

ORDINANCE NO. 2024-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 12, "GARBAGE AND REFUSE," BY CREATING ARTICLE IV, "ZERO WASTE," TO PROVIDE FOR THE REDUCTION OF SOLID WASTE BY LIMITED DISTRIBUTION OF CERTAIN PLASTIC PRODUCTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that regulations are current and consistent with the City's regulatory needs; and

WHEREAS, the City of Coconut Creek recognizes the environmental benefits of reducing solid waste; and

WHEREAS, businesses that require patrons to request single-use plastics instead of automatically providing them often see a reduction in operational costs; and

WHEREAS, the reduced production of petroleum-based products reduces the amount of carbon-based resources extracted from the earth and reduces contributions to greenhouse gases; and

WHEREAS, the City is committed to environmentally sound policies; and

WHEREAS, the City Commission finds it to be in the best interest of the health, safety, and welfare of residents, property owners, and businesses of the City to update Chapter 12 of the Code of Ordinances to reduce the distribution of single-use plastics.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 12, “Garbage and Refuse,” by creating Article IV, “Zero Waste,” to read as follows:

Chapter 12 - GARBAGE AND REFUSE

ARTICLE IV. - ZERO WASTE

Section 12-70. – Purpose and Definitions

- (a) Purpose. These regulations are intended to reduce the amount of single-use plastics that are distributed and used in the community.
- (b) Definitions.
 - (1) Expanded polystyrene container means any plate, bowl, cup, container, lid, tray, cooler, ice chest, and similar items that are made of blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and manufactured by fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene) or any other technique.
 - (2) Marine Biodegradable means the natural breakdown of material components into environmentally acceptable products such as water, carbon dioxide, and biomass under conditions typically found in the ocean.
 - (3) Prepared food provider means a person or entity that provides food (including beverages) directly to the consumer, that is ready for immediate consumption without any further cooking, mixing, preparation, alteration, or repackaging regardless of whether such food is provided free of charge or sold, or whether consumption occurs on or off premises, or whether the food is provided from a building, pushcart, stand, or vehicle. Prepared food providers include, but are not limited to, bars, restaurants, cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries, caterers, gas stations, vending or food trucks or carts, convenience stores, and cafeterias.
 - (4) Self-serve station means a location within a prepared food provider’s space or establishment where customers access single-use plastic food accessories.

- (5) Single-use plastic food accessory means any item which is made predominantly of plastic derived from petroleum polymer or a biologically-based polymer and is provided for one-time use with prepared food (including beverages), such as utensils, chopsticks, portion cups, condiment packets, and other similar accessories. This definition excludes items that are provided to prevent spills and injuries, such as spill plugs, splash sticks, cup lids, cup sleeves, and cup trays.
- (6) Single-use plastic stirrer means a device that is used to mix beverages, is intended for one-time use, and is made predominantly of plastic derived from a petroleum polymer or a biologically-based polymer.
- (7) Single-use plastic straw means a disposable tube used for the purpose of consuming beverages and intended for one-time use, which is made predominantly of plastic derived from petroleum polymer or a biologically-based polymer.

Section 12-71. - Prohibition on single-use plastic straws and single-use plastic stirrers; permitted alternatives.

(a) Prohibition. Prepared food providers shall not sell, use, offer for sale or use, or provide to any person a single-use plastic straw or single-use plastic stirrer.

(1) Exceptions: Although the discontinuation of the use of single-use plastic straws and single-use plastic stirrers is strongly encouraged, this article shall not apply to the sale or use of single-use plastic straws or single-use plastic stirrers that are used or offered:

- a. As pre-packaged beverages with a single-use plastic straw or single-use plastic stirrer that are prepared and packaged outside the city and are not altered, packaged, or repackaged within the city.
- b. As boxes of pre-packaged single-use plastic straws or single-use plastic stirrers that are offered for retail sale to a consumer for personal use, that are prepared and packaged outside the city and are not altered, packaged, or repackaged within the city.
- c. By medical or dental facilities.
- d. By hospitals.
- e. By nursing homes or assisted living facilities.
- f. By any disabled person that requires or relies on same to consume beverages and/or food supplements.

(b) Permitted Bio-plastic Straws. Bio-plastic straws certified as “marine biodegradable” through the American Society for Testing and Materials (ASTM) D6691 testing method entitled Aerobic Biodegradation of Plastic Materials in the

Marine Environment or other similar replacement category are permitted and not subject to the prohibition of subsection (a), "Prohibition," above.

Section 12-72. - Single-use plastic food accessories available upon request.

Prepared food providers shall not provide single-use plastic food accessories for dine-in, take-out or delivery, unless the single-use food accessory is specifically requested by the customer or is provided at a customer self-serve station. Single-use plastic utensils may be provided without request when the customer has indicated the desire to dine-in and the food cannot be reasonably consumed without a utensil such as soup, salad, or ice cream in a cup.

Prepared food providers that supply single-use plastic accessories shall place a sign that is easily visible to customers inside the premise near where customer's pickup food, stating single-use plastic food accessories are available upon request unless, a self-serve station is provided, that requires customer action to receive an accessory. Prepared food providers with drive-through facilities shall provide a sign(s) to inform customers of the requirement.

Section 12-73. - Prohibition on use of expanded polystyrene containers on city property or city right-of-way.

Any person or entity that is required to obtain a permit, use agreement, or other authorization or approval to use city property or city right-of-way or voluntarily participates in a city organized event is prohibited from using expanded polystyrene containers for the permitted activity on city property or city right-of-way. This prohibition excludes the distribution of any prepackaged food that is filled and sealed in an expanded polystyrene container prior to receipt by the person or entity and it excludes raw meat or seafood that is stored in an expanded polystyrene container and sold from a refrigerated display or storage case. The prohibition excludes periods of declared emergencies.

Section 12-74. - Prohibition on intentional release outdoors of plastic confetti, glitter, and balloons.

All persons are prohibited from intentionally releasing outdoors any plastic confetti, glitter, or balloons. Consistent with Section 379.233, Florida Statutes, the following balloon releases are exempt from the above prohibition: (a) balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; (b) hot air balloons that are recovered after launching; or (c) balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. The party responsible for the release shall make available evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this section.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective on January 1, 2025.

PASSED FIRST READING THIS _____ DAY OF _____, 2024.

PASSED SECOND READING THIS _____ DAY OF _____, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Welch	_____	_____
Railey	_____	_____
Rydell	_____	_____
Brodie	_____	_____
Wasserman	_____	_____