

ORDINANCE NO.

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by revising definitions; adding requirements for commercial generators of solid waste, commercially-collected residential property, and recovered material registrants; changing the term of commercial franchises; creating a new division regulating single-use plastic and polystyrene products; requiring prescription drug distributors to provide take back programs for prescription drugs; requiring commercial establishments to have additional recycling containers; requiring property owners to provide commercial tenants with adequate space for solid waste and recycling; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.

WHEREAS, .

WHEREAS, the City Commission finds that this Ordinance is necessary to achieve waste reduction goals of the city by reducing consumption as well as ensuring maximum processing or reuse of recovered materials.

WHEREAS, at least ten (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 in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

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

33 **CHAPTER 27 - UTILITIES**

34 **ARTICLE III – SOLID WASTE DISPOSAL**

35
36 **DIVISION 1. - GENERALLY**

37
38 **Sec. 27-71. - Purpose.**

39 This article is adopted to promote and protect the public health, safety and general welfare of the
40 ~~citizens~~ residents and visitors of the city. The regulations, authority and rates established in this
41 article are for the purpose of providing a solid waste collection and disposal program at a
42 reasonable cost and promoting recycling by both residential and commercial customers.

43 **Sec. 27-72. - Definitions.**

44 For the purpose of this article, the following words and terms are herewith defined:

45 *Applicant* shall mean

46 (a) a person applying to the city for a franchise required to provide commercial service or
47 collect construction and demolition debris within the city for hire, remuneration or other
48 consideration: or

49 (b) a person applying to the city for a registration certificate required to collect, process,
50 convey or transport recovered materials within the city for hire, remuneration or other
51 consideration.

52 *Appropriate disposal and/or recycling site* shall mean a place that is properly zoned,
53 permitted, registered or licensed in accordance with all applicable local and state laws for the

54 disposal of solid waste and/or the processing of ~~recyclable~~ recovered materials that have been
55 collected by commercial franchisees or registrants.

56 *Cart* shall mean a serial-numbered, two-wheeled container with attached lid and handle,
57 available in approximately 20, ~~350~~, ~~650~~, and ~~950~~ gallon sizes, supplied and distributed by the
58 solid waste collector.

59 *Certified recovered materials dealer* shall mean a dealer certified as provided in F.S. §
60 403.7046.

61 *Commercial customer* shall mean any person who receives commercial service.

62 *Commercial franchisee* shall mean a person who has filed an application with, and
63 received a franchise from, the city to provide one or more of the following services:

- 64 (a) commercial service;
65 (b) collection of construction and demolition debris.

66 *Commercial generator* shall mean a person who is eligible to receive commercial service
67 under this article and who is the point of origination of solid waste or recovered materials.

68 *Commercial service* shall mean pickup of garbage and trash, but excluding hazardous
69 waste, biomedical waste and yard ~~trash~~ waste, provided by a commercial franchisee to one of the
70 following:

- 71 (1) a licensed mobile home park ~~exceeding four~~ with five or more dwelling units;
72 (2) multi-family residences ~~exceeding four~~ with five or more dwelling units under one
73 common roof;
74 (3) any residential property that has opted-out of residential service under the terms of
75 this article and is eligible to receive commercially collected residential service:

76 (4) business, commercial or industrial enterprises of all types licensed to do business in
77 the city.

78 *Commercial service container* shall mean an industry-standard container constructed of
79 non-absorbent material, with or without a cover, made for mechanized pickup.

80 *Commercially-collected residential service* shall mean the collection of solid waste, other
81 than hazardous waste and bio-medical waste, provided to persons occupying residential dwelling
82 units ~~in buildings with five or more dwelling units within the city and persons occupying~~
83 ~~residential dwelling units in buildings with two to four dwelling units within the city who have~~
84 ~~been allowed by the city to opt-out of curbside residential service in a development where one or~~
85 more of the following criteria exists:

- 86 1) the development has at least one building with five or more dwelling units;
- 87 2) the development has a building with two to four dwelling units which has been
88 allowed by the city to opt-out of curbside residential service;
- 89 3) separate developments that share common infrastructure (such as a shared parking lot),
90 ownership, property management, or home owner association but have four or less
91 units per building when the public works director or designee has determined it is in
92 the best interest of the city for operational or aesthetic reasons to provide
93 commercially-collected residential service to the developments.

94 *Compactor* shall mean any container that has a compaction mechanism.

95 *Construction and demolition debris* shall mean materials generally considered to be not
96 water soluble nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete,
97 asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or
98 destruction of a structure as part of a construction or demolition project, and including rocks,

99 soils, tree remains, trees, and other vegetative matter that normally results from land clearing or
100 land development operations for a construction project, including such debris from construction
101 of structures at a site remote from the construction or demolition project site. Mixing of
102 construction and demolition debris with other types of solid waste, including material from a
103 construction or demolition site which is not from the actual construction or destruction of a
104 structure will cause it to be classified as other than construction and demolition debris.

105 *Contractor* shall mean the firm with whom the city has contracted to provide residential
106 service.

107 *Curbside* shall mean the designated physical location for the placement of solid waste
108 accumulations intended for residential service collection and disposal. This designated location
109 shall be as near as possible to the traveled streets or alley normally serviced by the contractor's
110 collection vehicles, but in no case upon such street or alley. The intention of a curbside
111 designation is to allow collection by waste control personnel in a rapid manner with walking or
112 reaching minimized. In all cases, the ~~city manager~~ public works director or designee shall have
113 the authority to approve or specify the precise location for such curbside placement.

114 *Customer* shall mean the person, organization or corporation responsible for payment of
115 all residential, commercial or commercially-collected residential services used at a specific
116 location, and further defined as that person, organization or corporation who signed the utility
117 application or commercial service contract requesting that services be made available at the
118 specific location and thereby agreeing to pay for all usage of such services occurring at the
119 location.

120 *De minimus* quantity shall mean

121 (a) no more than 15 percent by volume of total designated recyclable materials,
122 regardless of type, in a solid waste load delivered to a city facility or a facility under contract
123 with the city or in a solid waste container at point of generation; or

124 (b) no more than 15 percent by volume of non-recovered materials ~~non-putrescible and~~
125 ~~no more than five percent by volume putrescible solid waste~~ in a recovered material container at
126 the point of generation.

127 *Designated recyclable materials* shall mean those recyclable materials that are designated
128 ~~in writing by the city manager~~ public works director or designee as potential recovered materials.

129 *Dwelling unit* shall mean a living unit, house, mobile home, apartment or building used
130 primarily for human habitation.

131 *Garbage* shall mean all putrescible waste, which generally includes, but is not limited to,
132 kitchen and table food waste, animal, vegetable, food or any organic waste that is attendant with,
133 or results from, the storage, preparation, cooking or handling of food materials whether attributed
134 to residential or commercial activities.

135 *Living unit* shall mean a place where people reside on a non-transient basis, containing a
136 room or rooms comprising the essential elements of a single housekeeping unit. Each separate
137 facility for the preparation, storage and keeping of food for consumption within the premises
138 shall be considered a separate living unit.

139 *Organic materials* shall mean yard waste, vegetative waste, food waste, non-recyclable
140 paper, or other materials that have known compostable potential, can be feasibly composted
141 and have been diverted and source separated or removed from the solid waste stream, whether
142 or not the materials require subsequent processing or separation.

143 *Pre-paid garbage disposal bag* shall mean a plastic bag, approximately 30 gallons in
144 size, sold by the contractor solid waste collector or by a distributor approved by the city, for use
145 in disposing of solid waste.

146 *Person* shall mean an individual, group of persons, firm, corporation, association,
147 organization, syndicate or business trust.

148 *Rates* shall mean those charges and fees adopted by the city commission by resolution,
149 ordinance or contract for the management of solid waste and recovered materials, including those
150 charges and fees collected by commercial franchisees, except those charged by registrants to
151 commercial generators and generators of construction and demolition debris.

