

ORDINANCE NO. 2014-3884

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND THE DEFINITION OF LITTER IN SUBSECTION (A) BY SUBSTITUTING THE WORD "POLYSTYRENE" FOR THE WORD "STYROFOAM" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT INTO ANY PARK WITHIN THE CITY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO PROHIBIT THE SALE, USE, AND OFFERING OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO PROVIDE PROHIBITIONS REGARDING EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES ON THE RIGHT-OF-WAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach ("City") declares that it is in the 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; and

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

**WHEREAS**, expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife, thus harming or killing them; and

**WHEREAS**, due to the physical properties of expanded polystyrene, the EPA states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy"; and

**WHEREAS**, disposable food service articles constitute a portion of the litter in the City of Miami Beach's streets, parks, public places, and waterways; and

**WHEREAS**, the City's goal is to replace expanded polystyrene food service articles with reusable, recyclable or compostable alternatives; and

**WHEREAS**, the City encourages the use of unbleached, non-coated, recycled-content paper food service articles and other fiber-based food service articles as the most environmentally preferable alternatives when the use of reusable food ware is not feasible; and

**WHEREAS**, as an environmental leader among local governments in the State of Florida, the City of Miami Beach, by virtue of this Ordinance, will prohibit the use of expanded polystyrene food service articles by its contractors and special event permittees in City facilities and on City property; will prohibit the use of expanded polystyrene food service articles by sidewalk cafes on the public right-of-way; and, will strengthen its litter laws by prohibiting expanded polystyrene products in City parks; and

**WHEREAS**, this Ordinance will preserve and enhance the environment of the City of Miami Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Division 1 of Article III of Chapter 46 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 46**

**ENVIRONMENT**

\* \* \*

**ARTICLE III. Litter**

\* \* \*

**DIVISION 1. Generally**

**Sec. 46-92. Litter; definitions; prohibitions on litter; penalties for litter and commercial handbill violations; commercial handbill regulations, fines, and rebuttable presumptions; seizure and removal of litter by the city; enforcement; appeals; liens.**

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

(5) Litter means any paper, handbill, commercial handbill, garbage, bottle caps, chewing gum, tobacco products, including, but not limited to, used and unused cigarettes, cigars, pipe or chewing tobacco, ~~styrefeam~~ polystyrene or plastic products, or other waste, including, but not limited to, tree, plant, and grass cuttings, leaves, or other yard maintenance debris, that has been placed or deposited on a public sidewalk, street, road, avenue, beach, swale, median, building, fence, wall, boardwalk, beachwalk, baywalk, cutwalk, park, or in a gutter, drain, or sewer, or on any other public property,

right-of-way or place, or on any object located on public property, or on the kneewall, window ledge or sill of any public or private building, or on a motor vehicle, or on any other type of private real or personal property. Handbills and commercial handbills attached to a trash receptacle, but not within the trash receptacle in the usual manner, shall also be considered litter.

\* \* \*

(c) *Prohibitions on beaches and parks.* It shall be unlawful for any person to carry onto any beach within the city a glass or metal bottle or other glass or metal container. In addition, it shall be unlawful for any person to carry any ~~styrofoam~~ expanded polystyrene product onto any beach or into any park within the city or for any business to provide plastic straws with the service or delivery of any beverage to patrons on the beach.

**SECTION 2.** That Article I of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 82  
PUBLIC PROPERTY**

\* \* \*

**ARTICLE I. In General**

\* \* \*

**Sec. 82-7 Prohibitions regarding sale or use of expanded polystyrene food service articles by city contractors and special event permittees.**

- (a) Legislative intent. Expanded polystyrene, a petroleum byproduct commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade. Expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are harmful to marine life, other wildlife, and the environment. The City's goals are to reduce the use of expanded polystyrene and encourage the use of reusable, recyclable, or compostable alternatives.
- (b) Definitions. For purposes of this section only, the following definitions shall apply:
- (1) City contractor means a contractor, vendor, lessee, concessionaire of the City, or operator of a City facility or property.
  - (2) Expanded polystyrene means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).
  - (3) Expanded polystyrene food service articles means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene.
  - (4) Public City facilities includes, but are is not limited to, any buildings, structures,

parks, beaches, or golf courses owned, operated, or managed by the City.

(5) Public City property includes, but is not limited to, any land, water, or air rights owned, operated, or managed by the City.

(6) Special event permittee means any person or entity issued a special event permit by the City for a special event on public City property or in a public City facility.

(c) City contractors and special event permittees shall not sell, use, provide food in, or offer the use of expanded polystyrene food service articles in public City facilities or on public City property. A violation of this section shall be deemed a default under the terms of the City contract, lease, or concession agreement and is grounds for revocation of a special event permit. This subsection shall not apply to expanded polystyrene food service articles used for prepackaged food that have been filled and sealed prior to receipt by the City contractor or special event permittee.

(d) Any City contract, lease, or concession agreement entered into prior to the effective date of this section or any special event permit issued prior to the effective date of this section shall not be subject to the requirements of this section, unless the City contractor or special event permittee voluntarily agrees thereto.

**SECTION 3.** That Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

## CHAPTER 82

### PUBLIC PROPERTY

\* \* \*

### ARTICLE IV. Uses in Public Rights-of-Way

\* \* \*

### DIVISION 5. Sidewalk Cafes

\* \* \*

#### Subdivision II. Permit

**Sec. 82-385. Minimum standards, criteria, and conditions for operation of sidewalk cafes**

\* \* \*

(p) No food preparation, food storage, expanded polystyrene food service articles, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. In addition, expanded polystyrene food service articles shall not be provided to sidewalk café patrons.

\* \* \*

### **SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6. CODIFICATION.**


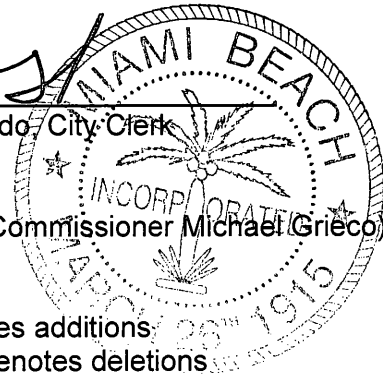
It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

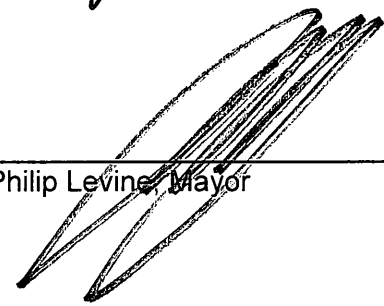
**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect on the 2nd day of August, 2014.

PASSED AND ADOPTED this 23 day of July, 2014.

ATTEST:

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk  
  
(Sponsored by Commissioner Michael Grieco)

  
\_\_\_\_\_  
Philip Levine, Mayor

Underline denotes additions  
~~Strike through~~ denotes deletions

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *DT*

7/14/14  
Date

**Condensed Title:**

Second Reading of an Ordinance prohibiting the carrying of expanded polystyrene into parks; prohibiting the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors and special event permittees; and prohibiting sidewalk cafés from providing expanded polystyrene food service articles on the right-of-way or to sidewalk café patrons.

**Key Intended Outcome Supported:**

Enhance the Environmental Sustainability of the Community.  
**Supporting Data:** 2% of residential respondents indicated trash and litter is an area that the City needs to improve. In the 2014 Community Satisfaction Survey, residential respondent and business owner satisfaction with canal/waterway cleanliness dropped 4% and 2% from 2012, respectively.

**Item Summary/Recommendation:**

**SECOND READING – PUBLIC HEARING**  
 Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways. The waters surrounding the City support a wide variety of flora and fauna. These waters also act as nurseries and habitat for migratory birds and for commercially and recreationally important fish. Furthermore, the City’s beaches support shorebird species and are a designated nesting habitat for the protected Loggerhead, Green, and Leatherback sea turtles. It is especially critical that the City limit pollutants from entering the environment due to its proximity to the City’s vast system of interconnected waterways and sensitive marine habitats. One pollutant of particular concern is expanded polystyrene, a petroleum based by-product which constitutes a large portion of the litter in the City’s streets, public places, and waterways. Expanded polystyrene is a particularly harmful pollutant because it is non-biodegradable and not readily recyclable. Furthermore, it fragments into smaller pieces that easily enter and remain in the environment harming or killing marine life and other wildlife that accidentally ingest it.  
 Section 46-92 of the City Code currently bans the carrying of Styrofoam products onto the City’s beaches. The proposed Ordinance replaces the word “Styrofoam” in the definition of “litter” in this section with the correct term “polystyrene”. Additionally, the Ordinance extends the prohibition of expanded polystyrene products to parks because many City parks are located along in close proximity to bodies of water and, therefore, litter at these locations can easily enter the marine environment. The proposed Ordinance also amends Chapter 82 of the City Code by creating Section 82-7, which prohibits the sale or use of expanded polystyrene food service articles in public facilities and on public property by City contractors and special event permittees. The prohibition only applies to new contracts entered after the effective date, unless an entity with an existing contract or special event permit agrees to voluntarily cease using expanded polystyrene food service articles.  
 Finally, the proposed Ordinance amends the minimum standards for sidewalk cafés in Section 82-385 to prohibit expanded polystyrene food service articles on the right-of-way and to prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. The City has over 225 permitted sidewalk cafés citywide. These non-enclosed establishments can be major contributors to litter nuisance as lightweight articles, such as expanded polystyrene products, are picked up by wind and rain. By eliminating expanded polystyrene products in parks and prohibiting the use of expanded polystyrene food service articles by City contractors, special event permittees, and sidewalk café permittees, the proposed Ordinance will reduce the presence of this pollutant on the City’s rights-of-way and waterways and enhance the City’s environmental sustainability.  
 On June 11, 2014, the City Commission approved the Ordinance on First Reading. The Administration recommends that the City Commission adopt the Ordinance on Second Reading Public Hearing.

**Advisory Board Recommendation:**

On May 22, 2014, the Sustainability Committee recommended that the City Commission approved the subject Ordinance unanimously.

**Financial Information:**

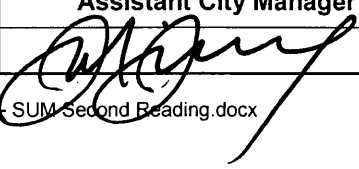

Source of Funds:		Amount	Account
	1		
OBPI	Total		

**Financial Impact Summary:**

**City Clerk’s Office Legislative Tracking:**

Elizabeth Wheaton x6121

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2014\July\Polystyrene Ordinance - SUM Second Reading.docx





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 23, 2014

SECOND READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND THE DEFINITION OF LITTER IN SUBSECTION (A) BY SUBSTITUTING THE WORD "POLYSTYRENE" FOR THE WORD "STYROFOAM" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT INTO ANY PARK WITHIN THE CITY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO PROHIBIT THE SALE, USE, AND OFFERING OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO PROVIDE PROHIBITIONS REGARDING EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES ON THE RIGHT-OF-WAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

## **BACKGROUND**

At the May 22, 2014 Sustainability Committee meeting, the Committee discussed restricting the sale and use of expanded polystyrene (commonly known as Styrofoam) products, to reduce litter and pollutants in the City's waterways and to enhance the environmental sustainability of the City. The Sustainability Committee unanimously passed a motion recommending that the City Commission approve an ordinance drafted by the City Attorney's Office, which would (1) prohibit the carrying of expanded polystyrene products into City parks; (2) prohibit the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors, vendors, lessees, concessionaires, operators of City facilities and properties, and special event permittees; and (3) prohibit expanded polystyrene food service articles on the right-of-way and prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. On June 11, 2014, the City Commission approved the Ordinance on First Reading. Subsequent to its approval on First Reading, a minor language revision has been made to Section 82-7 to clarify that public facilities and property refer only to City facilities and property. Attachment A shows the Ordinance as it is being presented for Second Reading.

## **ANALYSIS**

Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways, including Indian Creek, Surprise Lake, and Lake Pancoast, as well as the Atlantic Ocean and the Biscayne Bay Aquatic Preserve. The waters surrounding the City support a wide variety of flora and fauna, including threatened and endangered species like the West Indian manatee, the American crocodile, Johnson's seagrass, and smalltoothed sawfish. These waters also act as nurseries and habitat for migratory birds, including brown pelicans and ospreys, and for commercially and recreationally important fish, such as snapper, sailfish, and mahi-mahi. Furthermore, the City's beaches support shorebird species, including seagulls and royal terns, and are a designated nesting habitat for the protected Loggerhead, Green, and Leatherback sea turtles.

It is especially critical that the City limit pollutants from entering the environment due to its proximity to the City's vast system of interconnected waterways and sensitive marine habitats. One pollutant of particular concern is expanded polystyrene, a petroleum based by-product which constitutes a large portion of the litter in the City's streets, public places, and waterways. The Environmental Protection Agency has determined that floatable debris, like expanded polystyrene, can have "serious impacts on human health, wildlife, the aquatic environment and the economy" (Assessing and Monitoring Floatable Debris, August 2002; EPA-842-B-02-002). Expanded polystyrene is a particularly harmful pollutant because it is non-biodegradable and not readily recyclable. Furthermore, it fragments into smaller pieces that easily enter and remain in the environment harming or killing marine life and other wildlife that accidentally ingest it.

Section 46-92 of the City Code currently bans the use of Styrofoam products on the City's beaches. The proposed Ordinance replaces the word "Styrofoam" in the definition of "litter" in this section with the correct term "polystyrene". Additionally, the Ordinance extends the prohibition of expanded polystyrene products to parks because many City parks, including South Pointe Park, Maurice Gibb Park, Pine Tree Park, and North Shore Open Space Park, are located along in close proximity to bodies of water and, therefore, litter at these locations can easily enter the marine environment.



The proposed Ordinance also amends Chapter 82 of the City Code by creating Section 82-7, which prohibits the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors and special event permittees. City contractors are defined as contractors, vendors, lessees, and concessionaires of the City and operators of a City facility or property. Special event permittees are defined as any person or entity issued a special event permit by the City for a special event on City property or in a City facility. The prohibition only applies to new contracts entered after the effective date, unless an entity with an existing contract or special event permit agrees to voluntarily cease using expanded polystyrene food service articles. Once the ordinance is passed and adopted, the Administration will reach out to contractors and special event permittees with existing contracts and permits to notify them of the Ordinance and to encourage them to voluntarily cease using and offering expanded polystyrene food service articles.

Finally, the proposed Ordinance amends the minimum standards for sidewalk cafés in Section 82-385 to prohibit expanded polystyrene food service articles on the right-of-way and to prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. The City has over 225 permitted sidewalk cafés citywide. These non-enclosed establishments can be major contributors to litter nuisance as lightweight articles, such as expanded polystyrene products, are picked up by wind and rain. By eliminating expanded polystyrene products in parks and prohibiting the use of expanded polystyrene food service articles by City contractors, special event permittees, and sidewalk café permittees, the proposed Ordinance will reduce the presence of this pollutant on the City's rights-of-way and waterways and enhance the City's environmental sustainability.

### **CONCLUSION**

The Administration recommends approving the Ordinance.

Attachments: Expanded Polystyrene Ban Ordinance

JMJ/MVF/ESW/MKW

T:\AGENDA\2014\July\Polystyrene Ordinance - MEM Second Reading.doc

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 23, 2014**, to consider the following:

**10:05 a.m.**  
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-67, Entitled "Prohibited Activities," To Prohibit Motorized Devices Defined As A Vehicle In Section 316.003, Fla. Stat., And Motorized Means Of Transportation On Any Street Or Road Closed To Motor Vehicles By The Police Department For Events During High Impact Periods; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists, Skaters, And Persons Operating Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-71, Entitled "Enforcement; Penalties," To Amend And Provide Additional Penalties For Violations Of Sections 70-69(d)-(e) And 70-70, And Amending The Time To Appeal Violations; Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

**10:10 a.m.**  
An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; Commercial Handbill Regulations, Fines, And Rebuttable Presumptions; Seizure And Removal Of Litter By The City; Enforcement; Appeals; Liens" To Amend The Definition Of Litter In Subsection (a) By Substituting The Word "Polystyrene" For The Word "Styrofoam" And To Amend Subsection (c) To Prohibit Any Person From Carrying Any Expanded Polystyrene Product Into Any Park Within The City; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General," By Creating Section 82-7 Thereof, Entitled "Prohibitions Regarding Sale Or Use Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees," To Prohibit The Sale, Use, And Offering Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees In City Facilities And On City Property; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Division 5, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cates," By Amending Subdivision II, Entitled "Permit," By Amending Section 82-385 Thereof, Entitled "Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cates," To Provide Prohibitions Regarding Expanded Polystyrene Food Service Articles On The Right-Of-Way; And Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

**10:15 a.m.**  
An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article I, Entitled "In General," By Repealing Section 82-5, Entitled "City Signs To Be Obeyed"; Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

**10:20 a.m.**  
An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," By Amending Section 90-340, Entitled "Recycling Program And Separation Of Recyclable Materials From Solid Waste Stream Required For Multifamily Residences Of Nine (9) Dwelling Units Or More; Owner/Association Liability; Recycling Contractors' Assistance," To Apply Recycling Requirements To Multifamily Residences Of Two (2) To Eight (8) Dwelling Units As Of November 1, 2014; Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Environmental Division 305.673.7070.*

**10:25 a.m.**  
Concurrency Exemptions  
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Add Temporary Uses In The Public Rights Of Way As An Additional Exemption From Concurrency Requirements, Providing A Procedure To Determine Eligibility For Such Exemption; Providing For Repeal, Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:30 a.m.**  
Board Member Removal Criteria  
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-52, "Meetings And Procedures;" Division 3, "Design Review Board," Section 118-74, "Removal;" Division 4, "Historic Preservation Board," Section 105, "Removal;" Division 5, "Board Of Adjustment," Section 118-133, "Removal," By Modifying And Expanding The Removal Criteria Of The Planning Board, Design Review Board, Historic Preservation Board, And Board Of Adjustment, Providing For Repeal; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:35 a.m.**  
Time Frame Limitations For Deferrals, Continuances, And Withdrawals  
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals," Section 118-352, "Procedure;" Article IV, "Conditional Use Procedure," Section 118-193, "Applications For Conditional Uses;" Amending The Procedures For The Board Of Adjustment And For The Planning Board By Placing Timeframe Limitations On Applications For Purposes Of Deferrals, Continuances, Withdrawals And Submittal Of Applications And Exhibits; Providing For Repeal; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**5:01 p.m.**  
RM-3 Accessory Uses:  
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article IV "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902, "Permitted Accessory Uses," Amending Criteria For Accessory Uses In Apartment Buildings; Providing For Repeal; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

**Dr. Stanley Sutnick Citizen's Forum** - The times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum. INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at 305.673.7411(voice) or TTY users may also call the Florida Relay Service at 711.

Rafael E. Granado, City Clerk  
City of Miami Beach