

CHAPTER 97: LITTERING

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§ 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIODEGRADABLE MATERIAL. Material capable of being readily attacked, decomposed, assimilated, and otherwise completely oxidized or broken down by bacteria or other natural biological organisms into simple substances or basic elements within a reasonable time.

CITY FACILITY. A building or other improvement to land that the city operates for a particular purpose affording a convenience or service.

CITY PROPERTY. Land owned in fee simple by the city, including the Broadwalk. Roads and sidewalks are not deemed to be **CITY PROPERTY**.

LITTER. Including all garbage, rubbish, garden trash and all waste materials including, but not limited to, bottles, glass, cans, scrap metal, junk, paper, disposable packages or containers and all other similar materials, and any substance of any kind or nature whatsoever that creates a public health, safety or fire hazard or a public nuisance.

PLASTIC. A synthetic material made from a range of organic polymers typically derived from petrochemicals, a biologically-based source (such as corn or other plants), polystyrene, polypropylene, or polyethylene.

POLYSTYRENE FOAM. 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 polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). **POLYSTYRENE FOAM** is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons, and is commonly but often incorrectly referred to as "styrofoam."

POLYSTYRENE PLASTIC. A thermoplastic petrochemical material using a styrene monomer and a blowing agent compound which is used to produce molded expanded or extruded expanded polystyrene plastic foam.

PREPARED FOOD. Food or beverages that are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared (collectively "prepared") for individual customers or consumers. **PREPARED FOOD** does not include raw eggs, butchered meats, fish, and/or poultry sold from a butcher, a refrigerator case, or similar retail appliance.

PUBLIC WAY. Any and all streets, roads, alleys, broadwalks, lanes, trails, waters, or other public ways, and any and all public parks, squares, beaches, parks and any and all recreational facilities operated by the city, state, county, federal government or special governmental districts.

SINGLE-USE PLASTIC FOOD SERVICE PRODUCTS. Eating and serving utensils, tableware, containers, lids, plates, bowls, cups, straws, wrappings, bottles, bags or other packaging and all similar articles used for transporting or consuming prepared food or beverages and made predominantly of plastic derived from one or more of the following: petroleum, a

biologically-based source (such as corn or other plants), polystyrene, polypropylene, or polyethylene. **SINGLE-USE PLASTIC FOOD SERVICE PRODUCTS** does not include items made of non-plastic natural materials such as paper, sugar cane, bamboo, or similar materials.

VENDOR.

(1) A contractor, vendor, lessee, licensee, programming partner, or permittee of the city that uses, works at or on, provides services to or at, or undertakes construction in a city facility or at a city- owned property;

(2) A special events permittee for events in a park, community center, or other municipal building, or on a public way within the city;

(3) An operator or manager of park property or city property.

('72 Code, § 13-36) (Ord. O-74- 85, passed 8-7-74; Am. Ord. O-89- 69, passed 11-15-89; Am. Ord. O- 2020-16, passed 10-21-20)

§ 97.02 WHAT CONSTITUTES OFFENSIVE LITTERING.

A person commits the violation of offensive littering if he or she creates an objectionable stench or degrades the beauty and appearance of property or detracts from the natural cleanliness or safety of property by:

(A) Discarding or depositing, or causing to be discarded or deposited, any litter upon the property of another or upon public property or any public way except in the manner permitted by law.

(B) Permitting any litter to be so discarded or deposited from any business establishment or from any boat or vehicle of which he is the registered owner or operator, provided, however, that this division shall not apply to a person owning or operating a vehicle transporting passengers for hire subject to regulation by any governmental entity, or any public school bus transporting children to and from the public schools.

(C) Permitting the accumulation of litter on his/her property or the right-of-way abutting the property of which he/she is the tenant, or owner or operator.

('72 Code, § 13-34) (Ord. O-74-85, passed 8-7-74; Am. Ord. O-89-69, passed 11-15-89; Am. Ord. O-96-56, passed 12-4-96)) Penalty, see § 97.99

§ 97.03 REWARD FOR INFORMATION LEADING TO ARREST AND CONVICTION OF PERSON VIOLATING CHAPTER.