152 *Recovered materials* shall mean metal, paper, glass, plastic, textile or rubber materials
153 that have known recycling potential, can be feasibly recycled and have been diverted and source
154 separated or removed from the solid waste stream for sale, use or reuse as raw materials, whether
155 or not the materials require subsequent processing or separation from each other, but does not
156 include materials destined for any use that constitutes disposal. Recovered materials as described
157 above are not solid waste.

158 *Registrant* shall be a person who has made application with the city to collect, transport,
159 convey or process recovered materials in the city and has subsequently received a registration
160 certificate from the city.

161 *Residential service* shall mean the solid waste collection service provided to persons
162 occupying residential dwelling units in buildings with four or fewer dwelling units within the
163 city.

164 *Solid waste* shall mean sludge unregulated under the federal Clean Water Act or Clean
165 Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution

166 control facility, or garbage, trash, special waste, or other discarded material, including solid,
167 liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial,
168 mining, agricultural or governmental operations. Recovered materials as defined in this article
169 are not solid waste.

170 *Solid waste regulations* shall mean those regulations prescribed by this article along with
171 any administrative rules, procedures and contracts as may be established for the purpose of
172 carrying out the provisions of this article.

173 *Source separated* shall describe those recovered materials separated from solid waste
174 (except other recovered materials or de minimus amount of solid waste) where the recovered
175 materials and solid waste are generated.

176 *Trash* shall mean ~~accumulations of paper, magazines, packaging, containers, sweepings~~
177 ~~and all other accumulations of a nature other than garbage and lawn trash, and excluding~~
178 ~~designated recyclable materials, which are usual to housekeeping and the operation of stores,~~
179 ~~offices and other business places~~ nonputrescible debris that is generated by households,
180 businesses, and institutions.

181 *Yard ~~trash~~ waste* shall mean all accumulations of grass, leaves, shrubbery, vines, tree
182 branches and trimmings which are normally associated with the care and maintenance of
183 landscaping.

184 **Sec. 27-73. - Prohibited acts.**

185 It shall be unlawful for any person to do any of the following:

- 186 (1) To place or cause to be placed any garbage or trash upon the property of another;
- 187 (2) To collect or transport solid waste for hire or for remuneration or any other form of
188 consideration without first being granted a commercial franchise except as follows:

- 189 (a) Commercial generators transporting their own solid waste; and
- 190 (b) Persons transporting their own solid waste generated by their own dwelling unit or
- 191 establishment to an appropriate disposal site;
- 192 (3) To collect or transport construction and demolition debris for hire or for remuneration or
- 193 any other form of consideration without first being granted a construction and demolition debris
- 194 franchise except as follows:
- 195 (a) Commercial generators transporting their own debris;
- 196 (b) Persons secondarily providing removal of debris created as a result of other primary
- 197 services performed by those persons as described in subsection (11) below. Subcontractors who
- 198 provide primarily collection or transport services shall not qualify for this exemption.
- 199 (4) To collect, process, convey or transport recovered materials in the city without having
- 200 registered with the city, except as follows:
- 201 (a) Persons whose primary business is freight transport that may involve the intermittent
- 202 transport of recovered materials;
- 203 (b) Commercial generators transporting their own recovered materials; and
- 204 (c) Persons transporting their own recovered materials generated by their own dwelling
- 205 unit or establishment to an appropriate recycling site;
- 206 (5) To collect recovered materials from a solid waste container used by a consumer or
- 207 commercial customer receiving service from a franchisee, franchise or registrant, after the
- 208 consumer or commercial customer places the container and recovered materials at the curb or
- 209 designated area for collection, except as permitted by the city on an emergency interim basis as
- 210 part of the city's recycling program when the ~~city manager~~ public works director or designee
- 211 determines that it is necessary to protect public health, safety or welfare:

- 212 (6) To allow solid waste or recovered materials to spill, blow or drop from any vehicle on
213 any road or to transport any solid waste or recovered material over any public road unless the
214 solid waste or recovered material is securely tied or covered so as to prevent leakage or spillage
215 onto the road;
- 216 (7) To place or store solid waste on any property for a period in excess of one week, unless it
217 is securely contained or covered.
- 218 (8) To deposit or dispose of any garbage or trash on the paved or traveled portion of any
219 public street, or any alleyway, sidewalk, bike path, stream, ditch, river, pond, bay, creek, park,
220 other right-of-way or public place in the city except at areas as may be designated by the city.
- 221 (9) To deposit, dump or dispose of any garbage or trash at, upon or in any incinerator or
222 landfill within the city without first obtaining the permission of the custodian thereof;
- 223 (10) To burn any garbage or trash within the city, except at designated incinerators or
224 landfills, without first obtaining a permit from the city;
- 225 (11) To produce or accumulate any construction and demolition debris, tree branches or
226 similar debris while acting in the capacity of a contractor (such as a tree surgeon, landscaper or
227 building contractor), without removal of the same to a designated disposal area;
- 228 (12) To allow any scattered garbage or trash to remain at or near the curbside, or to fail to
229 remove any windblown or animal scattered garbage or trash from a public area and right-of-way
230 which have blown or otherwise scattered from the person's dwelling unit curbside collection
231 point;
- 232 (13) To place any solid waste or ~~recyclable~~ recovered materials out for collection by any alley
233 service drive, easement or right-of-way not serviced by collection trucks;

- 234 (14) To place any solid waste or ~~recyclable~~ recovered materials out for collection adjacent to
235 the street if collection trucks service the area from an established alley;
- 236 (15) To place any solid waste or ~~recyclable~~ recovered materials in an underground container
237 for pickup;
- 238 (16) To do any act prohibited or to fail to do any act required by the solid waste regulations of
239 the city.
- 240 (17) To deposit any hazardous waste as defined in F.S. § 403.703, in any cart or commercial
241 service container;
- 242 (18) To place or cause to be placed any garbage, trash, ~~recyclable~~ recovered materials or other
243 solid waste in the cart or commercial service container belonging to another without proper
244 authority;
- 245 (19) To remove any materials, without proper authority, from any container belonging to
246 another which contains materials set out for recycling;
- 247 (20) To mix yard ~~trash~~ waste with normal solid waste loads, whether for residential or
248 commercial service.
- 249 (21) To leave a garbage, trash, recovered material, or food waste container cover open when
250 not in use.
- 251 (22) To collect garbage, trash, recovered material, or food waste in a container without a
252 properly sized or fitted cover, except for residential curbside recycling bins designed to be open-
253 topped containers.

254 **Sec. 27-74. - ~~City manager~~ Public works director to make regulations; enforce article.**

255 (a) The ~~city manager~~ public works director or designee shall have the authority to make
256 regulations concerning the days of collection, type and location of collection containers and other

257 such matters pertaining to the storage, collection, conveyance and disposal as necessary and to
258 change or modify the same after reasonable notice to affected persons.

259 (b) The ~~city manager~~ public works director or designee is responsible for the enforcement
260 of regulations regarding storage, collection, conveyance and disposal of all solid waste and
261 ~~recyclable~~ recovered materials generated within the city, including accumulations of same that
262 may be in violation of this article or other solid waste regulations. A notification of violation will
263 be provided and correction of the violation shall be made in the time specified by the notice;
264 however, failing correction, the city is hereby authorized to collect and dispose of the material
265 causing the violation and to bill the customer or owner of record of the property for the cost of
266 providing this additional collection and disposal service.

267 (c) The public works director or designee will be responsible for posting the current list
268 of designated recycling materials on the city website.

269 **Sec. 27-75. - Commercial service and commercially-collected residential service.**

270 (a) *Provided:* Commercial service shall be provided by collectors authorized to provide
271 such service under a franchise with the city to persons that do not qualify to receive residential
272 service. Collection of designated recyclable materials shall be provided by registrants, including
273 franchisees who are registrants.

