

CITY of Gainesville 1/30/06  
FILED w/ clerk of commission

#050879  
1/30/06

DRAFT

Alachua County and City of Gainesville

Board of County & City Commissioners

Ordinance 04-

ALACHUA COUNTY ENVIRONMENTAL POLICY (ACEP),  
CITY OF GAINESVILLE ENVIRONMENTAL POLICY (CGEP),  
JOINT CITY OF GAINESVILLE & ALACHUA COUNTY  
ENVIRONMENTAL POLICY (JCGACEP), STATE OF FLORIDA  
ENVIRONMENTAL POLICY (SFEP), UNITED STATES OF  
AMERICA ENVIRONMENTAL POLICY (USAEP), UNITED  
NATIONS ENVIRONMENTAL POLICY (UNEP), WORLD  
ENVIRONMENTAL POLICY (WEP), EARTH &  
INTERPLANETARY AGREEMENT ON ENVIRONMENTAL  
POLICY (EIAEP), EARTH & MARS AGREEMENT ON  
ENVIRONMENTAL POLICY (EMAEP), EARTH, SATELLITE, &  
INTERPLANETARY AGREEMENT ON ENVIRONMENTAL  
POLICY (ESIAEP), ENVIRONMENTAL POLICY FOR EARTH &  
OUTERSPACE (EPEO), MICROBIOLOGICAL &  
INTERPLANETARY AGREEMENT ON ENVIRONMENTAL  
POLICY (MIAEP), ENVIRONMENTAL POLICY FOR  
NANOTECHNOLOGY, MICROBIOLOGY, TERRESTRIAL, &  
EXTRATERRESTRIAL LIFE (EPNMTEL), hereafter known as "THE  
ENVIRONMENTAL POLICY"

An ordinance establishing a county & city policy for the environment, and for other purposes.

**PURPOSE**

**Sec. 2.** The purposes of this ordinance are: To declare a county & city policy which will encourage productive and enjoyable harmony between mankind and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of mankind; to enrich the understanding of the ecological systems and natural resources important to the city, county and the Nation; to require environmental impact statements on all planned projects

or programs that might seriously affect the environment; and, to make provisions for economic impact and environmental benefits of a project or program on the citizens and the environment of our county & city including the impacts on the county, city, and local governmental agencies.

DECLARATION OF ALACHUA COUNTY AND CITY OF GAINESVILLE  
ENVIRONMENTAL POLICY

**Sec. 101.** (a) The Alachua County & City of Gainesville Commissions, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Alachua County & City of Gainesville Commissions, in cooperation with State, local, and Federal government, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this ordinance, it is the continuing responsibility of the Alachua County & City of Gainesville Commissions to use all practicable means and resources to the end so that the county & city may--

1. fulfill the responsibilities of each generation as trustees of the environment for succeeding generations;
2. assure for all citizens safe, healthful, productive, and

esthetically and culturally pleasing surroundings;

3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, whenever possible, an environment which supports diversity, and variety of individual choices;

5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Alachua County & City Commissions recognize that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

**Sec. 102.** The Alachua County & City Commissions accept, authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this ordinance, and (2) The Alachua County & City Board of commissioners and all agencies and

departments of its government, shall -

(a) Utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment;

(b) Identify and develop methods and procedures which will ensure that presently unqualified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

(c) Include in every recommendation or report on proposals, programs, projects, and other actions that might significantly affect the quality of the human environment, detailed and current site specific statements by the responsible agencies officials (local, State or

Federal, Departments of Environmental Protection, Agriculture, Health, or Center for Disease Control and Prevention) on -

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental affects which cannot be avoided should the proposed project be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term productivity, and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(d) Acknowledge that no special use permits will be granted until all environmental, economic, and health impact statements have been obtained by the appropriate (local, State or Federal) agencies;

(e) Disallow any private, local, State, or Federal program or project that might seriously affect the environment from entering into Alachua County and the City of Gainesville that does not have a current site-specific analysis or recent environmental impact statement concerning the affects on the area, wildlife, and human life;

(f) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal or project which involves unresolved conflicts concerning alternative uses of available resources;

(g) Recognize the world-wide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(h) Make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

- (i) Initiate and utilize ecological information in the planning and development of resource-oriented projects; and
- (j) Acknowledge that no public body should vote on any matter affecting the environment without the biologists report being available to the people and the press prior to the vote.

**Sec. 103** Economic and fiscal impact statements; prerequisite to enactment of rule or regulation and notice of action; affect of statements: (1) Prior to the adoption of an environmental rule or regulation by the Alachua County & City Commissions for a new project or program, the commissions shall consider the economic impact and environmental benefits such rule or regulation will have on the citizens and the environment of our county & city as well as the fiscal impacts of such rule or regulation on the county, city, and local governmental agencies. (2) Prior to giving notice of proposed agency action as required by Section 102 (c), Alachua County Environmental Policy (ACEP), and the City of Gainesville Environmental Policy (CGEP), or the Joint City of Gainesville & Alachua County Environmental Policy (JCGACEP), the commissions shall develop a written report providing an economic and fiscal impact statement for the adoption of an environmental rule or regulation for a new project or program as provided in subsection (1) of this section. In developing the economic and fiscal impact statement, the commissions shall consult with personnel at the University of Florida ; (3) The economic and fiscal impact statement shall include the following:

- (a) A description of the need for and the environmental benefits which will likely accrue as the result of the proposed action;

(b) An estimate of the capital cost and the annual cost to the regulated community of implementing the proposed action;

(c) An estimate of any initial cost and annual costs to the department and other state and local governmental entities of implementing and enforcing the proposed action, including the estimated amount of paperwork;

(d) A description of reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the commission and a statement of reasons for rejecting those alternatives in favor of the proposed adoption or substantive modification; and

(e) A detailed statement of the data and methodology used in making estimates required by this subsection.

(4) No rule or regulation shall be declared invalid based on a challenge to the economic and fiscal impact statement for the rule or regulation unless the issue is raised in administrative proceedings before the commission. No person shall have standing to challenge a rule or regulation, based upon the economic and fiscal impact statement or lack thereof, unless that person provided the commission with information sufficient to make the commission aware of specific concerns regarding the statement in a public meeting or hearing held by the commission

or in written comments regarding the rule or regulation. The grounds for invalidation for an

action of the commission, based upon the economic and fiscal impact statement, are limited to the commission's failure to adhere to the procedure for preparation of the economic and fiscal impact statement as provided in this section, or the commission's failure to consider information submitted to the commission regarding specific concerns about the statement, if such failure substantially impairs the fairness of the rule making proceeding.

**Sec. 104**      **Repealing Clause.** All ordinances or portions thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

**Sec. 105**      **Severability.** It is the declared intent of the Board of County & City Commissioners that, if any section, clause, phrase, or provision of this ordinance is held invalid or unconstitutional in a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**Sec. 106**      **Ordinance to the Liberally Construed.** This ordinance shall be liberally construed in order to effectively carry out the purposes which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Alachua County, Florida and the City of Gainesville.

**Sec. 107**      **Effective Date.** A certified copy of this ordinance shall be filed with the Department of State by the Clerks of the Board of County & City Commissioners within (10) days after enactment by the Board of County & City



Commissioners, and shall take effect upon filing with the Department of State.

This policy has been drafted after the National Environmental Policy Act of 1969 (NEPA), and the Mississippi Code of 1972,

Duly adopted in Special Session, this \_\_\_\_\_ day of \_\_\_\_\_ 2004 .A.D.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA.  
BOARD OF CITY OF GAINESVILLE COMMISSIONERS -

Department Approval as to Correctness

\_\_\_\_\_  
Richard Drummond, Director of Alachua  
County Department of Growth  
Management

ATTEST:

\_\_\_\_\_  
Buddy K. Irby, Clerk of the Court

Approval as to Form

\_\_\_\_\_  
David Wagner. Attorney for Alachua  
County Board of County Commissioners

\_\_\_\_\_  
Mike Byerly, Chairman  
Alachua County Board of Commissioners

\_\_\_\_\_  
City of Gainesville MAYOR  
Thomas D. Bussing

Approved as to form and legality:

By \_\_\_\_\_  
Marion J. Radson, City Attorney

ATTEST:

Clerk of The City Commission  
Kurt M. Lannon

Jeb Bush, Governor \_\_\_\_\_  
State of Florida

George W. Bush, President \_\_\_\_\_  
UNITED STATES OF AMERICA

\_\_\_\_\_  
Chairman, UNITED NATIONS

Richard Selwach, President  
EARTH ACTION RECYCLERS

 3/28/04

on behalf of the first draft to mankind of the EARTH & INTERPLANETARY AGREEMENT ON ENVIRONMENTAL POLICY (EIAEP), hereafter known as, "THE ENVIRONMENTAL POLICY". dated this Sunday, March 28th, 2004, A.D.



FLORIDA DEPARTMENT OF STATE

**Katherine Harris**  
Secretary of State

February 21, 2000

EARTH ACTION RECYCLERS, INC.  
523 N.W. 3RD AVE  
GAINESVILLE, FL 32601

SUBJECT: EARTH ACTION RECYCLERS, INC.  
DOCUMENT NUMBER: N92000000339

In compliance with the request on your 2000 Annual Report/Uniform Business Report, the certificate of status for the subject corporation is enclosed.

Should you have any questions regarding this matter, please telephone (850) 488-9000.

Division of Corporations

/PR

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# State of Florida



## Department of State

I certify from the records of this office that EARTH ACTION RECYCLERS, INC. is a corporation organized under the laws of the State of Florida, filed on November 16, 1992.

The document number of this corporation is N92000000339.

I further certify that said corporation has paid all fees and penalties due this office through December 31, 2000, that its most recent annual report/uniform business report was filed on February 7, 2000, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.



CR2EO22 (1-99)

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Twenty-first day of February, 2000

*Katherine Harris*

Katherine Harris  
Secretary of State

# The United States of America



Nº 1831673

## CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

## PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this nineteenth day of April 1994.

*Bence Lehman*

Commissioner of Patents and Trademarks

*6/26/94*

*File w/ Clerk of County Commission*



Int. Cl.: 42

Prior U.S. Cl.: 100

**United States Patent and Trademark Office** **Reg. No. 1,831,673**  
**Registered Apr. 19, 1994**

**SERVICE MARK  
PRINCIPAL REGISTER**



**EARTH ACTION RECYCLERS, INC. (FLORIDA CORPORATION)**  
**507 N.W. 5TH AVENUE**  
**GAINESVILLE, FL 32601**

**FOR: PROMOTING THE ENVIRONMENTAL AWARENESS OF THE PUBLIC, IN CLASS 42 (U.S. CL. 100).**

**FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.**

**NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE INTERNATIONAL RECYCLING SYMBOL, APART FROM THE MARK AS SHOWN.**

**SER. NO. 74-372,794, FILED 3-29-1993.**

**R. G. COLE, EXAMINING ATTORNEY**

*6/26/01 Refile w/ Clerk of Commission*