

ORDINANCE NO. 23-17

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 25 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "DEVELOPMENT STANDARDS;" BY SPECIFICALLY AMENDING ARTICLE VI, ENTITLED "ROADS AND RIGHTS-OF-WAY;" CREATING SECTION 25-97, TO BE ENTITLED "PROHIBITED MATERIALS;" PROHIBITING THE USE OF PHOSPHOGYPSUM TO CREATE OR REPAIR CITY OR PRIVATE ROADS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, phosphogypsum is a radioactive waste byproduct created during the process to remove phosphorus from phosphate rock in the creation of fertilizer; and

WHEREAS, Governor Ron DeSantis recently signed HB 1191 into law, authorizing the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum in road construction material while FDOT conducts a study to evaluate phosphogypsum as a construction aggregate material; and

WHEREAS, phosphogypsum contains radionuclides including uranium, thorium, and radium, which eventually decay to radon, a radioactive gas; and

WHEREAS, the United States Center for Disease Control provides that the primary adverse health effect of exposure to increased levels of radon is lung cancer and the Environmental Protection Agency lists radon as the leading cause of lung cancer deaths in non-smokers; and

WHEREAS, allowing the use of phosphogypsum as road construction material may lead to an increased risk of exposure to radon in the air or groundwater; and

WHEREAS, the City Commission, in order to preserve the health, wellness, and

safety of its residents desires to prohibit the use of phosphogypsum as material for road construction on City and privately-owned roads within Cooper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2: **City Code Amended.** Article VI, entitled “Roads and Rights-of-Way” of Chapter 25, entitled “Utilities,” of the City of Cooper City Code of Ordinances is hereby amended by creating subsection Section 25-97, entitled “Prohibited Materials” as follows:

Sec 25-96. – Prohibited Materials

- (a) Phosphogypsum shall not be used as road construction material on any City-owned or privately owned road within the City of Cooper City.

Section 3. **Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are repealed to the extent of such conflict.

Section 4. **Severability.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 5. **Codification.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, that the Sections of this

Ordinance may be renumbered, re-lettered, and the word “Ordinance” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 6. **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2023.

PASSED AND FINAL ADOPTION on Second Reading this ___ day of _____, 2023.

ATTEST:

GREG ROSS
Mayor

TEDRA ALLEN
City Clerk

ROLL CALL
Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney