

## RESOLUTION 2238-20

### **A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A SINGLE-USE PRODUCTS POLICY ON CITY PROPERTY AS A PILOT PROGRAM; PROVIDING FOR CONFLICTS AND EFFECTIVE DATE.**

**WHEREAS**, the effects of single-use products and plastic bags have become globally recognized as having lasting negative impacts on the environment. These products can pollute waterways and natural lands, are difficult to collect and contain, take significant time to degrade, and are potentially harmful to wildlife; and

**WHEREAS**, the City Commission wishes to establish a single-use products and plastic bags policy to reduce the use of these products and encourage the use of reusable, recyclable, biodegradable, or compostable materials.

**WHEREAS**, the City Commission desires to adopt a single-use products policy on city property, and finds that such will benefit the City and its residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:**

**SECTION 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution.

**SECTION 2. Single-Use Products Policy.** The City hereby adopts the City of Winter Park Procurement Single-Use Products Policy on City Property attached to this Resolution (the "Single-Use Products Policy"), which shall govern all matters described therein, establishing a pilot program of the City of Winter Park which will expire 12 months following a 6-month grace period. At that time, City Commission shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot program shall be continued for an additional limited amount of time, or be incorporated permanently into the City policy, or be discontinued.

**SECTION 3. Conflicts.** In the event of a conflict or conflicts between this Resolution or the Single-Use Products Policy and any other resolution or policy, this Resolution and the Single-Use Products Policy control to the extent of the conflict.

**SECTION 4. Effective date.** This Resolution and the Single-Use Products Policy shall become effective immediately upon adoption of this Resolution by the City Commission of the City of Winter Park, Florida.

**ADOPTED** by the City Commission of the City of Winter Park, Florida, this 11<sup>th</sup> day of November, 2020

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Steve Leary, Mayor

ATTEST:

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City Clerk

# CITY OF WINTER PARK

## SINGLE-USE PRODUCTS POLICY ON CITY PROPERTY AS A PILOT PROGRAM

### I. POLICY

The effects of single-use products and plastic bags have become globally recognized as having lasting negative impacts on the environment. These products can pollute waterways and natural lands, are difficult to collect and contain, take significant time to degrade, and are potentially harmful to wildlife. The Winter Park City Commission wishes to establish a single-use products and plastic bags policy to reduce the use of these products and encourage the use of reusable, recyclable, biodegradable, or compostable materials.

It is the policy of the City Commission that neither single-use products nor plastic bags may be sold or disbursed on City property by staff or contracted vendors except as set forth in this Administrative Regulation.

### II. PROCEDURES

#### A. Definitions.

1. "Biodegradable materials" are manufactured products made entirely of natural materials, such as paper or plant fibers, that will undergo a natural process of deterioration.
2. "City contractor" is a food service related contractor, vendor, concessionaire, or lessee of the City including Farmers' Market vendors.
3. "City permittee" is any person or entity issued a special event permit or temporary use permit by the City for a special event or temporary use on City property.
4. "City property" includes land or facilities owned, operated or managed by the City, and public rights-of-way within the jurisdictional boundaries of the City of Winter Park.
5. "Compostable materials" are manufactured products made from uncoated paper, wood, or vegetable-derived plastics.
6. "Contract" is a written agreement between the City and a contracted vendor.
7. "Plastic" is a human-made synthetic material commonly produced from petroleum and derived from carbon and other elements.
8. "Plastic bags" are bags made of flexible plastic that are not biodegradable provided to a customer, typically at the point of sale or distribution.
9. "Plastic stirrers" are plastic tubes or sticks used for mixing a beverage in its container.
10. "Plastic straws" are plastic tubes that are non-biodegradable and are intended for transferring a beverage from its container to the mouth of the drinker.
11. "Polystyrene foam" is a synthetic polymer made from the styrene monomer, commonly known by the name brand Styrofoam®.

12. "Polystyrene foam products" include containers, plates, bowls, cups, and trays.
13. "Recyclable materials" are raw or processed materials that can be recovered or diverted from a non-hazardous waste stream to be reused or repurposed into another item, which may otherwise be produced using raw or virgin materials.
14. "Reusable materials" are manufactured products that are durable and washable, can be used multiple times, and are not typically discarded.
15. "Single-use products" are defined here as polystyrene foam products, plastic straws, and plastic stirrers.

#### B. General Guidelines

1. Neither single-use products nor plastic bags may be sold or disbursed on City property by City staff or contracted vendors unless authorized by the City Manager, Assistant City Manager, or a Department Director. The use of reusable, recyclable, biodegradable, or compostable materials is encouraged. The policy is established as a pilot program of the City of Winter Park which will expire 12 months following a 6-month grace period for compliance. At that time, City Commission shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot program shall be continued for an additional limited amount of time, or be incorporated permanently into the City policy, or be discontinued
2. City departments and divisions purchasing products intended for one-time use and then disposed of in waste streams must follow the product specifications approved by the Sustainability Program Manager. The City will provide a list of product specifications upon request for use in issuing Invitations for Bid and Requests for Proposal.
3. At the time of contract renewal or amendment, all contracts must incorporate this Administrative Regulation by reference and provide notice of this Administrative Regulation to the contracted vendor as applicable.
4. Following contract renewal, if a contracted vendor fails to comply with this Administrative Regulation, the City may terminate the contract or pursue other appropriate contractual remedies set forth in the contract, or both. Additionally, the City may use past non-compliance by a contracted vendor as grounds for precluding the contracted vendor from future City contracts.

#### C. City Departments

All City departments and divisions will work cooperatively to further the purpose of this policy and will comply with this Administrative Regulation as of the applicable effective date set forth below.

#### D. Exemptions

1. The following are exempt from this Administrative Regulation:
  - a. single-use products disbursed in compliance with the Americans with Disabilities Act (ADA);
  - b. pre-packaged food that was filled and sealed prior to receipt by a contracted vendor or permittee; and

- c. packaging of unwrapped raw meat, poultry, and seafood.
- d. Single-use products used by a City permittee for events or facility rentals attended by 75 people or less.

- 2. To allow appropriate time to modify business practices and offer educational materials to facilitate compliance, a 6-month grace period will begin upon passing of resolution.

#### E. State of Emergency

This Administrative Regulation will not apply during a state of local emergency declared pursuant to Chapter XX, Article XX of the Winter Park Code.

#### F. Effective dates

This Administrative Regulation is effective as of XXX XX, 2020 for all new or renewed City contracts and City purchases. City staff may continue to use and disburse single-use products and plastic bags purchased prior to the effective date.