

RESOLUTION NO. 184-20

A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA,
ENCOURAGING CITY STAFF TO NEGOTIATE “NO POLYSTYRENE”
CLAUSES INTO CITY CONTRACTS; PROVIDING AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach (hereinafter referred to as the “City”) finds that polystyrene products pose an environmental hazard to the health, safety, and welfare of the residents and visitors of Delray Beach, Florida, as well as negatively impact water quality and surrounding wildlife; and

WHEREAS, the public at large is becoming increasingly aware of the negative environmental consequences from polystyrene products which are not biodegradable; and

WHEREAS, the United States Environmental Protection Agency identified that when expanded polystyrene, which is made of fossil fuels and synthetic chemicals, enters our waterways and becomes marine debris, it can “have serious impacts on human health, wildlife, the aquatic environment, and the economy;” and

WHEREAS, expanded polystyrene is not recyclable or biodegradable; instead it also fragments into microplastics, which are then ingested by marine life and other wildlife, thus harming or killing them; and

WHEREAS, expanded polystyrene products have little value and constitute a portion of the litter and pollution in the City’s waterways, rights-of-way, parks, and other public places; and

WHEREAS, the state has preempted the ability of municipalities to pass and enforce Ordinances regulating polystyrene containers through the state’s passage of Florida Statutes 500.90, 403.708(9) and 403.7033; and

WHEREAS, the City remains able to negotiate polystyrene reduction through negotiating “no polystyrene” clauses into its Agreements on a case by case basis, and

WHEREAS, the City Commission desires to encourage City staff to seek to negotiate “no polystyrene” clauses into its contracts; and

WHEREAS, the City Commission of the City of Delray Beach finds the adoption of this Resolution encouraging City staff to seek to negotiate “no polystyrene” clauses into its contracts is in the best interest and promotes the health, safety, and welfare of the citizens, residents, and businesses of the City of Delray Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are affirmed and ratified.

Section 2. The City hereby finds and concludes that it is in the public interest to reduce the use of polystyrene products in the City.

Section 3. The City shall encourage the reduction of polystyrene products by seeking to negotiate “no polystyrene” clauses into its contracts.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2020.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney