

Legislative #
180678

28 single-use plastic straws and stirrers and transition to reusable, recyclable, or compostable
29 alternatives; and

30 **WHEREAS**, the City Commission finds that this Ordinance is necessary for the
31 preservation of our environment and the public health, safety and welfare of City residents and
32 visitors and future generations; and

33 **WHEREAS**, at least 10 days' notice has been given once by publication in a newspaper
34 of general circulation notifying the public of this proposed ordinance and of public hearings to be
35 held in the City Commission Auditorium, City Hall, City of Gainesville; and

36 **WHEREAS**, the public hearings were held pursuant to the published notice described at
37 which hearings the parties in interest and all others had an opportunity to be and were, in fact
38 heard.

39 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
40 **CITY OF GAINESVILLE, FLORIDA:**

41 **Section 1.** A new Division 5 within Article III of Chapter 27 is created to read as set forth
42 below. Except as amended herein, the remainder of Chapter 27 remains in full force and effect.

43 **CHAPTER 27 - UTILITIES**

44 **ARTICLE III – SOLID WASTE DISPOSAL**

45

46 **DIVISION 5. – PLASTIC STRAWS AND STIRRERS**

47

48 **Sec. 27-92 – Definitions.**

49 The following words, terms and phrases, when used in this article, shall have the meanings
50 ascribed to them in this section, except where the context clearly indicates a different meaning:

51 *Beverage provider* means a person or entity that provides beverages directly to the
52 consumer, regardless of whether such beverage is provided free of charge or sold, or whether

53 consumption occurs on or off premises, or whether the beverage is provided from a building,
54 pushcart, stand or vehicle. Beverage providers include, but are not limited to, bars, restaurants,
55 cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug
56 stores, pharmacies, bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

57 *Single-use plastic straw* means a disposable tube used for the purpose of consuming
58 beverages and intended for one-time use, which is made predominantly of plastic derived from
59 petroleum polymer or a biologically-based polymer.

60 *Single-use plastic stirrer* means a device that is used to mix beverages and intended for one-
61 time use, and made predominantly of plastic derived from a petroleum polymer or a biologically
62 based polymer.

63 **Sec. 27-93. Prohibition on single-use plastic straws and single-use plastic stirrers.**

64 (a) ~~Except upon request,~~ Beverage providers shall not sell, use, offer for sale or use,
65 or provide to any person a single-use plastic straw or single-use plastic stirrer.

66 (1) Exceptions: Although the discontinuation of the use of single-use plastic straws
67 and single-use plastic stirrers is strongly encouraged, this article shall not apply to the sale or
68 use of single-use plastic straws or single-use plastic stirrers as follows:

69 a. Pre-packaged beverages with a single-use plastic straw or single-use plastic stirrer
70 that are prepared and packaged outside the City and are not altered, packaged or
71 repackaged within the City.

72 b. Boxes of pre-packaged single-use plastic straws or single-use plastic stirrers that are
73 offered for retail sale to a consumer for personal use, that are prepared and packaged
74 outside the City and are not altered, packaged or repackaged within the City.

75 c. By medical or dental facilities.

- 76 d. By hospitals.
- 77 e. By nursing homes or assisted living facilities.
- 78 f. By any disabled person that requires or relies on same to consume beverages and/or
- 79 food supplements.

80 **Sec. 27-94. - Enforcement: penalties: injunctive relief.**

81 The city may enforce this article by civil citation in accordance with Chapter 2, Article V,
 82 Division 6. In addition, persons who are not in conformity with these requirements shall be
 83 subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

84 **Section 2.** Section 2-339 of the Gainesville Code of Ordinances is hereby amended as set
 85 forth below. Except as amended herein, the remainder of Section 2-339 remains in full force and
 86 effect.

87 **Sec. 2-339. - Applicable codes and ordinances.**

88 The following ordinances are enforceable by the procedures described in this division:

27-93	<u>Single-use plastic straws and single-use plastic stirrers</u>	<u>II</u> \$250.00
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90 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
 91 and 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City
 92 of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
 93 renumbered or relettered in order to accomplish such intentions.

94 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 95 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 96 finding shall not affect the other provisions or application of the ordinance which can be given

97 effect without the invalid or unconstitutional provisions or application, and to this end the
98 provisions of this ordinance are declared severable.

99 **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
100 such conflict hereby repealed.

101 **Section 6.** This ordinance shall become effective immediately upon adoption; however,
102 to allow time for beverage providers to expend their current stock of single-use plastic straws
103 and single-use plastic stirrers and transition to reusable, recyclable, or compostable alternatives,
104 the City will not commence enforcement of this ordinance until 8 am on January 2, 2020.

105

106 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2019.**

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LAUREN POE
MAYOR

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ATTEST:

Approved as to form and legality

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OMICHELE D. GAINNEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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This ordinance passed on first reading this ____ day of _____, 2019.

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This ordinance passed on second reading this ____ day of _____, 2019.

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