274 (b) *Collection frequency and method:* Each ~~€~~commercial generators or commercially-
275 collected residential service customers shall enter into an agreement with a franchisee of the city
276 for the frequency and method of ~~refuse~~ garbage collection except where 1) landlords provide
277 service through a franchisee, or 2) generators reach a dumpster sharing arrangement with an
278 adjacent generator or a generator whose shared dumpster is within 500 feet of each commercial
279 generator's service door. If a commercial generator or commercially-collected residential

280 service customer has a dumpster sharing arrangement, proof of such an arrangement shall be
281 submitted to the city and is subject to approval by the public works director or designee. Such
282 service shall be received no less than one time per week with no exception for holidays, except
283 that collection service scheduled to occur on a holiday may be rescheduled with written notice to
284 the customer as long as minimum frequency is met. Collection service provided to compactors is
285 exempt from this minimum frequency. Commercially-collected residential service not serviced
286 by a compacting dumpster shall receive a minimum of twice per week service. Alcoholic
287 beverage establishments, grocery stores, and restaurants not serviced by a compacting dumpster
288 shall receive a minimum of four (4) times per week service. When necessary to protect the
289 public health or to enforce the purpose of this article, the ~~city manager~~ public works director or
290 designee shall have the authority to stipulate the frequency of collection or require the
291 implementation of a plan to eliminate the hazard. Service shall consist of the mechanical
292 dumping of commercial containers capable of being unloaded by proper equipment; or a manual
293 hand service dumping of containers located at agreed upon sites upon the property; or other
294 levels of service as may be required or agreed to. If the franchisee fails to perform collection
295 according to the contract, the customer shall have 30 days from the first such failure to enter into
296 an agreement with another franchisee before being cited for violation of this subsection.

297 (c) *Preparation and storage.* ~~Storage~~ Collection containers shall be drained of free
298 liquids prior to accumulation for collection. Storage areas and areas adjacent to the storage area
299 shall be maintained by the customer in a neat, sanitary and sightly manner. Customers are
300 responsible for maintaining the accessibility to ~~storage~~ collection containers or areas. If pickups
301 are missed due to customer's failure to maintain accessibility, and unsanitary or unsightly
302 conditions result, the customer shall be in violation of this article. All ~~storage~~ collection

303 containers that are to be picked up by collection trucks must be approved by the city as meeting
304 acceptable standards established by the city. Readily apparent damage to storage areas or
305 container enclosures, normal wear and tear excepted, caused by the collector driver shall be
306 reported by the driver to the customer prior to leaving the collection area if the business or
307 management office is open and if not, by radio to the contractor's office, and personnel from the
308 office will then contact the customer at the earliest possible time.

309 (d) *Commercial service containers.* The following commercial service container
310 standards are guidelines under which the owners of containers, as well as the lessees of
311 containers, will conform in order to ensure a healthy and aesthetically pleasing environment for
312 the ~~citizens~~ residents and visitors of the city:

313 (1) Each container ~~must~~ shall be kept painted in good condition at all times, unless
314 the container is made of aluminum, stainless steel, plastic or other similar materials that do not
315 readily accept painting.

316 (2) Every container ~~will~~ shall be clearly marked on the front of the container with the
317 following information:

318 a. A serial or property control number;

319 b. "NO PARKING," "UNAUTHORIZED ENTRY OR USE PROHIBITED," AND
320 "DEPOSITING OF FLAMMABLE LIQUIDS OR EXPLOSIVES PROHIBITED" labeled
321 conspicuously across its front.

322 c. By October 1, 2022, every solid waste commercial service container, except for
323 construction and demolition debris collection containers, shall follow the City's approved color
324 and educational labeling format as set forth in regulations maintained on file with the solid waste
325 department. Labeling graphics and suggested text will be supplied by the City at no cost to

326 commercial service providers operating within the city. The public works director or designee
327 may waive the educational labeling requirements of this section if it is determined to be in the
328 best interest of the city.

329 (3) Every recovered materials container shall be clearly and conspicuously labeled across the
330 front of the container with the following information:

331 a. “RECYCLING”, “RECYCLING ONLY” or “RECYCLE HERE”.

332 b. “NO GARBAGE”.

333 c. List of designated recyclable materials accepted in that container, such as
334 “CARDBOARD ONLY,” that is texted-based, image-based or a combination of text
335 and images.

336 d. Educational labeling shall be:

337 i. Clearly and conspicuously placed on and consist of at least twenty-five
338 (25) percent of the area of the front loading side of dumpsters or cart lids;

339 ii. Printed in both the English and Spanish language.

340 (4) Every organic materials container shall be clearly and conspicuously labeled across the
341 front of the container with the following information:

342 a. “YARD WASTE ONLY”, “COMPOST ONLY” or “FOOD WASTE ONLY”.

343 b. “NO GARBAGE”.

344 c. List of organic materials accepted in that container that is texted-based, image-based
345 or a combination of text and images.

346 d. Educational labeling shall be:

347 i. Clearly and conspicuously placed on and consist of at least twenty-five
348 (25) percent of the area of the front loading side of dumpsters or cart lids;

349 ii. Printed in both the English and Spanish language.

350 (36) Each container ~~must~~ shall be free of rust holes, broken hinges or broken door fasteners
351 and will have solid substantial bottoms with at least one drain hole for purposes of cleanout.

352 (47) All necessary containers ~~will~~ shall have properly fitting lids and or side door(s) in place
353 that close automatically when lifted and that will prevent the entry of rodents, snakes and other
354 animals, and allow for opening and closing action during the emptying cycle. Containers used for
355 storage of materials other than garbage must meet the same criteria, ~~except that lids~~ Lids or
356 covers may not be required if the ~~city manager~~ public works director or designee determines that
357 it does not pose a threat to the health, welfare or safety of the ~~citizens~~ residents and visitors, or
358 cleanliness of the container site or adjacent community.

359 (§ 8) Containers at commercial locations are not to be filled to a height exceeding the level of
360 the highest portion of the container body or rim. This limitation applies to dumpsters, cans, bins
361 or any other method employed for storage. Customers must arrange for items such as furniture,
362 appliances, construction and demolition debris or any material not considered a part of the
363 customer's normal collection service to be picked up within seven days of being placed for
364 collection. If these items are not picked up within seven days of being placed for collection, the
365 ~~city manager~~ public works director or designee may provide notice to the customer by hand
366 delivery or certified mail, return receipt requested. If the customer has not removed the refuse
367 within 24 hours after notification by the city, the ~~city manager~~ public works director or designee
368 may order such removal and all costs incurred shall be placed against the customer's utility
369 account. At no time will any solid waste or storage containers be placed on the travel portions of
370 any walk, street or alley within the city without prior authorization from the ~~city manager~~ public
371 works director or designee.

372 (6 9) The city waste control inspector shall notify the owners and/or lessees of containers not
373 maintained in a condition of good repair or in violation of any provision of this section either by
374 hand delivery of such notice or by sending notice by certified mail, return receipt requested and
375 shall also post a notice in a conspicuous place on the premises. After notice is given in writing,
376 the owner and/or lessee will have 24 hours in which to repair or replace any container that is a
377 hazard during the unloading cycle and seven working days in which to repair or replace all other
378 violations.

379 **Sec. 27-76. - Residential service.**

380 (a) *Provided.* Residential service shall consist of curbside collection of all garbage and
381 designed recyclable materials ~~household trash~~, and an optional service of backyard collection of
382 garbage and designated recyclable materials ~~household trash~~.

383 (b) *Preparation, storage, placement for collection.*

384 (1) *Garbage ~~and household trash~~:*

385 a. Each dwelling unit qualifying for residential service in the city shall be
386 assigned a serial-numbered cart of the size requested by the occupant of the
387 unit, or, if no size request is received, of the size determined by the ~~city~~
388 ~~manager~~ public works director or designee. The occupant may exchange the
389 cart for another of different size upon paying the fee as listed in Appendix A.
390 Damaged and stolen carts will be replaced on request.

