

# CITY OF CORAL GABLES PROHIBITION ON EXPANDED POLYSTYRENE



## What is Expanded Polystyrene and Why is the City Prohibiting the Use of It?

Expanded polystyrene, most commonly known as Styrofoam, is a petroleum by-product that is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade in the environment. Products that are made from expanded polystyrene can include, but are not limited to, plates, bowls, cups, containers lids, trays, coolers, ice chests, food containers, etc. It can fragment into smaller pieces that can be ingested by marine life and other wildlife, thus harming and killing them and constitutes a portion of the litter in the City's streets, parks, public places, and waterways.

The City Commission of the City of Coral Gables declares that it is in the best interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City. The goal of the ordinance is promote replacing expanded polystyrene items with reusable, recyclable, or compostable alternatives whenever possible thus helping remove it from the waste stream. To help lead by example, the City has ceased purchasing products that are made of expanded polystyrene.

## Who Does the Prohibition Apply To?

- City Vendors or Contractors in City Facilities, which include but is not limited to, any building, structure, park, or golf course owned, operated or managed by the City.
- Special Event Permittees and their subcontractors which include any person or entity issued a special events permit by the City for a special event on City property, in a City facility or in the City's right-of-way.
- Food service providers and stores located within the City which includes a person or entity that provides food directly to the consumer, regardless of whether such food is provided free of charge or sold, or whether consumption occurs on or off premises, or whether the food is provided from a pushcart, stand or vehicle. Food service providers and stores shall not sell, use, offer for sale or use, or provide food in expanded polystyrene food service articles. Food service providers shall include, but are not limited to, chain food service providers, restaurants, fast food restaurants, cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries, caterers, gas stations, vending trucks or carts and cafeterias.

## Exceptions:

- Expanded polystyrene food service articles used for prepackaged food that have been filled and sealed prior to receipt by the food service provider or store;
- Expanded polystyrene food service articles used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar refrigerated retail display or storage case;
- Not-for-profit corporations, the school district, and county, state and federal governmental entities.

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## When is the Prohibition Being Implemented?

Until August 9, 2016, the City will engage in an educational campaign to allow contractors, business owners, etc. to transition away from expanded polystyrene (Styrofoam) to reusable, recyclable, or compostable alternatives. From August 9 through December 31, 2016, the City will only issue warnings for violations of the Ordinance. On January 1, 2017, Code Enforcement will begin issuing tickets for violations of the Ordinance.

## How is the Prohibition Being Enforced?

After January 1, 2017, if a code enforcement officer finds a violation of section 34-188, the code enforcement officer shall issue a ticket.

## A violator who has been issued a ticket must elect to either

(1) Pay the following civil fine:

- (a) First violation within a 12-month period.....\$50.00
- (b) Second violation within a 12-month period.....\$100.00
- (c) Third violation within a 12-month period .....\$500.00; or
- (d) Any subsequent violation within a 12-month period....\$1,000.00

(2) Request an administrative hearing before a special master as set forth in Art. VI, Division 3 of the City Code of Ordinances.



## Financial Hardship Waiver

Any food service provider or store that reported an annual gross income (revenue) under \$500,000 per location on its income tax filing for the most recent tax year, and that is not a chain food service provider or chain store, may request from the City Commission, a financial hardship waiver of the requirements of this article. The financial hardship waiver request may apply to one or more expanded polystyrene food service articles sold, used or offered for sale or use by any such food service provider or store.

The City Commission may grant a waiver if the food service provider or store proves the following:

- (a) There is no comparable alternative product not composed of expanded polystyrene that would cost the same as or less than the expanded polystyrene food service article, and
- (b) The purchase or use of an alternative product not composed of expanded polystyrene would create and undue financial hardship.

Such financial hardship waiver shall be valid for twelve (12) months and may be renewable upon application to the City Commission. The waiver will be available online at [www.coralgables.com/sustainability](http://www.coralgables.com/sustainability)

**ADA Notice:** The City welcomes individuals with disabilities. To request a modification to a policy, practice or procedure or to request an auxiliary aide or service (such as a sign language interpreter) in order to participate in a City program, activity or event, please contact the City's ADA Coordinator Raquel Elejabarrieta or the Director of the sponsoring department at least three (3) business days in advance. ADA Coordinator Raquel Elejabarrieta may be reached by email: [relejabarrieta@coralgables.com](mailto:relejabarrieta@coralgables.com), or by telephone: 305-722-8686 (voice) or 305-442-1600 (TTY/TDD).

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