

ORDINANCE NO. \_\_\_\_\_ **Error! Bookmark not defined.**

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING SECTION 97.08 OF THE CODE OF ORDINANCES; PROHIBITING THE USE OF POLYSTYRENE ON PUBLIC PROPERTY.

WHEREAS, Florida Statute Section 500.90 preempts to the Florida Department of Agriculture and Consumer Services the regulation of the use or sale of polystyrene products by entities regulated by Florida Statutes Chapter 500; and

WHEREAS, Section 500.90 declares that the preemption does not limit the authority of a municipality to restrict the use of polystyrene by individuals on private property or temporary vendors on public property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Section 97.08 of the Code of Ordinances is hereby created to read as follows:

TITLE IX: GENERAL REGULATIONS

\* \* \*

CHAPTER 97: LITTERING

\* \* \*

§ 97.08 REGULATION OF USE OF POLYSTYRENE ON PUBLIC PROPERTY.

It shall be unlawful for any individual or any temporary vendor to use a polystyrene product on public property.

\* \* \*

Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.)

ORDINANCE CREATING SECTION 97.08 OF THE CODE ORDINANCES;  
PROHIBITING USE OF POLYSTYRENE ON PUBLIC PROPERTY.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on \_\_\_\_\_, 2017.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida only:

\_\_\_\_\_  
ALAN FALLIK, ACTING CITY ATTORNEY