391 b. All garbage ~~and household trash~~ shall be drained of free liquids and stored for
392 collection in the assigned cart, or in pre-paid garbage disposal bags, as
393 accumulated. The cart shall not be filled above a height allowing the attached
394 lid to be completely closed, nor shall the prepaid garbage disposal bags be

395 filled such that ~~they~~ the bags cannot be securely fastened shut or weigh over 40
396 pounds. The bags may be placed inside non-disposable containers. The
397 assigned cart and the pre-paid garbage disposal bags shall be placed at the curb
398 or roadside no earlier than 5:00 p.m. on the day preceding the scheduled
399 collection day, and the emptied carts and non-disposable containers shall be
400 removed from the curbside location not later than 9:00 p.m. of the day of
401 collection. The carts and non-disposable containers shall be removed and kept,
402 except during the hours permitted by this section for the placement of them for
403 collection, at a location where they are not clearly visible from any public
404 street. It shall be unlawful and punishable as provided for any owner or
405 occupant to place, permit the placing of or allow the continued location of
406 ~~garbage and household trash~~ collection containers in any location or at any
407 times not provided for in this subsection. ~~Garbage and household trash~~ placed
408 in containers other than the assigned cart or pre-paid approved garbage
409 disposal bags will not be collected. Non-disposable or reusable containers
410 intended not to be picked up by the collectors shall be clearly and appropriately
411 identified. Anyone placing garbage ~~or household trash~~ in containers other than
412 the assigned cart or pre-paid garbage disposal bags will be in violation of this
413 article.

414 c. Any container, other than the assigned cart, that is allowed to remain at
415 curbside or roadside at times other than those permitted by this section, and
416 any container, other than the assigned cart, that has become damaged or
417 deteriorated, may be impounded by the city. The owner of any such container

418 so impounded shall be notified immediately in writing by the city by mail to
419 the address where picked up or by placing a notice thereof in a conspicuous
420 place on such premises, or both. The owner may redeem such impounded
421 containers within 30 days after the same are impounded by the city by paying
422 the charges in accordance with the schedule set out in Appendix A. Any
423 container not redeemed within the 30-day period may be used by the city in
424 any manner as the city may determine in furtherance of the waste control
425 program or may be sold to the highest bidder at a noticed public sale for each,
426 which cash shall be deposited in the general fund of the city.

427 (2) *Yard ~~trash~~ waste*. Yard ~~trash~~ waste that is properly bundled or containerized in such
428 manner to enable one person to lift the trash in a single lifting movement to place
429 same in the compaction truck, and which bundles or containers do not exceed 40
430 pounds in weight and five feet in length, will be collected at curb or roadside. If tree
431 or shrubbery trimmings are not containerized they may be placed at curbside in a
432 compact pile not containing any items exceeding 40 pounds in weight and five feet
433 in length and will be picked up. Grass, leaves and pine straw must be containerized
434 by either using disposable or reusable containers, and will be collected if properly
435 placed for collection at curb or roadside. Non-disposable or reusable containers
436 intended not to be picked up by the collectors shall be clearly and appropriately
437 identified. Concrete, dirt, bricks, appliances, furniture or similar items are not
438 considered yard ~~trash~~ waste, and will not be collected except by special service as
439 described in section 27-77.

440 (3) Recycling Containers ~~Bin provided~~. Each dwelling unit shall be provided a ~~bin~~
441 container for the purpose of storage and disposal of designated recyclable materials.
442 Designated ~~R~~recyclable materials that meet the requirements set forth by the ~~city~~
443 ~~manager~~ public works director or designee shall be collected from curb or roadside.
444 Designated ~~R~~recyclable materials not fitting in the bin may be placed in non-
445 disposable containers or paper bags and will be collected at curb or roadside.

446 (c) *Responsibility for scattered garbage or trash.* Customers are responsible for the cleanup from
447 bags torn or cans spilled by animals, or otherwise spilled through no fault of the collectors.
448 Collectors are not required to sweep, fork, shovel or otherwise clean up trash or garbage that
449 has become scattered or is otherwise not readily picked up and placed in the compaction
450 truck, including spillage resulting from overloaded containers.

451 (d) *Backyard option and service fee exception.* The residential service program will allow
452 customers the option of requesting backyard collection. (This does not include yard ~~trash~~
453 waste.) Such requests must be made in writing to the ~~city manager~~ public works director or
454 designee 30 days in advance of the start of service and once requested, such service and
455 associated fees shall remain in effect for a minimum of six months. Service charges for
456 backyard service as specified in the schedule set out in Appendix A may be waived and the
457 uniform curbside service charge applied where all occupants of the dwelling unit are
458 physically ~~incapacitated and~~ unable to transport their cart and bin to the curb. Customers
459 desiring backyard service at the curbside rate must be certified as to the necessity for this
460 service by the ~~city manager~~ public works director or designee who may impose such
461 reasonable conditions as may be required for such service and certification.

462 (e) *Service charges*. In order to cover the direct cost, including but not limited to inspecting,
463 billing, collecting, handling, hauling and disposal of solid waste, yard ~~trash~~ waste and
464 designated recyclable materials, and indirect cost, including but not limited to administration,
465 accounting, personnel, purchasing, legal and other staff or departmental services, service
466 charges in accordance with the schedule set out in Appendix A shall be paid monthly to the
467 city, which charge shall be included on the regular monthly statement for utility service.

468 (f) *Residential service exclusion*.

469 (1) Owners of buildings containing two to four residential dwelling units may petition
470 the city to be excluded from residential service and allowed to contract for
471 commercially-collected residential service.

472 (2) Petitions for exclusion shall be made to the ~~city manager~~ public works director or
473 designee.

474 (3) Petitions shall be made on city-provided forms, and shall contain the following
475 information:

476 a. Applicant's name.

477 b. Address of the property proposed to be excluded and number of dwelling units.

478 c. A copy of the proposed service agreement between the applicant and a
479 franchised commercial provider, including the level and type of services to be
480 provided and the number of dwelling units to be served.

481 (4) Upon receipt of a properly executed application and verification of the supporting
482 documentation, the ~~city manager~~ public works director or designee shall decide
483 whether to grant the exclusion based on the following criteria:

484 a. Collection history (whether commercial or residential)

485 b. Accessibility of collection vehicles to property.

486 c. Available space for placement of carts.

487 d. Predominant use of property.

488 e. Safety.

489 f. Level of service requested by residents.

490 (5) The ~~city manager~~ public works director or designee shall notify the applicant in
491 writing of the decision.

492 (6) If the exclusion is approved, it shall be effective until terminated. ~~from the date~~
493 ~~specified by the city manager or designee until September 30, 2004, unless~~ An
494 exclusion may be terminated earlier by the ~~city manager~~ public works director or
495 designee, or at the request of the property owner, due to changes in the contract
496 between the city and its solid waste collector or change in circumstances concerning
497 the property.

498 ~~(7) If the exclusion is approved, the applicant must contract for recycling service~~
499 ~~specified in section 27-85.~~

500 **Sec. 27-77. - Special service.**

501 (a) *Described.* Any waste which, by reason of its bulk, shape or weight, cannot be placed
502 in a container or bundled, or which exceeds the size and weight limitations of any section of this
503 article, will be collected and disposed of by the contractor on an on-call basis.

504 (b) *Scheduling and rates.* Special collection will be scheduled at the earliest reasonable
505 time by the contractor. The fee for special service collection and disposal will be arranged
506 between the customer and the contractor. The contractor will bill directly for such services and

507 collect a reasonable fee agreed to jointly by the contractor and the customer prior to the work
508 being performed.

509 **Sec. 27-78. - Reserved.**

510 **DIVISION 2. - COMMERCIAL SERVICE AND CONSTRUCTION AND DEMOLITION**

511 **DEBRIS FRANCHISE**

512 **Sec. 27-79. - General provisions.**

513 (a) It shall be unlawful to commence or engage in the business of providing containers
514 for commercial service or providing commercial service or construction and demolition debris
515 collection and disposal to properties in the city without a franchise issued by the city in
516 accordance with this article.

517 (b) No franchise shall be awarded until the city determines that the franchisee is capable
518 of complying with the requirements of this article.

519 (c) Each franchise shall be subject to the charter of the city and this Code of Ordinances.
520 Each franchise shall be subject to, and franchisees shall abide by, all present and future laws,
521 regulations, orders of regulatory bodies, city code provisions and administrative rules applicable
522 to the performance of the collection services hereunder. Each franchise shall obtain all licenses
523 and permits presently required by federal, state and local governments, and as required from time
524 to time.

525 (d) All commercial franchises issued on or after October 1, 1996, may be by contract,
526 which may include, among other things, agreement on the disposal site for solid waste collected
527 by the franchisee.

