



Incorporated 1925

ORDINANCE

5580

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 AMENDING CHAPTER 9, CODE OF ORDINANCES,
4 "MISCELLANEOUS OFFENSES," BY CREATING ARTICLE
5 VII, "WASTE REDUCTION," TO PROHIBIT POLYSTYRENE
6 FOAM PRODUCTS, BALLOONS, AND CONFETTI ON CITY
7 PROPERTY (AS MORE PARTICULARLY PROVIDED);
8 AMENDING SECTION 9-60, "SUPPLEMENTAL CODE
9 ENFORCEMENT PROCEDURES," TO PROVIDE FOR
10 ENFORCEMENT; PROVIDING FOR SEVERABILITY;
11 PROVIDING FOR REPEALER; PROVIDING FOR
12 CODIFICATION; PROVIDING AN EFFECTIVE DATE

13
14 WHEREAS, the City of Boca Raton has a duty to protect city facilities, city property, the
15 natural environment, the economy, and the health of its citizens; and

16 WHEREAS, the City's Sustainability Action Plan calls for the reduction of litter and
17 plastic pollution within the City; and

18 WHEREAS, polystyrene foam represents a significant source of litter on the City's
19 beaches and in City facilities, parks, and waterways; and

1 WHEREAS, polystyrene foam, a petroleum based plastic material, commonly though
2 often incorrectly referred to as "Styrofoam," is an environmental pollutant that is commonly used
3 for packaging foods and in food service ware, is difficult or impossible to recycle, is not
4 compostable, and according to the U.S. Environmental Protection Agency can have serious
5 impacts upon human health, wildlife, aquatic environment, and the economy; and

6 WHEREAS, polystyrene foam may break down in the marine environment into smaller
7 pieces called microplastics which do not biodegrade and which negatively impact water quality
8 and harm marine life that often mistake microplastics for food; and

9 WHEREAS, balloons are common sources of litter, sometimes even far from their use
10 site; and

11 WHEREAS, confetti is produced in a size that makes it difficult to collect for proper
12 disposal and thus can easily become litter; and

13 WHEREAS, due to health and environmental concerns, many cities in the United
14 States have enacted bans on polystyrene foam products, balloons, and confetti, including
15 municipalities in Florida; and

16 WHEREAS, section 500.90, Florida Statutes, generally preempts to the State of Florida
17 the regulation of polystyrene foam products, but expressly authorizes local governments to
18 regulate the use of polystyrene foam products by individuals on public property, by temporary
19 vendors on public property, or by entities engaged in a contractual relationship with the local
20 government for the provision of goods or services; now therefore

21 THE CITY OF BOCA RATON HEREBY ORDAINS:

22 Section 1. Chapter 9, "Miscellaneous Offenses," is hereby amended by creating new
23 Article VII, "Waste reduction."

1 ARTICLE VII. – WASTE REDUCTION.

2 Section. 9-108. – Purpose.

3 It is the intention of the city to protect the health and wellbeing of city residents, to
4 support sustainable practices, and to reduce the negative impacts of polystyrene foam food ware,
5 unencapsulated polystyrene foam products, balloons, and confetti on city property and the natural
6 environment. Negative impacts include, but are not limited to, creation of litter and marine debris,
7 wildlife impacts, blockage of stormwater drains, the breeding of mosquitos, and negative
8 aesthetics in the city.

9 Section. 9-109. – Definitions.

10 “Balloon” means a flexible nonporous bag made from materials such as rubber, latex,
11 foil, metal, polychloroprene, stretched polyester film (such as Mylar), or nylon fabric that can be
12 inflated or filled with air, water, or gas.

13 “City property” shall mean any real property owned or managed by the city, but shall
14 not include public roads, sidewalks, swales, or rights of way.

15 “Confetti” shall mean small pieces plastic, paper, Mylar, or metallic material that is
16 generally used, thrown, or scattered during festive occasions.

17 “Polystyrene foam” shall mean blown polystyrene and expanded and extruded foams
18 that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any
19 number of techniques, including but not limited to, fusion of polymer spheres (expandable bead
20 polystyrene), injecting molding, foam molding, and extrusion-blown molding (extruded foam
21 polystyrene. Polystyrene foam is commonly used to make disposable cups, bowls, plates, trays,
22 clamshell containers, meat trays, and egg cartons and is commonly though often incorrectly
23 referred to by the trademark name “Styrofoam.”

24 “Polystyrene foam products” shall mean products made from polystyrene foam that are
25 designed for distributing food or drink, such as containers, bowls, plates, trays, cups, and lids and
26 which are intended to be disposable and polystyrene foam coolers/ice chests that are not wholly

1 encapsulated or encased within a more durable material.

2 "Temporary vendor" shall mean a person or entity who is contracted to sell or distribute
3 food and/or drink on city property.

4 Section. 9-110. – Prohibition of the sale or distribution of polystyrene foam products.

5 (1) Use of polystyrene foam products is discouraged on city property.

6 (2) Temporary vendors:

7 (a) Temporary vendors are prohibited from selling or distributing food/drink packaged
8 in polystyrene foam products on city property.

9 (b) Every temporary vendor entering into a contract, lease, rental agreement, or other
10 agreement with a third party for the provision of goods or services, or for an event, on city property,
11 shall include in such agreement reference to the prohibitions in this section.

12 (c) A violation of any prohibition or requirement of this section shall be grounds for
13 revocation by the city of a temporary vendor contract.

14 (3) The prohibitions in this section shall be suspended during a city-declared state of
15 emergency.

16 Section 9-111. – Prohibition of balloons and confetti.

17 Balloons and confetti are prohibited in outdoor areas on city property.

18 Section 2. Section 9-60, "Supplemental code enforcement procedures," is hereby
19 amended to read as follows:

20 * * *

21 (2) Supplemental procedures. Enforcement of the following provisions of the Code
22 pursuant to the provisions of this article is hereby authorized:

23 (a) Section 4-2, "Hours of operation;"

24 * * *

25 (c) Section 7-26, "Codes—Adopted;"

26 (d) Section 9-110, "Prohibition of the sale or distribution of polystyrene foam products;"

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(e) Section 9-111, "Prohibition of balloons and confetti;"

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[Note to Codifier: current subsections (d) through (bb) are hereby renumbered as subsections (f) through (dd).]

Section 3. If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 4. All ordinances and resolutions or parts of ordinances and resolutions and all section and parts of sections in conflict herewith shall be and hereby are repealed.

Section 5. Codification of this ordinance in the Code of Ordinances is hereby authorized and directed.

Section 6. Section 1 of this ordinance shall take effect immediately upon adoption; Section 2 of this ordinance shall take effect on January 1, 2023.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this 8th day of June, 2021.

CITY OF BOCA RATON, FLORIDA

ATTEST:

Mary Siddons
Mary Siddons, City Clerk

Scott Singer
Scott Singer, Mayor

Approved as to form:

Diana Grub Frieser
Diana Grub Frieser
City Attorney

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COUNCIL MEMBERS	YES	NO	ABSTAINED
MAYOR SCOTT SINGER	✓		
DEPUTY MAYOR ANDREA LEVINE O'ROURKE	✓		
COUNCIL MEMBER YVETTE DRUCKER	✓		
COUNCIL MEMBER MONICA MAYOTTE	✓		
COUNCIL MEMBER ANDY THOMSON	✓		