

1 EXHIBIT 1

2 ORDINANCE NO. 2019 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF  
4 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING  
5 CHAPTER 13 "HEALTH AND SANITATION" OF THE CITY OF  
6 HALLANDALE BEACH CODE OF ORDINANCES;  
7 SPECIFICALLY CREATING SECTIONS 13-5 TO 13-8  
8 ENTITLED "OUR LOCAL CORAL REEF PROTECTION ACT"  
9 TO REDUCE LAND BASED SOURCES OF POLLUTION AND  
10 PROTECT FLORIDA'S CORAL REEFS; PROVIDING FOR  
11 PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR  
12 SEVERABILITY; PROVIDING FOR CODIFICATION; AND  
13 PROVIDING FOR AN EFFECTIVE DATE.

14  
15 WHEREAS, Coral reefs are found approximately 500 feet from the shores of Hallandale  
16 Beach. A colony of Staghorn Coral (*Acropora cervicornis*) can be found less than a half-mile  
17 offshore the City. This species (Staghorn) was listed in 2006 as a Critically Endangered Species,  
18 facing significant threats from climate change, disease, and land-based sources of pollution; and

19 WHEREAS, Coral reefs provide many benefits to human well-being including but not  
20 limited to medicine, coastal protection, aesthetics, and food. Healthy coral reefs can reduce wave  
21 energy by up to 97%, thus protecting the coast in the event of storms or hurricanes. Additionally,  
22 coral reefs contribute to tourism. The National Oceanic and Atmospheric Administration estimates  
23 that coral reefs in southeast Florida have an economic asset value of \$8.5 billion; and

24 WHEREAS, the City Commission desires to reduce waste, litter and pollution on the  
25 land and in the waters of the City that may affect the coral reef off the shores of City beaches  
26 and the Florida Reef Tract in general; and

27 WHEREAS, polystyrene, a petroleum by-product commonly known as Styrofoam, is  
28 neither readily recyclable nor biodegradable and takes hundreds to thousands of years to  
29 degrade in the environment; and.

30 WHEREAS, Plastic fragments into smaller non-biodegradable pieces that are ingested  
31 by marine life and other wildlife, thus harming or killing them; and

32 WHEREAS, disposable polystyrene food service articles and plastic bags constitute an  
33 avoidable portion of the litter in the City of Hallandale Beach's beaches, parks, public places  
34 and waterways; and

35 WHEREAS, effluent (liquid waste) from ocean outfalls has a negative impact on marine

36 environments, including coral reefs. A 2017 brief (Exhibit 4) compiled by UN Environment, Global  
37 Coral Reef Partnership, and Global Wastewater Initiative found that chronic  
38 wastewater/stormwater stress prevents reef communities from recovering from a bleaching event.  
39 The same study (Exhibit 4) asserts that more than “80% of marine pollution originates from land-  
40 based wastewater and sediments and nutrients delivered via waterways;” and

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

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

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

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

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

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

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

73 Sections 13-5 through 13-8 shall hereafter be known as the “Coral Reef Protection Act.”

74 **Section 13-6.-Definitions.**

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

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

- 99 (8) Rain Garden means a landscaped, depressed area that can hold stormwater runoff  
100 from impervious surfaces (such as a street) while it infiltrates the soil below.
- 101 (9) Single-use carry out plastic bag means a bag provided by a company or individual to  
102 a customer, typically at the point of sale, for the purpose of transporting purchases,  
103 which is made predominately of plastic derived from petroleum or a biologically-  
104 based source. This definition includes bags, as defined above, provided to an  
105 individual to transport items provided free of charge, including but not limited to,  
106 samples and informational materials.
- 107 (10) Wet Season means the National Weather Service designated dates of May 15  
108 through October 15.

109 **Section 13-7-Regulations.**

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

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

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

- 131 recommendations according to SP103 Florida Vegetable Gardening Guide,  
132 December 2008, as updated.
- 133 c. Yard waste compost, mulches, or other similar materials that are primarily  
134 organic in nature and are applied to improve the physical condition of the soil.
- 135 d. Tree trunk injection fertilization treatments that are performed by a certified  
136 arborist.

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

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

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

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

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

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

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163 PASSED AND ADOPTED on 1<sup>st</sup> reading on \_\_\_\_\_, 2019.

164 PASSED AND ADOPTED on 2<sup>nd</sup> reading on \_\_\_\_\_, 2019.

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JOY D. ADAMS  
MAYOR

172  
173 SPONSORED BY: VICE MAYOR SABRINA JAVELLANA

174  
175 ATTEST:

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178 \_\_\_\_\_  
179 JENORGEN GUILLEN, CMC  
180 CITY CLERK

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182 APPROVED AS TO LEGAL SUFFICIENCY  
183 AND FORM

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186 \_\_\_\_\_  
187 JENNIFER MERINO  
188 CITY ATTORNEY

189 **FIRST READING VOTE ON ADOPTION**

Mayor Adams \_\_\_\_\_  
Vice Mayor Javellana \_\_\_\_\_  
Commissioner Butler \_\_\_\_\_  
Commissioner Lazarow \_\_\_\_\_  
Commissioner Lima- Taub \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

Mayor Adams Yes  
Vice Mayor Javellana Yes  
Commissioner Butler Yes  
Commissioner Lazarow Yes  
Commissioner Lima- Taub Yes

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