



City of Largo Agenda Item 16

Meeting Date
12/18/18

Presenter: Laura Thomas, Sustainability Coordinator

Department: AD – Administration

TITLE:

ORDINANCE NO. 2019-19 - FIRST READING- RESTRICTING THE DISTRIBUTION OF EXPANDED POLYSTYRENE PRODUCTS AND POLYPROPYLENE STRAWS ON CITY PROPERTY

City Commission approval is requested for Ordinance No. 2019-19, to prohibit the distribution and use of expanded polystyrene, Styrofoam™, and polypropylene straws on public property to include temporary vendors on public property or entities engaged in a contractual relationship with the City.

This ordinance was drafted based on the direction received at the November 13th City Commission Work Session where the topic of State pre-emption and single-use plastics was discussed.

Budgeted Amount: \$0.00 **Budget Page No(s):** N/A **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information: N/A

Funding Source(s): N/A **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:** N/A

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A Sustainability Plan

Potential Motion/ Direction Requested: I MOVE TO APPROVE/DISAPPROVE ORDINANCE NO. 2019-19 ON FIRST READING AND SCHEDULE A SECOND READING AND PUBLIC HEARING ON JANUARY 8, 2019.

Staff Contact: Laura Thomas, Sustainability Coordinator x7424 lthomas@largo.com

Attachments: Ordinance No. 2019-19

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ORDINANCE NO. 2019-19

**AN ORDINANCE OF THE CITY OF LARGO, FLORIDA PROVIDING
FOR THE PROHIBITION OF THE SALE OR USE OF POLYSTYRENE
AND POLYPROPYLENE FOOD SERVICE ARTICLES BY CITY
CONTRACTORS AND TEMPORARY VENDORS ON CITY PROPERTY**

WHEREAS, the City of Largo is committed to environmental protection and stewardship and hereby finds and declares that it is in the interest of the public, health, safety, and welfare to reduce litter and pollutants on the land and the waters of the City; and

WHEREAS, discarded single-use plastic straws pose health and environmental risks to wildlife and marine life and litter streets, parks and public spaces; and

WHEREAS, polystyrene products are not readily recyclable, non-biodegradable, and take several decades to hundreds of years to deteriorate in the environment or in a landfill; and

WHEREAS, polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are harmful to marine life, other wildlife and the environment; and

WHEREAS, the reasonable control of the distribution of expanded polystyrene products (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) as well as other single-use plastics, including polypropylene, in response to the growing issue of these items ending up in overburdened landfills, waterways, and the ocean is required to protect the public health, safety, and welfare; and

WHEREAS, the City of Largo finds that there are reasonable “environmentally-friendly” alternatives to polystyrene and polypropylene, including but not limited to paper, plant, vegetable, and other natural products; and

WHEREAS, it is the intent and purpose of this Ordinance to provide and maintain for the citizens and visitors of the City healthy and aesthetically-pleasing experiences, while simultaneously advancing the City’s sustainability goals including those identified in the Largo Environmental Action Plan and contributing to its long-term economic vitality by reducing the introduction of these non-biodegradable and environmentally deleterious products into surrounding ecosystems and landfills; and

WHEREAS, the provisions of this Ordinance are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to or rules and regulations promulgated by the State of Florida but shall be construed as implementing and assisting the permissible regulations under the City’s home rule powers and the enforcement thereof.

NOW, THEREFORE, THE CITY OF LARGO CITY COMMISSION HEREBY ORDAINS:

Section 1. The above-mentioned recitals are true and correct and incorporated herein.

Section 2. Chapter 11, Article I of the City of Largo Code of Ordinances is hereby amended to create Division 1: “Prohibition of the Sale or Use of Polystyrene and Polypropylene Food Service Articles by City Contractors and Temporary Vendors”

Sec. 11-1. Definitions.

City Contractor means any person or entity, including food service establishments regulated by chapter 500, Florida Statutes, which has entered into a contract with the City to provide goods or services or services to the City.

56 *City Facility* includes, but is not limited to, any building, structure, park, or beach owned, operated
57 or managed by the City.

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59 *City Property* includes, but is not limited to, any land, water, or air rights owned, operated or
60 managed by the City.

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62 *Expanded polystyrene* means blown polystyrene and expanded and extruded foams that are
63 thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of
64 techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection
65 molding, foam molding and extrusion-blown molding (extruded foam polystyrene).

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67 *Food service articles* means straws, plates, bowls, cups, containers, lids, trays, and all similar
68 single use items used for serving or distributing food or drink.

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70 *Polypropylene* means a plastic polymer of propylene (C3H5), commonly identified by ASTM
71 Resin Identification Code #5.

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73 *Polystyrene* means a thermoplastic polymer or copolymer comprised of at least 80 percent
74 styrene or para-methylstyrene by weight.

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76 *Temporary Vendor* means any person or entity issued a temporary permit by the City to provide
77 or sell food on City Property or in a City Facility, including but not limited to special event permits issued
78 by the City for a special event on City Property or in a City Facility.

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80 **Sec. 11-2. Prohibition of use of polystyrene or polypropylene food service articles by City**
81 **Contractors and Temporary Vendors.**

82
83 City Contractors and Temporary Vendors shall not sell, use, provide food in or offer the use of
84 Polystyrene or Polypropylene Food Service Articles in City Facilities or on City Property, including but not
85 limited to special events on City Property or in a City Facility. The provisions of this section shall be
86 incorporated into all contracts, leases, or concession agreements for City Contractors and Temporary
87 Vendors entered into after the effective date of this Ordinance, and may be incorporated by reference
88 requiring compliance with all laws, rules, and ordinances. A violation of this section shall be deemed a
89 material default under the terms of the contract, lease or concession agreement and is grounds for
90 revocation of a special event permit.

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92 **Sec. 11.3. Exceptions**

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94 (a) This Division shall not apply to prepackaged foods that have been filled and sealed prior to
95 receipt by the City Contractor or Temporary Vendor, including products used for the storage of raw meat,
96 pork, poultry, fish, and seafood.

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98 (b) Any City contract, lease, or concession agreement entered into prior to the effective date of this
99 section or any temporary permit issued prior to the effective date of this section shall not be subject to the
100 requirements of this section, unless the City Contractor or Temporary Vendor voluntarily agrees thereto.

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102 (b) To the extent any individual with a qualified disability under the Americans with Disabilities Act
103 may require polystyrene or polypropylene food service articles, such articles may be provided upon request.

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105 Section 2. SEVERABILITY. It is the intention of the City Commission that each provision
106 hereof be considered severable, and, if any section, subsection, sentence, clause or provision of this
107 ordinance is held invalid, the remainder of this ordinance shall not be affected.

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Section 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby superseded or repealed to the extent of such conflict.

Section 4. EFFECTIVE DATE. The provisions of this ordinance shall take effect immediately upon its final passage and enactment.

APPROVED ON FIRST READING _____

PASSED AND ENACTED ON SECOND AND FINAL
READING _____

CITY OF LARGO, FLORIDA

Louis L. "Woody" Brown, Mayor

REVIEWED AND APPROVED:

ATTEST:



Alan Zimmet, City Attorney

Diane Bruner, City Clerk