528 (e) Collection times shall be as follows:

529 (1) Each commercial franchisee shall make available daily (~~except Sunday~~)
530 collection of solid waste. Collection shall begin no earlier than 6:00 a.m. and shall
531 cease no later than 9:00 p.m., Monday through Saturday, except that in areas of
532 mixed residential and commercial occupancy collections shall begin no earlier than
533 7:00 a.m. and cease no later than 9:00 p.m., Monday through Saturday. Sunday
534 service shall not begin before 8:00 am and cease no later than 9:00 p.m.

535 (2) Notwithstanding paragraph (e)(1), the ~~city manager~~ public works director
536 or designee may set other hours for the purpose of improving collection operations
537 or safety, by the city first holding a neighborhood workshop to inform various
538 residents, businesses and other stakeholders of the change being considered, and to
539 solicit their input. The workshop will be held in a location generally near the subject
540 area in a facility that is ADA compliant. The city will provide notification by mail
541 to all owners of property and neighborhood associations within the area being
542 considered as well as those within 400 feet of the perimeter of that area. The notices
543 will be mailed at least 14 days before the workshop and the city will also advertise
544 the workshop in a newspaper of general circulation at least 14 days before the date
545 of the workshop. The workshop must start between 6:00 p.m. and 8:00 p.m. on a
546 weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The city shall prepare a
547 written summary of the neighborhood meeting that includes a list of those in
548 attendance, a summary of the issues discussed, and comments, concerns and
549 suggestions by those in attendance. Any change in collection times shall be
550 established in a written memorandum outlining the justification. All memoranda
551 establishing collection times, and summaries of the neighborhood meetings, shall be

552 retained on file by the solid waste division and made available to the public for
553 inspection. These collection times should be reviewed periodically to determine
554 whether the operational justification continues to exist.

555 (3) ~~Notwithstanding paragraph (c)(1), the city manager or designee may~~
556 ~~authorize collection on Sunday where special needs of the customer make it~~
557 ~~necessary.~~ In the event of an emergency, a franchisee may collect at times not
558 allowed by this section, provided the ~~city manager~~ public works director grants
559 prior approval, to be later evidenced by a written memorandum. If no written
560 memorandum is obtained, there shall be a presumption that the franchisee had not
561 obtained prior approval. All written memoranda issued shall be retained on file by
562 the solid waste division and made available to the public for inspection.

563 (f) Franchisee shall not be relieved of the obligation to promptly comply with any
564 provision of the franchise by failure of the city to enforce compliance with the franchise.

565 (g) The franchise granted hereunder ~~may shall not~~ be exclusive. Any exclusive franchise
566 granted by the city shall be selected through a competitive procurement process. The city
567 reserves the right to grant similar rights or franchises to more than one person or corporation as
568 well as the right in its own name to use its streets for purposes similar to or different from those
569 allowed to franchisees hereunder.

570 (h) ~~For all contracts between customers and commercial franchisees as of January 1,~~
571 ~~1997, the franchisee shall pass through to its customers any savings realized through reduced~~
572 ~~service levels that the franchisee experiences due to the customers' participation in the mandatory~~
573 ~~recycling program.~~

574 (i h) If a franchisee fails to perform its contract with any customer for longer than two
575 weeks, the city may perform the work using its own equipment or assign the work to another
576 franchisee, who shall be entitled to receive the revenue from the customer for work performed
577 that would have gone to the defaulting franchisee.

578 (j i) The franchisee shall submit to any load inspection program that the city may
579 reasonably devise.

580 (k j) Yard waste from a commercial generator or customer shall be collected separately
581 from other solid waste. Each commercial franchisee shall inform all of its commercial customers
582 of this requirement.

583 (l k) A commercial franchisee shall respond to and, if feasible, resolve all complaints
584 received by 12:00 noon on any business day by 5:00 p.m. of the same day and shall respond to
585 and, if feasible, resolve all complaints received after 12:00 noon on any business day by 12:00
586 noon the next day. An emergency telephone number where the commercial franchisee can be
587 reached shall be given to the ~~city manager~~ public works director or designee.

588 (m l) A commercial franchisee shall handle commercial service containers with
589 reasonable care and return them to the approximate location from which they were collected. A
590 commercial franchisee shall clean up all solid waste spilled during the collection operation.

591 (n m) A commercial franchisee shall not be required to provide collection services when
592 all appropriate disposal sites are closed or an emergency or imminent emergency exists, as
593 determined by the ~~city manager~~ public works director or designee. Collections shall resume on
594 the instruction of the ~~city manager~~ public works director or designee.

595 (o n) A commercial franchisee shall not be deemed to be an agent of the city and shall be
596 responsible for any losses or damages of any kind arising from its performance or

597 nonperformance under its franchise. The franchisee shall defend at its own expense or reimburse
598 the city for its defense, at the city's option, on any and all claims and suits brought against the
599 city, its elected or appointed officers, employees, and agents resulting from the franchisee's
600 performance or nonperformance of service pursuant to the franchise.

601 (p o) Each commercial franchisee shall report to the city by December 15 of each year the
602 percentage participation of its clients in commercial recycling and the amount of recycled
603 material collected as a percentage of total solid waste collected from its customers for the year
604 ending September 30.

605 (q p) Each franchisee must provide the city with the location of the disposal site it uses
606 for construction and demolition debris.

607 (r q) In order to ensure that the franchisee provides a quality level of solid waste and
608 recycling collection services, the following standards and fines are set.

609 (1) All complaints received by the city and reported to the franchisee shall be
610 promptly resolved. Any complaint received by the franchisee shall be entered on a
611 form approved by the city. All complaints received during the business day shall be
612 transmitted on the approved form by 5:00 p.m. each business day. Any complaint
613 received before noon shall be resolved the same business day. All other complaints
614 shall be resolved by the end of the next business day.

615 (2) In the event legitimate complaints shall exceed two percent of the total
616 customers served by the franchisee during any city fiscal year, or 0.5 percent of the
617 total customers serviced by the franchisee during any calendar month, the city may
618 seek fines for the following violation of this article, on a per incident basis, when
619 committed by the franchisee:

- 620 a. Commingling solid waste with vegetative waste and/or designated recyclable
621 materials.
- 622 b. Failure to replace damaged container within seven days of notification (48
623 hours for commercially collected residential customers).
- 624 c. Throwing of garbage cans or recycling containers.
- 625 d. Failure to transmit commercial complaint forms as specified in this
626 subsection.
- 627 e. Failure to repair damage to customer's property.
- 628 (3) The city may seek fines for the following violations of the article, on a per
629 day basis, when committed by the franchisee:
- 630 a. Failure to provide clean, safe, sanitary equipment.
- 631 b. Failure to maintain required office hours.
- 632 c. Failure to maintain proper licenses.
- 633 d. Failure to display franchisee name and phone number on equipment or
634 containers.
- 635 e. Failure to collect solid waste upon notification by city. Franchisee will
636 also be charged the cost incurred by the city if city personnel are required
637 to collect the solid waste due to such failure.
- 638 f. Using improper truck to service commercial or commercially collected
639 residential customer solid waste.
- 640 g. Failure to provide monthly recycling reports by the 30th day after each
641 month in the format specified by the city.
- 642 h. Collection outside hours specified in section 27-79.

643 i. Failure to clean up spillage of any substance required to be cleaned up
644 pursuant to federal, state or local laws, rules or ordinance.

645 **Sec. 27-79.1. - Term of franchise.**

646 Any ~~new non-exclusive~~ franchise issued ~~or renewal of an existing franchise~~ shall be by
647 application. The term of any ~~new or renewal non-exclusive~~ franchise shall extend until 11:59
648 p.m. on September 30 of each year unless forfeited or revoked sooner, or be held month to
649 month, as provided herein. In any year in which the city is transitioning from non-exclusive
650 franchises to an exclusive franchise system, the term of non-exclusive franchises will be month
651 to month instead of one year. If the city issues an exclusive franchise, the term of the exclusive
652 franchise agreement shall be as set forth in the agreement.

