

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING SECTION 75.100 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED “DEFINITIONS”; CREATING SECTION 75.211 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED “PROHIBITION ON SINGLE-USE PLASTIC STRAWS AND SINGLE-USE PLASTIC STIRRERS”; AMENDING SECTION 24.16 OF THE ALACHUA COUNTY CODE TO ALLOW FOR ENFORCEMENT; PROVIDING FOR REPEALING CLAUSE, PROVIDING FOR MODIFICATION AT PUBLIC HEARING, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Alachua County Board of County Commissioners declares that it is in the best interest of the public health, safety and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the unincorporated areas of Alachua County; and

WHEREAS, approximately 8.3 billion metric tons of plastic have been produced worldwide since 1950, of which only 9% has been recycled; and

WHEREAS, an estimated 32% of plastic packaging escapes collection systems, intentionally, and unintentionally, contributing to litter and marine debris; and

WHEREAS, an estimated 8 million metric tons of plastic enter the ocean every year from land-based sources; and

WHEREAS, plastic that enters the ocean poses a physical hazard to wildlife and ocean ecosystems, and has become a part of the ocean food web; and

WHEREAS, the County desires to create a circular economy of materials and community-wide Zero Waste plan that will first seek to reduce single use plastics; and

1 **WHEREAS**, individual behaviors, personal responsibility, and recycling programs can
2 only go so far in reducing plastic pollution; and

3 **WHEREAS**, alternatives to single use plastic items which are biodegradable, renewable,
4 or reusable are readily available; and

5 **WHEREAS**, the County has determined that the reduction of single use plastics in the
6 community is essential to the health and well- being of its citizens, residents, and natural
7 systems.

8 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY**
9 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

10 SECTION 1. Section 75.100 of the Alachua County Code of Ordinances, entitled
11 “Definitions,” is hereby amended to add the definitions as set forth below. Except as amended herein,
12 the remainder of Section 75.100 of the Alachua County Code of Ordinances remains in full force
13 and effect.

14 **Sec. 75.100 – Definitions**

15 ~~As used in this chapter, the following words and terms shall have the following~~
16 ~~meanings, unless the context clearly requires otherwise:~~

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

20 *Beverage provider* means a person or entity that provides beverages directly to the consumer,
21 regardless of whether such beverage is provided free of charge or sold, or whether consumption
22 occurs on or off premises, or whether the beverage is provided from a building, pushcart, stand,
23 or vehicle. Beverage providers include, but are not limited to, bars, restaurants, cafes, sidewalk
24 cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores,
25 pharmacies, bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

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

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

4 SECTION 2. A new Section, 75.211, titled “Prohibition on Plastic Straws and Stirrers,” is
5 created to read as set forth below. Except as amended herein, the remainder of Chapter 75 of the
6 Alachua County Code of Ordinances remains in full force and effect.

7 **Sec. 75.211 – Prohibition on Single-use Plastic Straws and Single-use Plastic Stirrers**

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

10 (1) Exceptions: Although the discontinuation of the use of single-use plastic
11 straws and single-use plastic stirrers is strongly encouraged, this section shall not apply to the
12 sale or use of single-use plastic straws or single-use plastic stirrers as follows:

13 a. Pre-packaged beverages with a single-use plastic straw or single-
14 use plastic stirrer that are prepared and packaged outside of unincorporated Alachua County and
15 are not altered, packaged or repackaged within unincorporated Alachua County.

16 b. Boxes of pre-packaged single-use plastic straws or single-use
17 plastic stirrers that are offered for retail sale to a consumer for personal use, that are prepared and
18 packaged outside unincorporated Alachua County and are not altered, packaged or repackaged
19 within unincorporated Alachua County.

20 c. By medical or dental facilities.

21 d. By hospitals.

22 e. By nursing homes or assisted living facilities.

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

25 SECTION 3. Section 24.16 of the Alachua County Code of Ordinances is hereby
26 amended to add the violation as set forth below. Except as amended herein, the remainder of
27 Section 24.16 remains in full force and effect.

Sec. 24.16. - Applicable codes and ordinances.

EXHIBIT A. SCHEDULE OF CODES AND ORDINANCES WITH BRIEF DESCRIPTION OF
SUBJECT MATTER OF VIOLATIONS AND PENALTIES FOR UNCONTESTED VIOLATIONS

Public Works Department-Solid Waste Management

Section	Description	Class	Penalty
<u>75.211</u>	<u>Prohibition on Single-use Plastic Straws</u> <u>and Single-use Plastic Stirrers</u>	<u>II</u>	<u>\$250.00</u>

SECTION 4. Repealing Clause. All ordinances or portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 5. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 6. Severability. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 7. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation.

1 SECTION 8. Effective Date. A certified copy of this ordinance shall be filed with the
2 Department of State by the Clerk of the Board within ten days after enactment by the Board and
3 shall take effect upon filing with the Department of State.

4 **DULY ADOPTED** in regular session, this 10th day of March, 2020

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Robert Hutchinson, Chair

Jessie K. Irby, II
Clerk of Court

APPROVED AS TO FORM

County Attorney

(SEAL)