Legislative # 180678

1	ORDINANCE NO: <u>180678</u>			
2 3 4 5 6 7 8 9	An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to prohibit single-use plastic straws and single-use plastic stirrers by creating a new Division 5 within Article III of Chapter 27; by amending Section 2-339 to provide a civil citation penalty; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.			
10 11	WHEREAS, the City Commission of the City of Gainesville declares that it is in the best			
12	interest of the public health, safety and welfare of its residents and visitors to reduce litter and			
13	pollutants on the land and in the waters of the City; and			
14	WHEREAS, single-use plastic straws and stirrers are detrimental to the environment			
15	because they do not fully degrade, they overburden landfills, introduce unsafe chemicals into the			
16	environment, become litter and create hazards for land and aquatic animals due to ingestion, and			
17	create impediments to waste reduction and recycling goals, while creating unsightly litter; and			
18	WHEREAS, use and distribution of single-use plastic straws and stirrers by beverage			
19	providers to consumers has a detrimental effect on the public health, safety and welfare of the			
20	City, County and State; and			
21	WHEREAS, single-use plastic straws and stirrers constitute a portion of the litter in the			
22	City's streets, parks, public places and waterways; and			
23	WHEREAS, as an environmental leader among local governments in the State of			
24	Florida, the goal of the City is to replace single-use plastic straws and stirrers with reusable,			
25	recyclable, or compostable alternatives whenever possible; and			
26	WHEREAS, this Ordinance provides for an implementation period (during which this			
27	ordinance will not be enforced) allowing beverage providers to expend their current stock of			

single-use plastic straws and stirrers and transition to reusable, recyclable, or compostable
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, or				
65	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.				

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 Single-use plastic straws and single-use plastic stirrers II \$250.00			
89				
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.			
107						
108 109 110 111 112 113		LAUREN POE MAYOR				
114 115 116 117 118	ATTEST:	Approved as to form and legality				
119 120 121 122		NICOLLE M. SHALLEY CITY ATTORNEY				
122 123 124	This ordinance passed on first reading this	day of	2019.			
124 125 126	This ordinance passed on second reading this	day of	_, 2019.			