

Legislative #
190114

29 on or off premises, or whether the food is provided from a building, pushcart, stand or vehicle.
30 Food service providers include, but are not limited to, restaurants, cafes, sidewalk cafes,
31 delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies,
32 bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

33 *Retail establishment* means any person or entity engaged in the retail sale of goods. Retail
34 establishment includes any supermarket, grocery store, convenience store, shop, service station,
35 restaurant, farmers' market vendor, and any other sales outlet where a customer can directly
36 purchase goods, materials, and products.

37 *Expanded polystyrene containers* means plates, bowls, cups, containers, lids, trays, coolers,
38 ice chests, food containers and all similar articles that consist of blown polystyrene and expanded
39 and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer
40 and processed by any number of techniques including but not limited to fusion of polymer spheres
41 (expandable bead foam), injection molding, foam molding and extrusion-blown molding (extruded
42 foam polystyrene).

43 *Single-use carry out plastic bag* means a bag provided to a customer, typically at the
44 point of sale or distribution, for the purpose of transporting items, which is made predominantly
45 of plastic derived from petroleum or a biologically-based source and is intended for a single use.
46 This definition does not include plastic bags that are specifically designed and manufactured for
47 multiple reuse and meet the following criteria: i) the exterior of the bag contains highly visible
48 language that describes the bags' ability to be reused and recycled; and ii) are constructed of any
49 of the following materials: (1) cloth, other washable fabric, or other durable materials whether
50 woven or non-woven; or (2) recyclable plastic, with a minimum thickness of 2.25 mils.

51 *Special event permittee* means any entity or person, and their subcontractors, agents or
52 affiliates, who has been issued a special event permit by the City for a special event on City
53 property, in a City facility or in the City's right-of-way, for the promotion or sale of their
54 products and/or business.

55 **Section 2.** Section 27-90 of the City Code of Ordinances is amended as follows:

56 **Sec. 27-90. Prohibition on use of expanded polystyrene and single-use carry out plastic**
57 **bags.**

58 (a) Food service providers and retail establishments shall not sell, use, offer for sale or
59 use, or provide food or beverage in expanded polystyrene containers. Food service providers
60 and retail establishments shall not sell, use, offer for sale or use, or provide to any person a
61 single-use carry out plastic bag.

62 (1) Exceptions: Although the discontinuation of the use of expanded polystyrene
63 containers and single-use carry out plastic bags is strongly encouraged, this article shall not
64 apply to:

- 65 a. Expanded polystyrene containers used for prepackaged food that have been filled
66 and sealed prior to receipt by the food service provider or retail establishment;
- 67 b. Expanded polystyrene containers used to store raw meat or seafood sold from a
68 butcher case or similar refrigerated display or storage case;
- 69 c. Compostable bags that (i) conform to the current ASTM D6400; (ii) are certified and
70 labeled as meeting the ASTM D6400 standard specification by a recognized verification
71 entity; and (iii) are capable of undergoing biological decomposition in a compost site
72 such that the material breaks down into carbon dioxide, water, inorganic compounds and
73 biomass at a rate consistent with known compostable materials;

74 ~~d. Reusable bags, meaning bags with handles that are specifically designed and~~
75 ~~manufactured for multiple reuse and made of durable material specifically designed for~~
76 ~~and provided to consumers with the intention of multiple, long-term use; or~~

77 e.d Any bags without handles provided to a customer (i) to protect food or merchandise
78 from being damaged or contaminated by other food or merchandise, when items are
79 placed together in a reusable bag or recyclable bag, including produce bags; (ii) to hold
80 prescription medications dispensed from a pharmacy or veterinary office; (iii) that is
81 designed to be placed over articles of clothing on a hanger, including dry cleaning bags;

82 (b) Special event permittees, or any vendor operating under that permittee, shall not sell,
83 use, provide food or drink in, or offer the use of, expanded polystyrene containers or single-use
84 carry out plastic bags in city facilities. Upon warning, the special event permittee or any
85 vendor operating under that permittee must stop use of the expanded polystyrene containers or
86 single-use carry out plastic bags, as applicable.

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

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

