

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

31 **Section 1.** Division 5 within Article III of Chapter 27 of the Code of Ordinances of
32 Gainesville, Florida is renumbered and amended to read as set forth below. Except as amended
33 herein, the remainder of Chapter 27 remains in full force and effect.

34 **Chapter 27 – UTILITIES**

35 **ARTICLE III. – SOLID WASTE DISPOSAL**

36 ~~**DIVISION 5. – PLASTIC STRAWS AND STIRRERS**~~

37 **DIVISION 4. SINGLE-USE PLASTIC AND POLYSTYRENE PRODUCTS**

38 **Sec. 27-~~9289~~. - Definitions.**

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

41 Expanded polystyrene container means any plate, bowl, cup, container, lid, tray, cooler,
42 ice chest, and similar items that are made of blown polystyrene and expanded and extruded
43 foams that are thermoplastic petrochemical materials utilizing a styrene monomer and
44 manufactured by fusion of polymer spheres (expandable bead foam), injection molding, foam
45 molding and extrusion-blown molding (extruded foam polystyrene) or any other technique.

46 Beverage Prepared food provider means a person or entity that provides food (including
47 beverages) directly to the consumer, that is ready for immediate consumption without any further
48 cooking, mixing, preparation, alteration or repackaging regardless of whether such food beverage
49 is provided free of charge or sold, or whether consumption occurs on or off premises, or whether
50 the food beverage is provided from a building, pushcart, stand or vehicle. Prepared Food
51 ~~Beverage~~ providers include, but are not limited to, bars, restaurants, cafes, sidewalk cafes,

52 delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies,
53 bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

54 Single-use plastic food accessory means any item which is made predominantly of plastic
55 derived from petroleum polymer or a biologically-based polymer and is provided for one-time
56 use with prepared food (including beverages), such as utensils, chopsticks, portion cups,
57 condiment packets, and other similar accessories. This definition excludes items that are
58 provided to prevent spills and injuries, such as spill plugs, splash sticks, cup lids, cup sleeves and
59 cup trays.

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

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

66

67 **Sec. 27-~~93~~90. - Prohibition on single-use plastic straws and single-use plastic stirrers.**

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

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

- 73 a. Pre-packaged beverages with a single-use plastic straw or single-use plastic
74 stirrer that are prepared and packaged outside the city and are not altered,
75 packaged or repackaged within the city.
- 76 b. Boxes of pre-packaged single-use plastic straws or single-use plastic stirrers
77 that are offered for retail sale to a consumer for personal use, that are prepared
78 and packaged outside the city and are not altered, packaged or repackaged
79 within the city.
- 80 c. By medical or dental facilities.
- 81 d. By hospitals.
- 82 e. By nursing homes or assisted living facilities.
- 83 f. By any disabled person that requires or relies on same to consume beverages
84 and/or food supplements.

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86 **Sec. 27-91. – Single-Use Plastic Food Accessories available upon request.**

87 Prepared food providers shall not provide single-use plastic food accessories for dine-in, take-out
88 or delivery, unless the single-use food accessory is specifically requested by the customer or is
89 provided at a customer self-serve station.

90

91 **Sec. 27-92. - Prohibition on use of expanded polystyrene containers on city property or city**
92 **right-of-way.**

93 Any person or entity that is required to obtain a permit, use agreement, or other authorization or
94 approval to use city property or city right-of-way pursuant to Chapter 18, Article II. Park
95 Regulations; Chapter 19 Peddlers, Solicitors and Canvassers; and Chapter 30, Article V. Use

96 Standards, is prohibited from using expanded polystyrene containers for the permitted activity on
97 city property or city right-of-way. This prohibition excludes the distribution of any prepackaged
98 food that is filled and sealed in an expanded polystyrene container prior to receipt by the person
99 or entity and it excludes raw meat or seafood that is stored in an expanded polystyrene container
100 and sold from a refrigerated display or storage case.

101

102 **Sec. 27-93. Prohibition on intentional release outdoors of plastic confetti, glitter and**
103 **balloons.**

104 All persons are prohibited from intentionally releasing outdoors any plastic confetti, glitter or
105 balloons. Consistent with Section 379.233, Florida Statutes, the following balloon releases are
106 exempt from the above prohibition: (a) balloons released by a person on behalf of a
107 governmental agency or pursuant to a governmental contract for scientific or meteorological
108 purposes; (b) hot air balloons that are recovered after launching; or (c) balloons that are either
109 biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation
110 Commission, and which are closed by a hand-tied knot in the stem of the balloon without string,
111 ribbon, or other attachments. The party responsible for the release shall make available evidence
112 of the biodegradability or photodegradability of said balloons in the form of a certificate
113 executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a
114 violation of this act.

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116 **Sec. 27-94. - Enforcement; penalties; injunctive relief.**

117 The city may enforce this article by civil citation in accordance with chapter 2, article V, division
118 6. In addition, persons who are not in conformity with these requirements shall be subject to
119 appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

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121 **Section 2.** Section 2-339 of the Code of Ordinances of Gainesville, Florida, is amended as
122 set forth below. Except as herein amended, the remainder of Section 2-339 remains in full force
123 and effect.

124 **Sec. 2-339. – Applicable codes and ordinances.**

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

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

131

132 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
133 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
134 finding shall not affect the other provisions or application of the ordinance which can be given
135 effect without the invalid or unconstitutional provisions or application, and to this end the
136 provisions of this ordinance are declared severable.

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