

36 Coral Reef Partnership, and Global Wastewater Initiative found that chronic
37 wastewater/stormwater stress prevents reef communities from recovering from a bleaching event.
38 The same study (Exhibit 4) asserts that more than “80% of marine pollution originates from land-
39 based wastewater and sediments and nutrients delivered via waterways;” and

40 **WHEREAS**, the Mayor and the City Commission have determined that it is in the best
41 interest of the residents of the City to promote the public health, safety, and general welfare by
42 amending Chapter 13 “Health and Sanitation” to enact procedures and prohibitions regarding the
43 distribution of polystyrene food service articles or single use-carry out plastic bags from beachside
44 establishments and on public beaches, the application of fertilizers containing nitrogen and/or
45 phosphorus to turf and/or landscape plants during the Wet Season, the application of fertilizers
46 and/or phosphorus to turf grass and/or landscape plants during certain advisories issued by the
47 National Weather Service and the discharge of boat blackwater holding tanks within any waters in
48 the City limits; and

49 **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**
50 **HALLANDALE BEACH, FLORIDA:**

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52 **SECTION 1.** The foregoing “Whereas” clauses are hereby incorporated herein.

53 **SECTION 2.** Chapter 13 ““Health and Sanitation” of the Code of Ordinances of the City
54 of Hallandale Beach, Florida is hereby amended, creating Sections 13.5-13.8, entitled “Our
55 Local Coral Reef Protection Act” as follows:

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57 **Sec. 13-5. – Our Local Coral Reef Protection Act.**

58 Statutory authorization, statement of purpose and objectives. The legislature of the State has in
59 F.S. Chapter 166 delegated the responsibility to municipalities to adopt regulations designed to
60 promote the public health, safety and general welfare of its citizens. Coral reefs are one of the
61 most biologically diverse ecosystems in the world, providing billions of dollars in food, medicine,
62 products, tourism, and coastal protection each year. Less than a half-mile offshore Hallandale
63 Beach is a patch of staghorn coral, a Federally listed Critically Endangered species, which is
64 simultaneously battling climate change impacts, land based sources of pollution, and coral
65 disease. This Ordinance has multiple purposes:

66 a. Reduce sources of land based pollution;

- 67 b. Meet ocean outfall legislation goals by prioritizing the use of wastewater reuse and
68 greywater;
69 c. Protect public health, safety, and welfare; and
70 d. Protect the value (intrinsic and tangible) of Florida coral reefs, the Florida Reef Tract,
71 and Hallandale Beach's Staghorn coral population.

72 Sections 13-5 through 13-8 shall hereafter be known as the "Coral Reef Protection Act."

73 **Section 13-6.-Definitions.**

74 (a) Definitions. For purposes of this Act, the following definitions shall apply:

- 75 (1) User means any person who applies fertilizer on turf and/or landscape plants in the
76 City.
- 77 (2) Blackwater means human body waste and waste from toilets and other receptacles
78 intended to receive or retain human body waste and includes any material that has
79 been collected or treated through a marine sanitation device.
- 80 (3) Expanded polystyrene means blown polystyrene and expanded and extruded foams
81 that are thermoplastic petrochemical materials utilizing a styrene monomer and
82 processed by any number of techniques including, but not limited to, fusion of
83 polymer spheres (expandable bead foam), injection molding, foam molding and
84 extrusion-blown molding (extruded foam polystyrene). Expanded polystyrene is
85 commonly referred to as Styrofoam.
- 86 (4) Expanded polystyrene food service articles means plates, bowls, cups, containers,
87 to-go containers, lids, trays, coolers, ice chests and all similar articles that consist of
88 expanded polystyrene.
- 89 (5) Fertilizer means any substance or mixture of substances that contains one or more
90 recognized plant nutrients and promotes plant growth, or controls soil acidity or
91 alkalinity, or provides other soil enrichment, or provides other corrective measures to
92 the soil.
- 93 (6) Green Stormwater Infrastructure means a resilient approach to treat stormwater at
94 its source via plants while delivering environmental, social, and economic benefits.
- 95 (7) Ocean Friendly Landscaping means landscapes, gardens, or lawns which are
96 designed to absorb and filter stormwater, reduce non-point source pollution, and
97 sequester carbon.
- 98 (8) Rain Garden means a landscaped, depressed area that can hold stormwater runoff
99 from impervious surfaces (such as a street) while it infiltrates the soil below.

