on City property or within a City facility.
- This section would not apply to food and beverage items packaged and sealed outside the City prior to the special event.

Section 10-144 – Penalties

- This section indicates that the Code Compliance Division will enforce the regulations of this ordinance through fines and the Code Enforcement procedures found in Chapter 2, Article III, Division 2 of the City's Code of Ordinances.

City Commission - May 28, 2024

A motion was made by Commissioner Rolli and seconded by Commissioner Caputo to approve Ordinance No. 2024-002 on First Reading. Motion passed 4-0.

Changes from First Reading to Second Reading:

Change effective date from date of Ordinance adoption to August 1, 2024.



City of Wilton Manors
Business Impact Estimate

Note: The business impact estimate must be posted on the City's website no later than the date the notice of proposed enactment is published per Section 166.041(4) Florida Statutes. This business impact estimate may be revised following its initial posting.

Ordinance title/reference:

Amendments to Chapter 10 of the City of Wilton Manors Code of Ordinances entitled "Licenses, Permits and Business Regulations" creating a new article, Article XVI entitled "Polystyrene Products".

Does any of the following exceptions to the Business Impact Estimate requirement apply? If so, check the applicable box and leave the remainder of the form blank.

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the County;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

Business Impact:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):
2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Wilton Manors (each is required):
 - 2.1 An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted
 - 2.2 Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible
 - 2.3 An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:
3. A good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
4. Additional information (if any):