

ORDINANCE No. 2024-13

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE II “RULES AND REGULATIONS” OF CHAPTER 29 “PARKS AND RECREATION” OF THE CITY OF DORAL CODE OF ORDINANCES, TO PROVIDE FOR A BAN OF POLYSTYRENE ARTICLES IN CITY PARKS IN CERTAIN CIRCUMSTANCES, AND A BAN ON CERTAIN POLYSTYRENE ARTICLES IN CITY PARKS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, polystyrene is made from styrene, a petroleum byproduct which is nonrenewable and a heavily polluting resource; and

WHEREAS, styrene is a known neurotoxin that is classified as reasonably anticipated to be a human carcinogen (meaning there is significant evidence linking styrene to human cancers); and

WHEREAS, polystyrene is not recyclable and once discarded persists in the environment for years; and

WHEREAS, polystyrene is often used to make the foam cups, plates, and clamshells that are sometimes referred to as Styrofoam, however, other forms of polystyrene are used to make certain clear or solid plastic cups, lids, straws, utensils, as well as other food-service ware; and

WHEREAS, polystyrene products float in water and are non-biodegradable and non-recyclable; and

WHEREAS, polystyrene products pose a threat to wildlife, waterways, ecosystems, and contaminate 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,

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wildlife and residents; and

WHEREAS, there are affordable alternatives to polystyrene foam that may be used to store products, foods, and beverages, such as coated and uncoated paper, and compostable plant fiber products (such as Bagasse made from sugar cane, bamboo, palm, and other rapidly compostable resources); and

WHEREAS, although the City is preempted from regulating the use or sale of polystyrene products, pursuant to Section 500.90, Florida Statutes, the preemption does not limit the authority of a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services; and

WHEREAS, the City Council finds that regulating the use of polystyrene products on City parks is in the best interest of the health, safety, and welfare of the City of Doral, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF DORAL:

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

Section 2. **Amending Code.** Chapter 29, Article II of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

Chapter 29 – PARKS AND RECREATION

Article I. – IN GENERAL

Article II. – RULES AND REGULATIONS

Sec. 29-60 Prohibition regarding sale or use of Polystyrene food-service articles in Parks and Park Property

(a) Intent.

- (1) The City seeks to protect the health, safety and welfare of the public by prohibiting the use of polystyrene articles in City parks by individuals.
- (2) The City strives to reduce the use of polystyrene articles and encourage the use of environmentally friendly reusable and recyclable alternatives.
- (3) The City wishes to reduce waste and environmental hazards by entering into contractual relationships for the provision of goods and services with contractors that do not use polystyrene articles.

(b) Definitions. For purposes of this Section, the following definitions shall apply:

- (1) Parks Vendor or Contractor means a contractor, vendor, lessee, licensee, programming partner, or permittee of the City that uses, works on, provides services at, or undertakes construction of Park Property; a special events permittee for an event in a Park; or an operator or manager of Park Property or a facility within a Park.
- (2) Polystyrene means thermoplastic petrochemical material utilizing a styrene monomer, including but not limited to polystyrene foam 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, or extrusion-blow molding (extruded foam polystyrene), and clear or solid polystyrene (oriented polystyrene).
- (3) Polystyrene article means plates, bowls, cups, utensils, cutlery, tableware, containers, lids, trays, coolers, ice chests, bags, boxes, wrappings, bottles, and all similar articles that consist of polystyrene.

(c) Beginning on July 1, 2024, no Parks Vendors or Contractors shall engage in the sale of any Polystyrene article on any Park Property and no person shall carry or use any Polystyrene cups, plates, bowls, food containers or ice chests, sometimes referred to as Styrofoam onto or on any Park Property.

(d) Parks Vendors or Contractors shall not sell, use, provide food in, or offer the use of Polystyrene articles on Park Property and in all facilities located within Parks. A violation of this rule shall be deemed a default under the terms of the applicable contract between the City and the Parks Vendor or Contractor. This rule shall not apply to Polystyrene articles that are used for prepackaged food or drinks, except for bottled water, that have been filled and sealed prior to receipt by the Parks Vendor or Contractor. Bottled water carried into Park Property by a Parks Vendor or Contractor shall be in a boxed or canned format.

(e) Any contract between the City and a Parks Contractor entered into before this ordinance takes effect, shall not be subject to the requirements of this section, unless the Parks Contractor voluntarily agrees thereto. The requirements will apply at the time of renewal or a new agreement is entered into.

(f) Approved Special Event Permits occurring in City Park Facilities shall also adhere to the requirements set forth above.

(g) Penalties. Any person or entity that violates any of the provisions in this section is subject to the penalties set forth below:

i. First offense: \$500 fine and increasing by \$500 for each subsequent offense.

ii. Agreements/Permits may also be revoked in the instance of a violation and future agreements/permits may also be at risk should a Parks Vendor or Contractor not comply with these requirements.

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase,

work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. All ordinances or parts of ordinances or resolutions of the City Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Incorporation into the Code. It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become upon adoption on second reading.

The Prime Sponsor of the foregoing ordinance is Councilwoman Digna Cabral.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED on FIRST READING this 10 day of April, 2024.

PASSED AND ADOPTED on SECOND READING this 8 day of May, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

GREENSPOON MARDER, LLP
INTERIM CITY ATTORNEY

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