

ORDINANCE NO: _____

An ordinance of the City of Gainesville, Florida, amending Section 27-93 by creating an exception to the prohibition on plastic straws and stirrers to allow beverage providers to distribute bio-polymer material straws and stirrers; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on August 15, 2019, the City Commission adopted Ordinance 180678, which prohibited single-use plastic straws and single-use plastic stirrers; and

WHEREAS, emerging technology has been developed which allows for the creation of straws and stirrers made of bio-polymer, which is a recyclable or compostable material that can break down in the environment; and

WHEREAS, the City Commission finds that amending the Ordinance to allow beverage providers to distribute bio-polymer straws and stirrers will continue to promote preservation of the environment and the public health, safety and welfare of City residents and visitors and future generations; and

WHEREAS, allowing beverage providers to distribute bio-polymer straws and stirrers will give beverage providers more flexibility while upholding the purpose of the ordinance, which is to reduce the detrimental effects of plastic straws on the environment; and

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

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

29 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
30 **CITY OF GAINESVILLE, FLORIDA:**

31 **Section 1.** Section 27-93 of Chapter 27, Article III, Division 5 of the Code of
32 Ordinances of Gainesville, Florida is amended to read as follows:

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

34 (a) Beverage providers shall not sell, use, offer for sale or use, or provide to any person a
35 single-use plastic straw or single-use plastic stirrer.

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

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

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

45 c. By medical or dental facilities.

46 d. By hospitals.

47 e. By nursing homes or assisted living facilities.

48 f. By any disabled person that requires or relies on same to consume beverages
49 and/or food supplements.

50 g. Bio-polymer based straws and stirrers which meet one of the following
51 standards:

52 i. Bio-polymer straws and stirrers that reach 90% biodegradation
53 than 24 months as certified by a laboratory using one of the following tests or its future
54 replacement:

55 A. American Society for Testing and Materials D5988: Standard Test
56 Method for Determining Aerobic Biodegradation of Plastic Materials in Soil.

57 B. American Society for Testing and Materials D6691: Standard Test
58 Method for Determining Aerobic Biodegradation of Plastic Materials in the Marine
59 Environment by a Defined Microbial Consortium or Natural Sea Water Inoculum.

60 C. International Organization for Standards 17556: Determination of the
61 ultimate aerobic biodegradability of plastic materials in soil by measuring the oxygen demand in
62 a respirometer or the amount of carbon dioxide evolved.

63 ii. Bio-based polymer straws that acquire one of the following certifications or
64 its future replacement:

65 A. TUV Austria OK biodegradable SOIL.

66 B. TUV Austria OK biodegradable WATER.

67 iii. Bio-based polymer straws that have determined to be biodegradable by
68 passing the Organization for Economic Co-operation and Development (OECD) Test 301
69 Ready Biodegradable.

70

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

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

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

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

83

84 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.**

85

86

LAUREN POE
MAYOR

87

88

89 ATTEST:

Approved as to form and legality

90

91

92

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

93

94

95

96

97

This ordinance passed on first reading this ____ day of _____, 2020.

98

99

This ordinance passed on second reading this ____ day of _____, 2020.

100