

Legislative #

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ORDINANCE NO.

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by creating Division 7, titled “Food Diversion”; requiring certain food oriented commercial establishments to follow a food waste diversion hierarchy; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.

13 **WHEREAS**, the City Commission finds that it is desirable to require certain commercial
14 generators who provide food for consumption to divert food and food waste to beneficial uses,
15 including feeding hungry people, feeding animals, industrial uses, and composting; and

16 **WHEREAS**, the City Commission finds that this Ordinance is necessary to achieve food
17 waste reduction, reduce methane in landfills, and increase composting; and

18 **WHEREAS**, at least ten (10) days’ notice has been given once by publication in a
19 newspaper of general circulation notifying the public of this proposed ordinance and of public
20 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
21 Gainesville; and

22 **WHEREAS**, public hearings were held pursuant to the notice described above at which
23 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

24 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
25 CITY OF GAINESVILLE, FLORIDA:**

26 **Section 1.** The Code of Ordinance of Gainesville, Florida is hereby amended by adding
27 Division 7 within Article III of Chapter 27, which division reads as follows. Except as amended
28 herein, the remainder of Chapter 27 remains in full force and effect.

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DIVISION 7. – FOOD DIVERSION

Sec. 27-95.5 - Mandatory commercial food waste diversion established.

31 (a) Beginning on the dates listed below, the following commercial generators shall divert
32 food or food waste from the waste stream unless they are granted an exemption:

33 (1) By January 1, 2023, food retailers that occupy at least 25,000 square feet, including
34 but not limited to grocery stores, convenience stores, meat markets, poultry
35 markets, fish and related aquatic food markets, and produce markets.

36 (2) By January 1, 2024, food service establishments that occupy at least 4,500 square
37 feet, businesses with a commercial kitchen(s) where the kitchen(s) occupies at least
38 1,000 square feet, businesses engaged in selling food to other businesses, businesses
39 engaged in making food from one or more ingredients through processing or
40 preparation for sale directly to the public, retailers, or wholesalers.

41 Commercial generators which are required to divert food or food waste under this
42 subsection shall divert food or food waste in accordance with the following hierarchy:

43 (1) feeding hungry people;

44 (2) feeding animals;

45 (3) providing for industrial uses; and

46 (4) composting.

47 (b) Proof of participation in food waste diversion program. Upon request of the city
48 manager or designee, a commercial generator shall, depending on whether food or food waste is
49 diverted, provide the following as proof of compliance: 1) receipts for delivery of food to a food
50 bank or other facility that provides food to hungry people or animals, or 2) receipts for delivery
51 of food waste to a food waste processing facility, or produce proof of a valid and current contract
52 with a food waste registrant.

53 (c) Exemptions. A commercial generator may request an exemption from the requirements
54 of this section. The city manager or designee shall grant a request for an exemption if the
55 commercial generator demonstrates that it is unable to comply due to lack of available service
56 providers or facilities that accept food or food waste. An exemption request must be completed
57 every 6 months and submitted using forms provided by the city. Commercial generators shall
58 be notified in writing within sixty (60) days of whether their exemption request is granted or
59 denied.

60 **Sec. 27-95.6. - Penalties for violation.**

61 Unless specifically stated otherwise, the city shall enforce violations of sections 27-95.5 through
62 code enforcement proceedings, by section 1-9 of this Code of Ordinances, or seek injunctive
63 relief in a court of competent jurisdiction.

64 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this
65 Ordinance shall become and be made a part of the Code of Ordinances of the City of
66 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered
67 or relettered in order to accomplish such intentions.

68 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
69 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
70 finding shall not affect the other provisions or application of the ordinance which can be given
71 effect without the invalid or unconstitutional provisions or application, and to this end the
72 provisions of this ordinance are declared severable.

73 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
74 such conflict hereby repealed.

75 **Section 5.** This ordinance shall become effective immediately upon adoption.

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PASSED AND ADOPTED THIS ____ DAY OF _____, 2022.

LAUREN POE
MAYOR

ATTEST:

Approved as to form and legality

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2022.

This ordinance passed on second reading this ____ day of _____, 2022.