The city will pay a reward of \$100 to any person who gives information leading to the arrest and conviction upon final appeal of any person for a violation of this chapter, except as specified in § 97.07. No law enforcement officer of the city shall be eligible for such reward. The City Manager is authorized to set up administrative regulations for payment of such reward.

('72 Code, § 13-35) (Ord. O-74-85, passed 8-7-74)

§ 97.04 LITTERING RECEPTACLES REQUIRED; PLACEMENT.

(A) The proprietors of all privately-owned establishments which serve the public including, but not limited to drive-in restaurants, retail shopping centers, grocery stores, convenience stores, gasoline service stations, commercial parking lots, camp grounds, trailer parks and all other such establishments shall be required to place litter receptacles of a size and nature suitable to the city and bearing in large print thereon the label "TRASH."

(1) The nature of such receptacles, their size, composition, number and place of location shall be determined by the city, based on the size, location and circumstances of said establishment and the need for such litter receptacles caused by the nature and type of business and customers of such establishments.

(2) Proprietors shall be responsible for the removal of litter from such litter receptacles when the receptacles have reached capacity. Proprietors shall be in violation of § 97.02 if litter is allowed to overflow from or accumulate in the vicinity of their receptacles.

(B) Said proprietors shall, within 15 days of notification by the city of the required information with reference to such litter receptacles, comply with the terms of this section.

('72 Code, § 13-37) (Ord. O-74-85, passed 8-7-74; Am. Ord. O-89-69, passed 11-15-89; Am. Ord. O-96-56, passed 12-4-96)) Penalty, see § 97.99

§ 97.05 REQUIREMENTS FOR ESTABLISHMENTS THAT DISPENSE DISPOSABLE FOOD SERVICE PRODUCTS.

(A) Establishments located east of the Intercoastal Waterway selling food intended for consumption by customers off the premises of such establishments, or serving food in an outside seating area of an establishment, shall not sell or dispense disposable food service products, including but not limited to cups, lids, straws, plates, bowls, utensils, sandwich containers, or other packaging, which are made of plastic, polystyrene plastic, or of any nonbiodegradable material; except, however, that the ban on polystyrene plastic and plastic-coated paper products shall not become effective until the conditions set forth in F.S. § 403.708(11) are met.

(B) All proprietors of business establishments abutting or fronting the Hollywood Broadwalk shall be required to remove, within a reasonable time on the day of its placement there, all litter from the area extending from the western border of their

property to the eastern border of the Boardwalk.

(C) For the purposes of this section, the term **ESTABLISHMENTS** shall include but not be limited to restaurants, vendors, grocery stores, and any other person, entity or business engaged in the sale of food products under the circumstances set forth in division (A).

('72 Code, § 13-38) (Ord. O-74-85, passed 8-7-74; Am. Ord. O-90-18, passed 6-6-90; Am. Ord. O-96-56, passed 12-4-96))
Penalty, see § 97.99

§ 97.06 SIGNS REQUIRED.

(A) The proprietors of all privately-owned establishments which serve the public including, but not limited to, drive-in restaurants, retail shopping centers, grocery stores, convenience stores, gasoline service stations, commercial parking lots, camp grounds, trailer parks and other such establishments, shall be required to prominently place signs warning persons against violation of this chapter and its possible criminal sanctions. The nature, content, number, location, size and composition of said signs shall be determined by the City Manager based on the size, location and circumstances of said establishments, the volume of potential litter generated by said establishments, and the need for such signs caused by the nature and type of business and customers of such establishments.

(B) Said proprietors shall, within 30 days of notification by the city of the required information, comply with the terms of this section. The city may produce said signs and offer them for sale to establishments requiring them at cost and with no profit to the city.

('72 Code, § 13-40) (Ord. O-74-85, passed 8-7-74) Penalty, see § 97.99

§ 97.07 PRESUMPTION OF PRIOR POSSESSION OR OWNERSHIP OF DISCARDED LITTER.

Any litter discarded or deposited in violation of this chapter which can be established to have been in the possession or ownership of any person shall be presumed to have been discarded or deposited by such person; this presumption may be rebutted by competent evidence or testimony establishing that such item of litter had left the ownership or possession of such person prior to being deposited or discarded in violation of this chapter. Convictions obtained under this section shall not be eligible for reward provisions of § 97.03.

('72 Code, § 13-41) (Ord. O-74-85, passed 8-7-74; Am. Ord. O-89-69, passed 11-15-89)

§ 97.08 REGULATION OF THE USE OF SINGLE-USE PLASTIC FOOD SERVICE PRODUCTS BY CITY VENDORS AND SPECIAL EVENT PERMITTEES.

(A) City vendors and special event permittees shall not use single-use plastic food service products in city facilities or on city property.

(B) This prohibition shall apply to contracts entered into and contracts renewed on or after October 21, 2020; provided, however, that the six-month period beginning October 21, 2020 and ending April 20, 2021 shall be a warning period only.

(Ord. O-2020-16, passed 10-21-20)

§ 97.09 REGULATION OF THE USE OF SINGLE-USE PLASTIC FOOD SERVICE PRODUCTS OR OTHER POLYSTYRENE PRODUCTS ON CITY PROPERTY.

(A) No individual shall use any single-use plastic food service products or polystyrene product on city property.

(B) This prohibition shall be effective on October 21, 2020; provided, however, that the six-month period beginning on October 21, 2020 and ending on April 20, 2021 shall be a warning period only.

(C) Any person who rents or leases city facilities and/or property may not bring or use single-use plastic food service products into a city facility. This requirement shall be a requirement in the city's special events and city facility rental policies and any related rental agreements.

(D) City vendors and lessees of city facilities, while performing under a city contract or lease, may not use, provide, or make available single-use plastic food service products.

(Ord. O-2020-16, passed 10-21-20)

§ 97.10 PROHIBITION AGAINST UNENCAPSULATED EXPANDED POLYSTYRENE PRODUCTS IN PUBLIC SPACES.

Unencapsulated polystyrene foam products are prohibited within the city's beaches and public parks and on any city marina, pier, dock, or boat ramp. Prohibited items include but are not limited to:

(A) Polystyrene foam coolers, ice chests, or similar containers that are not wholly encapsulated or encased within a more durable material: and

(B) Polystyrene foam pool or beach toys that are not wholly encapsulated or encased within a more durable material.

(Ord. O-2020-16, passed 10-21-20)

§ 97.11 EXEMPTION.

Any agreement, service or use that is provided under a declared state of emergency or that is deemed necessary for one or more functions associated with emergency response shall be exempt from the prohibitions set forth in §§ 97.08 through 97.10.

(Ord. O-2020-16, passed 10-21-20)

§ 97.12 REGULATION OF THE RELEASE OF BALLOONS.

It is unlawful for any person, firm, or corporation to intentionally release, organize the release of, or intentionally cause to be released balloons inflated with a gas that is lighter than air, except for balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes, hot air balloons that are recovered after launching, balloons released indoors, or balloons that are either biodegradable or photodegradable, as determined by rule of the Florida Fish and Wildlife Conservation Commission, that can be demonstrated as such to law enforcement officers, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments

(Ord. O-2020-16, passed 10-21-20)

§ 97.99 PENALTY.

(A) Any person violating the provisions of this chapter shall be punished by a mandatory fine of not less than \$50 nor more than \$500, and/or by imprisonment not to exceed 60 days, or both.

(B) Upon a second conviction within a two-year period, the mandatory fine shall be not less than \$75 nor more than \$500.

(C) Upon a third conviction within a three-year period, the mandatory fine shall be not less than \$100 nor more than \$500.

(D) In addition to the mandatory fines above, and in lieu of imposing an additional fine and/or imprisonment, the court in which conviction is obtained may, in its sound discretion require such convicted person, under the supervision of the pertinent city official, to pick up and remove from any public property or public way or private property, with prior permission of the legal owner of said private property, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

(E) Any conviction of a person under §§ 97.02(B) or 97.07 shall only be punishable by the fine provisions as contained hereinabove and shall not subject such convicted person to imprisonment.

('72 Code, § 13-42) (Ord. O-74-85, passed 8-7-74; Am. Ord. O-89-69, passed 11-15-89; Am. Ord. O-95-20, passed 4-5-95; Am. Ord. O-96-56, passed 12-4-96)