653 **Sec. 27-80. - Franchise fees.**

654 (a) *Amount of fee.*

655 (1) The commercial franchisee providing commercial service shall pay as compensation to
656 the city, for the rights and benefits granted hereunder, a monthly fee as described in Appendix A.
657 For purposes of the calculation stated as Appendix A, gross revenues shall consist of all revenues
658 from the sale or lease of containers, all revenues from garbage and trash collection services, all
659 disposal billed, late fees, bad debt recoveries and other fees collected from customers, with no
660 deductions except for bad debts actually written off.

661 (2) The commercial franchisee providing construction and demolition debris collection
662 service shall pay as compensation to the city, for the rights and benefits granted hereunder, an
663 annual fee calculated based on all vehicles owned, leased, or otherwise used in construction and
664 demolition debris collection service as described in Appendix A.

665 (3) Commercial franchisees providing both commercial service and construction and
666 demolition debris collection service shall pay both fees described in subsections (1) and (2)
667 above, but shall not be required to pay the fees in Appendix A deriving from subsection (2)
668 above for vehicles which are not intended and shall never be used to haul construction and
669 demolition debris.

670 (b) Compensation payments for commercial service shall be due 20 days after the end of
671 each month, accompanied by statements of gross revenues as prescribed by the city's finance
672 department, and shall be paid directly to the city's finance department. Statements and
673 remittances shall be accepted as timely if postmarked on or before the 20th day of the month; if
674 the 20th day falls upon a Saturday, Sunday or federal or state holiday, statements and remittances
675 shall be accepted as timely if postmarked on the next succeeding workday. Compensation
676 payments for construction and demolition debris collection service shall be due on October 15 of
677 each year, and will be accepted as timely if postmarked on or before October 15, or the next
678 succeeding workday if October 15 falls upon a Saturday or Sunday or state or federal holiday.
679 Payments not received by the due date shall be assessed interest at the rate of one percent per
680 month compounded monthly from the due date.

681 (c) All amounts paid shall be subject to confirmation and recomputation by the city. An
682 acceptance of payment shall not be construed as an accord that the amount paid is, in fact, the
683 correct amount, nor shall acceptance of payment be construed as a release of any claim the city
684 may have for further or additional sums payable.

685 (d) Billing maneuvers that have the effect of reducing or avoiding the payment of
686 franchise fees are expressly prohibited and will be cause for termination of the franchise, as well
687 as punishment as provided by section 1-9.

688 (e) Payment of this franchise fee shall not exempt the commercial franchisee from the
689 payment of any other license fee, tax or charge on the business, occupation, property or income
690 of the franchisee that may be imposed by the city.

691 **Sec. 27-81. - Books, records and reporting requirements.**

692 (a) The city shall have the right to review all records maintained by a franchise providing
693 commercial service concerning its franchise on 30 days' written notice.

694 (b) Each commercial franchisee providing commercial service shall file written monthly
695 reports within 30 days after the end of each month with the ~~city manager~~ public works director or
696 designee. The report shall contain an accurate statement of all receipts under the franchise from
697 all sources, the number of accounts by service level, the quantities of garbage and trash collected
698 and the number of routes for garbage and trash collection.

699 (c) Each commercial franchisee providing commercial service shall file an annual report
700 including a schedule of total gross revenues as defined in section 27-80(a). This annual report
701 shall be examined by an independent certified public accountant ("auditor") to certify that the
702 computation of gross revenue used to calculate franchise fees remitted is in accordance with the
703 terms of the franchise. The auditor's report shall state that the examination was performed in
704 accordance with professional standards established by the AICPA and shall be filed with the ~~city~~
705 ~~manager~~ public works director or designee within 120 days of the franchisee's year end.

706 (d) Each commercial franchisee shall submit by September 1 of each year an updated list
707 of the type, number and complete description of all equipment to be used for providing service
708 pursuant to this division. Vehicles placed into service since the preceding September 1 shall have
709 the in-service dates noted, and vehicles no longer in service shall have the retirement dates noted.
710 Commercial and demolition debris collection service franchisees will be invoiced for all net

711 increases in vehicles operating during the prior year on a prorated basis, as well as invoiced for
712 vehicles intended to be operated during the coming year.

713 **Sec. 27-82. - Application requirements.**

714 (a) Applications for a franchise shall be made to the ~~city manager~~ public works director
715 or designee on such forms and in such manner as prescribed by the city. Application may be
716 made for one or both of the following types of franchise:

717 (1) Commercial limited to collection of garbage and trash from commercially-
718 collected residential dwellings and collection or processing of garbage and trash
719 from commercial generators.

720 (2) Construction and demolition limited to collection and disposal of
721 construction and demolition debris.

722 (b) Application forms will require, at a minimum, the following information and
723 supporting documents.

724 (1) If the applicant is a partnership or corporation, the name(s) and business
725 address(es) of the principal officers and stockholders and other persons having
726 financial or controlling interest in the partnership or corporation; provided,
727 however, that if the corporation is a publicly owned corporation having more than
728 25 shareholders, then only the names and business addresses of the local managing
729 officers shall be required.

730 (2) Criminal convictions, including withheld adjudication and plea of nolo
731 contendere for any felonies of the applicant if an individual, or any person having
732 any controlling interest in a firm, corporation, partnership, association or

733 organization making application, if requested by the ~~city manager~~ public works
734 director or designee.

735 (3) A statement of whether such applicant operates or has operated a solid waste
736 collection business in this or any other state or territory under a franchise, permit or
737 license; and if so, where, and whether such franchise, permit or license has ever
738 been revoked or suspended and the reasons therefor.

739 (4) Proof that corporation is in good standing in the state of corporation, if
740 applicant is a corporation, and, if not a Florida corporation, that applicant is
741 qualified to do business in the State of Florida. If applicant is other than a
742 corporation and is operating under a fictitious name, applicant shall be required to
743 submit information that such fictitious name is registered and held by applicant.

744 (5) A list of the type, number and complete description of all equipment to be
745 used by the applicant for providing service pursuant to this division. The ~~city~~
746 ~~manager~~ public works director or designee may conduct an inspection of all
747 equipment utilized in providing the services as outlined in the franchise to
748 determine that the franchise possesses equipment capable of providing safe and
749 efficient services.

750 (6) The applicant shall maintain in full force and effect insurance as specified
751 herein and shall furnish a comprehensive general liability policy to the ~~city manager~~
752 public works director or designee and also file with the ~~city manager~~ public works
753 director or designee a certificate of insurance for all policies written in the
754 applicant's name. The applicant shall carry in its own name a policy covering its
755 operations in an amount not less than \$200,000.00 per occurrence for bodily injury

756 and \$200,000.00 per occurrence for property damage regarding comprehensive
757 general liability. The applicant shall carry in its own name a policy covering its
758 operation in an amount not less than \$100,000.00 per person, \$200,000.00 per
759 occurrence for bodily injury, and \$50,000.00 per occurrence for property damage
760 liability regarding automobile liability insurance. The applicant shall maintain
761 workers compensation as required by Chapter 440, Florida Statutes.

762 (7) The insurance policies shall be filed in the office of the ~~city manager~~ public
763 works director or designee and shall remain on file so long as the franchisee
764 operates a franchise.

765 (8) The applicant shall pay the city a nonrefundable application fee, as specified
766 in Appendix A, at the time application is filed.

767 **Sec. 27-83. - Denial of application; suspension or revocation of franchise; right of appeal.**

768 (a) Upon a finding of just cause, the ~~city manager~~ public works director or designee shall
769 deny a franchise in the case of application for new or renewed franchises, and suspend or revoke
770 a franchise for a specified period of time in the case of previously issued franchises. Just cause
771 shall include but not be limited to a failure to meet the requirements of this article, violation of
772 any of the provisions of this article or any of the ordinances of the city, or the laws of the United
773 States or the state of Florida, the violations of which reflect unfavorably on the fitness of the
774 holder to offer solid waste collection services to the public.

