

Sec. 82-7. - Prohibitions regarding sale or use of expanded polystyrene food service articles by city contractors and special event permittees.

- (a) *Legislative intent.* Expanded polystyrene, a petroleum byproduct commonly known as "Styrofoam", is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade. Expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are harmful to marine life, other wildlife, and the environment. The city's goals are to reduce the use of expanded polystyrene and encourage the use of reusable, recyclable, or compostable alternatives.
- (b) *Definitions.* For purposes of this section only, the following definitions shall apply:
- (1) *City contractor* means a contractor, vendor, commercial lessee, concessionaire of the city, or operator of a city facility or property.
 - (2) *Polystyrene* means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methylstyrene by weight.
 - (3) *Expanded polystyrene* means blown polystyrene and expanded and extruded foams 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).
 - (4) *Expanded polystyrene food service articles* means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene.
 - (5) *City facility* includes, but is not limited to, any building, structure, park, beach, golf course, marina, pier, dock or boat ramp leased to the city, or owned, operated, leased, or managed by the city.
 - (6) *City property* includes, but is not limited to, any land, water, or air rights leased to the city, or owned, operated, leased, or managed by the city.
 - (7) *Special event permittee* means any person or entity issued a special event permit by the city for special event on city property or in a city facility.
- (c) *[Where prohibited.]* City contractors and special event permittees shall not sell, use, provide food in, or offer the use of expanded polystyrene food service articles in city facilities or on city property. A violation of this section shall be deemed a default under the terms of the city contract, lease, or concession agreement and is grounds for revocation of a special event permit. This subsection shall not apply to expanded polystyrene food service articles used for prepackaged food that have been filed and sealed prior to receipt by the city contractor or special event permittee.
- (d)

[Exclusions.] Any city contract, lease, or concession agreement entered into prior to August 2, 2014, or any special event permit issued prior to August 2, 2014, shall not be subject to the requirements of this section, unless the city contractor or special event permittee voluntarily agrees thereto.

(Ord. No. 2014-3884, § 2, 7-23-14; Ord. No. 2015-3923, § 2, 2-11-15)