- 100 (9) Single-use carry out plastic bag means a bag provided by a company or individual to
101 a customer, typically at the point of sale, for the purpose of transporting purchases,
102 which is made predominately of plastic derived from petroleum or a biologically-
103 based source. This definition includes bags, as defined above, provided to an
104 individual to transport items provided free of charge, including but not limited to,
105 samples and informational materials.
106 (10) Wet Season means the National Weather Service designated dates of May 15
107 through October 15.

108 **Section 13-7-Regulations.**

109 (a) Regulations.

- 110 (1) It shall be unlawful to use or bring a single-use carry out plastic bag or expanded
111 polystyrene food service article on public beaches within City limits.
112 (2) It shall be unlawful to distribute expanded polystyrene food service articles or single-use
113 carry out plastic bags from beachside establishments within City-limits.
114 (3) No User shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or
115 landscape plants during the defined Wet Season.
116 (4) No User shall apply fertilizers containing nitrogen and/or phosphorus to turf grass and/or
117 landscape plants during a period for which the National Weather Service has issued any
118 of the following advisories for any portion of the City: a severe thunderstorm warning or
119 watch, flood warning or watch, tropical storm warning or watch, hurricane warning or
120 watch, or if rain greater than or equal to two (2) inches in a twenty-four (24) hour period
121 is forecasted.
122 (5) It shall be unlawful to discharge boat blackwater holding tanks within any waters in City-
123 limits.

124 (b) Exceptions.

125 Sections 13-7(a)(3) and 13-7(a)(4) shall not apply for the following:

- 126 a. Bona fide farm operations as defined in the Florida Right to Farm Act, Section
127 823.14, Florida Statutes, as amended.
128 b. Vegetable gardens, owned by individual property owners or a community,
129 provided that fertilizer application rates do not exceed UF/IFAS
130 recommendations according to SP103 Florida Vegetable Gardening Guide,
131 December 2008, as updated.

- 132 c. Yard waste compost, mulches, or other similar materials that are primarily
133 organic in nature and are applied to improve the physical condition of the soil.
134 d. Tree trunk injection fertilization treatments that are performed by a certified
135 arborist.

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137 **Section 13-8: Enforcement: penalties.**

- 138 (1) Following adoption, the City will engage in public education efforts related to the
139 implementation of this section.
140 (2) The City shall enforce all provisions of this Act, including Section 13-7(a)(1), starting
141 October 1, 2019.
142 (3) Violation of this Act may be in the form of a civil citation and enforced in accordance with
143 Section 1-8 or under Chapter 9, Code Enforcement, utilizing the Special Magistrate
144 provisions, Class I violations as set forth in the Code of Ordinances.

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146 **SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City
147 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the
148 extent of such conflict.

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150 **SECTION 4. Severability.** Should any provision of this ordinance be declared by a
151 court of competent jurisdiction to be invalid, the same shall not affect the validity of the
152 ordinance as a whole, or any part thereof, other than the part declared to be invalid.

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154 **SECTION 5. Codification.** It is the intention of the Mayor and City Commission that the
155 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
156 intention the words "ordinance" or "section" may be changed to other appropriate words.

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158 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon
159 adoption.


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162 PASSED AND ADOPTED on 1st reading on June 5, 2019.

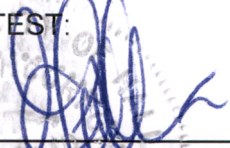
163 PASSED AND ADOPTED on 2nd reading on June 20, 2019.

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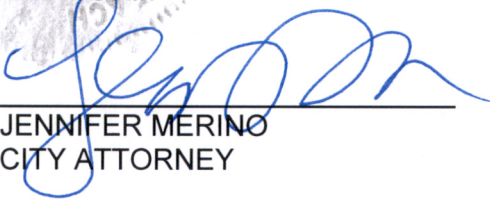


JOY D. ADAMS
MAYOR

SPONSORED BY: VICE MAYOR SABRINA JAVELLANA

ATTEST:


JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM


JENNIFER MERINO
CITY ATTORNEY

FIRST READING VOTE ON ADOPTION

Mayor Adams	<u>Yes</u>
Vice Mayor Javellana	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>
Commissioner Lima- Taub	<u>Yes</u>

FINAL VOTE ON ADOPTION

Mayor Adams	<u>Yes</u>
Vice Mayor Javellana	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>
Commissioner Lima- Taub	<u>Yes</u>

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