775 (b) Prior to denial, suspension or revocation, the applicant or holder shall be given
776 reasonable notice of the proposed action to be taken and shall have an opportunity to present to
777 the ~~city manager~~ public works director or designee written and oral evidence at a hearing as to
778 why the franchise should not be denied, revoked or suspended. The notice of ~~intention~~ the

779 proposed action shall be served upon the applicant or franchisee by registered mail or personal
780 service. The hearing shall be held no earlier than 10 days after notice is received by the
781 applicant or registrant. Notice of the final decision of the public works director or designee shall
782 be sent in writing to the applicant or registrant.

783 (c) Any applicant or franchisee whose franchise is denied, suspended or revoked by the
784 ~~city manager~~ public works director or designee may appeal the decision to the city ~~commission~~
785 manager. The appeal shall be taken by filing written notice thereof, in duplicate, with the clerk of
786 the commission within ten days after the decision of the ~~city manager~~ public works director or
787 designee. The clerk of the commission shall notify the ~~city manager~~ public works director of the
788 appeal and the ~~city manager~~ public works director or designee shall forthwith transmit to the
789 clerk copies of all papers constituting the record upon which the action appealed is based. ~~The~~
790 ~~clerk of the commission shall place the appeal on the agenda of the next regularly scheduled city~~
791 ~~commission meeting which is not less than ten days from the date of the filing of the appeal. No~~
792 later than 15 days after the date of filing the appeal, the city ~~commission~~ manager shall review
793 the record and decide whether the decision of the ~~city manager~~ public works director was based
794 on competent, substantial evidence. ~~It [If] the ~~commission~~ city manager finds competent,~~
795 substantial evidence for the ~~city manager~~ public works director's decision, ~~it~~ the city manager
796 will uphold the ~~city manager~~ public works director 's decision; otherwise, ~~it~~ the city manager will
797 reverse the ~~city manager~~ public works director 's decision. The decision of the city ~~commission~~
798 manager shall constitute final administrative action.

799 **Sec. 27-84. - Penalties for violation.**

800 Except as otherwise provided, ~~any person violating or failing to comply with any of the~~
801 provisions of this division shall may be punished enforced as provided by section 1-9, enforced
802 by code enforcement proceedings, or the city may seek injunctive relief.

803 **DIVISION 3. – COMMERCIAL RECYCLING**

804 **Sec. 27-85. - Mandatory commercial recycling established.**

805 (a) Commercial generators. ~~Beginning January 1, 1997, or such later date as designated by~~
806 ~~the city manager or designee, all~~ All commercial generators and ~~generators of construction and~~
807 ~~demolition debris~~ shall separate designated recycling materials and make them available for
808 recycling. ~~The commercial generator or generator of construction and demolition debris may~~
809 ~~utilize a registrant, which includes a commercial franchisee who has obtained a registration, to~~
810 ~~collect the recycled materials.~~ The commercial generator shall either self-transport the designated
811 recyclable materials or utilize a registrant to collect and transport the designated recyclable
812 materials to a recovered materials processing facility. Failure to separate the designated
813 recyclable materials, except for de minimus amounts as determined by the ~~city manager~~ public
814 works director or designee, from solid waste loads delivered to a city facility, a facility under
815 contract with the city or a solid waste container at point of generation will subject the
816 commercial generator to civil citation as provided in sections 2-336 through 2-339 of this Code
817 and may, in addition, result in a surcharge as provided in subsection (ec) below.

818 (b) ~~[Notice of noncompliant status.]~~ Before a civil citation is issued, or a surcharge can
819 be imposed, the commercial generator must be issued a notice advising of its noncompliant
820 status. The notice shall provide a compliance date. If upon subsequent inspection the commercial
821 generator is still not in compliance a civil citation will be issued.

822 (c) {Separation and collection or special pick-up by city.} If the city undertakes the
823 separation and collection of the designated recycled materials or otherwise performs a special
824 pick-up of garbage or trash because a commercial generator fails to separate the designated
825 recyclable materials, except for de minimus amounts as determined by the ~~city manager~~ public
826 works director or designee, from solid waste loads delivered to a city facility, a facility under
827 contract with the city or a solid waste container at point of generation, the city may have it
828 removed and any expenses incurred will be included as a surcharge in the utility bill of the
829 commercial generator.

830 (d) Appeal. A commercial establishment may appeal the imposition of a surcharge to the
831 city manager or designee within 15 calendar days of such imposition. The notice of appeal shall
832 include all information and grounds the commercial generator wants to be considered by the city
833 manager or designee as to why the surcharge should not be imposed. The city manager or
834 designee shall have 15 calendar days to affirm or abate the surcharge. The determination of the
835 city manager or designee shall be final.

836 ~~(e) Commercially collected residential. All commercially collected residential units shall~~
837 ~~establish a recycling program that includes recycling of all designated recyclable materials and is~~
838 ~~convenient and accessible to the residents by January 1, 1997.~~

839 (fe) Location of containers. All recovered materials shall be placed in an appropriate
840 industry standard container. Where ~~garbage cans~~ carts are used, they shall be placed ~~at the~~
841 ~~roadside or~~ at such ~~other single~~ collection point(s) as may be agreed to between the registrant and
842 the customer. All containers shall be kept in a safe, accessible location as designated or approved
843 by the city and agreed to by the registrant and customer.

844 (gf) Maintenance of containers. If a registrant provides recovered material containers to
845 its customers, the registrant will be responsible for the proper maintenance of the container.
846 Customers that acquire their own containers from any other source are responsible for the proper
847 maintenance of the container, except that damage done by the registrant shall be the
848 responsibility of the registrant; and for ensuring that the container can be serviced by the
849 registrant's equipment. Any customer or registrant violating this paragraph shall be subject to a
850 civil citation as provided in chapter 2, article V, division 6.

851 (hg) Proof of participation in recycling program. A commercial generator, generator of
852 construction and demolition debris or owner of a commercially-collected residential property
853 shall produce proof of a valid and current contract with a registrant or receipts for delivery of
854 recovered materials to an approved site, upon request of the ~~city manager~~ public works director
855 or designee.

856 (h) Commercially-collected residential recycling. All commercially-collected residential
857 serviced properties shall establish a recycling program that:

- 858 (1) includes recycling of all designated recyclable materials;
859 (2) provides a location for recycling containers that is as convenient and accessible
860 to the residents as garbage and trash collection containers. If the public works
861 director or designee determines the location of recycling containers fails to
862 meet this requirement, the public works director shall determine an appropriate
863 location on the property for recycling containers;
864 (3) provides an adequate level of service and capacity of designated recyclable
865 collection containers based on the number of residents, units, or generation at
866 the given property. If the public works director or designee determines the

867 level of service and capacity of recycling containers is inadequate, the public
868 works director shall determine an appropriate level of service and capacity of
869 recycling containers;

870 (4) prominently posts and maintains one or more signs in common areas where
871 designated recyclable materials are collected or stored that specify the
872 materials accepted for recycling and the collection procedures for such
873 materials;

874 (5) distributes recycling information in printed or electronic form to each occupant
875 or unit on the property upon leasing and at least once annually and within
876 fourteen (14) days after any changes to recycling services on the property; and

877 (6) as of October 1, 2022, provides at least one indoor recycling storage container
878 per unit of a type and design approved by the City for tenants to easily
879 transport designated recyclable materials to a central collection area on the
880 property.

881 (i) Commercially collected residential property lease transition plan.

882 (1) Beginning January 1, 2024, commercially collected residential properties with
883 at least 50 units shall submit to the Public Works Department a plan to divert
884 from the landfill waste stream usable and functioning household goods,
885 furnishings, and electronics, and recyclable cardboard resulting from the high
886 volume move-in and move-out periods that occur at the end and beginning of
887 leases. Beginning January 1, 2025, commercially collected residential
888 properties with at least 20 units shall submit to the Public Works Department
889 a plan to divert from the landfill waste stream usable and functioning

890 household goods, furnishings, and electronics, and recyclable cardboard
891 resulting from the high volume move-in and move-out periods that occur at
892 the end and beginning of leases. The plan shall be submitted on a form
893 prepared by the city.

