

# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager

DATE: May 4, 2022

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, FLORIDA, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS," TO ESTABLISH AN EXCEPTION PERMITTING ALUMINUM BOTTLES AND CONTAINERS TO BE BROUGHT ONTO THE CITY'S BEACHES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

### BACKGROUND

On March 9, 2022, the City Commission passed and adopted Resolution No. 2022-32091 authorizing the City Manager to negotiate and execute an agreement with PepsiCo, for an exclusive non-alcoholic beverage pouring rights partnership for vending and dispensing products in certain City properties. The agreement with PepsiCo includes plastic free initiatives for the soda and water categories, and requirements to reduce single-use plastics within the City through the sale and use of beverages in alternative packaging, such as aluminum in all other categories when applicable. The proposed agreement between the City and PepsiCo is valued at \$2.3M over the course of ten years. Presently, section 46-92 of the City Code, outlines a prohibition of carrying metal and glass bottles, and other metal and glass containers, onto the City's beaches.

### ANALYSIS

The City of Miami Beach is a major and internationally recognized tourist destination that continues to encounter a proliferation of discarded plastic bottles and other single-use plastics on the City's beaches, waterways, and streets, partially as a result of businesses providing plastic bottles, and improper disposal of those bottles by consumers.

Single-use plastics bottles are amongst the most commonly found littered items during beach cleanups and pose a challenge to daily cleaning efforts carried out by Miami-Dade County Parks and Recreation Beach Operations and Miami Beach Sanitation Department staff. According to a United Nations (UN) article, over eight million metric tons of plastic are found in our oceans every

year, impacting our marine wildlife, fisheries, and tourism, and costing at least \$8 billion in damage to marine ecosystems.

The remains and broken-down particles of these types of plastic are ingested by wildlife such as shore birds, sea turtles, and fish. The UN takes the position that it is critical to the public's health, safety, and welfare to reduce litter and pollutants. Accordingly, the UN has launched a full campaign to encourage countries around the world to reduce their dependency on single-use plastics.

Plastic bottles and containers are not presently prohibited in the City or on its beaches; however, the Mayor and City Commission have implemented many initiatives to reduce plastic in the City of Miami Beach. In enacting such initiatives, the City has spearheaded single-use plastic reduction through various regulations and programs including the following:

- A City-wide polystyrene ban, which prohibits the sale and use of expanded polystyrene (Styrofoam) within the City;
- A prohibition on the use and distribution of single-use carry out plastic bags on the public rights-of-way and to sidewalk café patrons;
- A citywide ban on single-use plastic straws and stirrers;
- A requirement that all beachfront concessionaries and third-party concessions switch to 100% reusable food and beverage wares; and
- #PlasticFreeMB, a voluntary business certification program with over 155 business that aims to remove single use plastics.

The options for alternative plastic bottles continue to grow, with aluminum being the most common and readily available option. The Environmental Protection Agency states that aluminum cans have about a 68 percent recycled content compared to just 3 percent for plastic bottles in the United States. As a result, aluminum is widely seen as the better choice for the environment.

Moreover, aluminum cans are recycled at a higher rate than any other beverage container – and at more than twice the rate of plastic bottles. They also support the concept of closed-loop recycling, which is preferred because the recycled product maintains its original quality and the process can be repeated infinitely. In line with the City's Climate Action Plan and commitments to reduce greenhouse gas emissions (GHG's), aluminum has been found to emit less GHG's and can save 95% of the energy that would be needed to make a new can and, therefore, no new material needs to be mined or transported.

The proposed Ordinance amends Chapter 46 of the City Code, by amending section 46-92 to establish an exception permitting aluminum bottles and containers to be brought to the City's beaches, and therefore allow the administration to fully execute the proposed PepsiCo agreement and the corresponding revenues. The Ordinance will allow the sale and possession of aluminum beverage containers, reducing the amount of plastic pollution present in the City's environment, outside of the waste stream, and in Miami Beach's stormwater management system and waterways, through litter and the circulation of windblown debris, as well as to improve the City's water quality.

## **CONCLUSION**

The Administration recommends that the City Commission adopt the proposed Ordinance change.