

**CITY OF FLORENCE  
ORDINANCE NO. 12, SERIES 2017**

**AN ORDINANCE AMENDING FLORENCE CITY CODE TITLE 3 RELATED TO  
POLYSTYRENE FOAM FOOD AND BEVERAGE CONTAINERS.**

RECITALS:

1. The Florence City Council adopted 2017-2018 Work Plan, Goal 2, Objective 3, Task 2 to have a "Community discussion on banning the use of foam products and plastic bags by the city".
2. The majority of City of Florence survey respondents (80% of 688) are in support of banning expanded polystyrene foam food and beverage containers.
3. Polystyrene food and beverage containers are not recyclable locally, are a top ten item found at beach cleanups and have possible health concerns.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapter 12 of Title 3 is created as shown in Exhibit A.
2. This Ordinance will take effect on January 1, 2018.
3. To allow existing retail stocks of PSF containers to be exhausted enforcement of the provisions of this Ordinance shall begin 3 months after the effective date.
4. If any part or provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstance, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

ADOPTION:

First Reading on the 20th day of November, 2017.

Second Reading on the 20<sup>th</sup> day of November, 2017

This Ordinance is passed and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2017.

AYES                      Councilors  
NAYS  
ABSTAIN  
ABSENT

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Joe Henry, Mayor

Attest:

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Kelli Weese, City Recorder

TITLE 3  
CHAPTER 12

**PROHIBITIONS ON POLYSTYRENE FOAM**

**SECTION:**

- 3-12-1: Purpose
- 3-12-2: Definitions
- 3-12-3: Prohibition on PSF Uses
- 3-12-4: Exemptions for PSF Use
- 3-12-5: Enforcement

**3-12-1: PURPOSE:** This Chapter is enacted to provide for the health and welfare of the citizens of Florence and preserve the scenic quality and natural environment of the City and its surrounding area.

**3-12-2: DEFINITIONS:** For the purpose of this chapter, certain words, terms, and phrases are defined as follows:

<b>Person</b>	Any natural person, firm, corporation, partnership, government entity, or other organization or group however organized.
<b>Polystyrene foam (PSF)</b>	Blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques including, but not limited to, fusion of polymer spheres, injection molding, foam molding, and extrusion blow molding. For the purposes of this Chapter, the term polystyrene shall not include clear, solid polystyrene.
<b>PSF container</b>	Containers made from polystyrene foam, including but not limited to cups, bowls, tubs, plates, trays, clamshell containers, egg cartons, and bait containers. For the purposes of this Chapter, the term PSF container shall not include trays containing raw meat or seafood intended for human consumption, and shall not include coolers or ice chests.

**3-12-3: PROHIBITION ON PSF USES:**

- A. No person shall package, sell, or serve food or beverages in any PSF container.
- B. No person shall package, sell, provide, or carry bait in any PSF container.
- C. No person shall sell or provide PSF containers.
- D. No person shall dispose of any PSF container in any location other than a trash or

recycling receptacle, where PSF container foam recycling is available.

#### **3-12-4: EXEMPTIONS FOR PSF USE:**

- A. The City Manager may exempt a person or persons from the provisions of this chapter in situations where:
  - 1. Compliance with the provisions of this chapter would deprive a person of a legally protected right;
  - 2. An emergency for the immediate preservation of the public peace, health, or safety exists.
- B. The City Manager may grant an exemption on the City Manager's own request or upon written request of any impacted person. If the request for an exemption comes from a person, the City Manager shall provide a reasonable opportunity for the person to submit written or oral support for granting the exemption. The City Manager shall make written findings in granting or denying any exemption. The City Manager's decision shall be the City's final decision.

#### **3-12-4: ENFORCEMENT:**

- A. Violations of this chapter shall be punishable by a fine not exceeding \$250 for the first violation in a one-year period or a fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

Created by Ordinance No.12, Series 2017, dated November 20, 2017