894 (2) The city shall approve or disapprove the plan within 15 business days of the
895 plan being submitted and send written notice of the decision to the
896 commercially-collected residential property. If approved, the proposed plan
897 shall be implemented no later than 60 days after approval. If the plan is
898 disapproved, the commercially-collected residential property shall re-submit
899 the plan no later than 30 days after the date of its disapproval.

900 (3) Failure to submit or follow the plan will result in a civil citation in accordance
901 with division 6, article V, chapter 2. In addition, commercially-collected
902 residential properties which are not in compliance with this article shall be
903 subject to appropriate civil action in the court of appropriate jurisdiction for
904 injunctive relief.

905 (j) Exemptions. A commercial generator shall have the right to file a request for an
906 exemption request from the requirements within Section 27-85(a)-(h). The public works
907 director or designee shall grant a request for an exemption if the commercial generator
908 demonstrates to the satisfaction of the public works director of designee that the volume of
909 designated recyclable materials generated is de minimus amounts or space is not available at a
910 given property for additional container placement. Each exemption request must be completed
911 and submitted using the standardized forms provided by the city. Commercial generators shall

912 be notified in writing within sixty (60) days of whether their exemption request is granted or
913 denied.

914 **Sec. 27-86. - Registration of recovered materials collectors.**

915 (a) *Registration required.* ~~On and after October 1, 1996, no~~ No person, including a
916 commercial franchisee, shall collect, transport, convey or process recovered materials in the city
917 without a registration certificate from the city. Each commercial franchise holder ~~as of October~~
918 ~~1, 1996,~~ who desires to collect recovered materials as part of the commercial recycling program
919 shall be granted a registration certificate upon filling out an application and providing the
920 necessary documentation. No application fee will be required until such time as the commercial
921 franchise would have terminated had it not been extended by subsection 27-79.1. This
922 subsection does not prohibit the city from entering into an exclusive franchise agreement or
923 issuing exclusive certificates of registration for the collection of recovered materials from
924 residential properties or commercially-collected residential properties.

925 (b) *Application for a Recovered Material certificate.*

- 926 (1) Applications for registration shall be obtained from and returned to the
927 department of solid waste.
- 928 (2) The applicant shall state whether it is a processor, a transporter, or both.
- 929 (3) Requested information on the application shall be limited to that information
930 required by F.S. § 403.7046.
- 931 (4) The application must be accompanied by
- 932 a. a copy of state certification as required by F.S. § 403.7046;
- 933 b. disclosure of ownership as set forth below; and
- 934 c. proof of insurance as set forth below.

935 (c) *Renewal of registration.* The certificate of registration may be valid for five years,
936 and may be renewed up to two times upon

- 937 (1) disclosure of ownership as set forth below;
938 (2) proof of insurance as set forth below as of the time of renewal; and
939 (3) proof that the registrant is still providing service to customers.

940 (d) *Operating requirements for registrants.* Persons collecting, transporting, conveying or
941 processing recovered materials in the city shall comply with the following operating
942 requirements:

943 (1) *Disclosure of ownership.* Each registrant shall annually provide two copies of a
944 notarized statement disclosing the names of its owners, general and limited partners,
945 or corporate or registered name under which it will conduct its business as
946 authorized by this article.

947 (2) *Response to complaint.* Each registrant shall be responsible for responding to
948 any and all complaints which involve registrant's actions that create a nuisance or
949 have the potential to create a nuisance. Response shall be within 24 hours of the
950 complaint, or by 5 p.m. Monday if the complaint was received during a weekend.

951 (3) *Clean-up.* A registrant shall handle recovered materials containers with
952 reasonable care and return them to the approximate location from which they were
953 collected. A registrant shall clean up all materials spilled during its collection
954 operation.

955 (4) *Emergencies.* A registrant shall not be required to provide collection services
956 when all appropriate recycling sites are closed or a city emergency or imminent
957 emergency exists, as determined by the ~~city manager~~ public works director or

958 designee. Collections shall resume on the instruction of the ~~city manager~~ public
959 works director or designee.

960 (5) *Non-agency.* A registrant shall not be deemed an agent of the city and shall be
961 responsible for any losses or damages of any kind arising from its performance or
962 nonperformance under its registration. The registrant shall defend at its own expense
963 or reimburse the city for its defense, at the city's option, of any and all claims and
964 suits brought against the city, its elected or appointed officers, employees, and
965 agents resulting from the registrant's performance or nonperformance of service
966 pursuant to the registration.

967 (6) *Trucks.* A registrant shall use trucks that are capable of preventing spillage or
968 accidental release of recovered material during transport.

969 (7) *Insurance.* A registrant shall purchase and maintain the types and amounts of
970 insurance set forth below from companies authorized to do business in the State of
971 Florida. The city shall be named as an additional insured on the general liability
972 insurance if the registrant utilizes city facilities. Failure to maintain insurance shall
973 result in revocation of registration.

974 a. General liability insurance - \$500,000.00 per occurrence if the registrant
975 utilizes city facilities

976 b. Commercial motor vehicle insurance as required by F.S. Ch. 627.

977 c. Workers compensation as required by F.S. Ch. 440.

978 (8) *Other laws, rules and regulations.* A registrant shall procure at its own expense
979 all local, state and federal franchises, certificates, permits or other authorizations
980 necessary for the conduct of its operations. A registrant and its employees, officers

981 and agents shall comply with all relevant local, state, and federal laws, rules and
982 regulations, orders and mandatory guidelines applying to the collection or
983 processing services being rendered.

984 (9) *Effect of certificate.* Issuance of a registration certificate by the city shall not be
985 deemed to be a waiver of any applicable local, state or federal law or regulation,
986 including but not limited to zoning or planning regulations, with respect to a
987 recycling operation of any kind, nor shall it create any vested right to own or
988 operate any type of recycling operation.

989 (10) *Hours of operation.* A registrant shall make available daily (except Sunday)
990 collection of designated recyclable materials. Collection shall begin no earlier than
991 6:00 a.m. and shall cease no later than 9:00 p.m. Monday through Saturday, except
992 in areas of mixed residential and commercial occupancy where collections shall
993 begin no earlier than 7:00 a.m. and shall cease no later than 9:00 p.m. Monday
994 through Saturday. The ~~city manager~~ public works director or designee may
995 authorize collection on Sunday where special needs of the customer make it
996 necessary.

997 (e) *Separation of residential and commercial materials.* Curbside collection of
998 designated recyclable materials from commercial generators shall be allowed only with
999 prior approval of the ~~city manager~~ public works director or designee, when considering
1000 a request to provide curbside collection, the ~~city manager~~ public works director or
1001 designee shall consider the following factors:

- 1002 (1) Accessibility of collection vehicles to property.
1003 (2) Available space for placement of containers.

1004 (3) Predominant use of property.

1005 (4) Safety.

1006 (f) *Delivery of materials.* All recovered materials shall be delivered to a recovered
1007 materials dealer that has been certified by the Florida Department of Environmental
1008 Protection or subsequent responsible agency, and the city.

1009 (g) *Reports.* The recovered materials registrants shall submit to the ~~city manager~~ public
1010 works director or designee reports as authorized by F.S. § 403.7046, and the regulations
1011 promulgated pursuant to the authority stated in statute. Within 15 days of changing
1012 facilities where recovered materials is being delivered, recovered materials registrants
1013 shall provide the name and location of the new facilities to the public works director or
1014 designee.

1015 **Sec. 27-87. - Revocation of registration.**

1016 (a) Upon a finding of just cause, the ~~city manager~~ public works director or designee shall
1017 deny a registration in the case of application for a new or renewed registration, and suspend or
1018 revoke a registration for a specified period of time in the case of previously issued registration.
1019 Just cause shall be consistent and repeated violation of state or local laws, ordinances, rules, and
1020 regulations relating to the applicant's or registrant's operation; or loss of state certification as a
1021 recovered materials dealer.

1022 (b) Prior to denial, suspension or revocation, the applicant or registrant shall be given
1023 reasonable notice of the proposed action to be taken and shall have an opportunity to present to
1024 the ~~city manager~~ public works director or designee written and oral evidence at a hearing as to
1025 why the registration should not be denied, revoked or suspended. The notice of ~~intention~~ the
1026 proposed action shall be served upon the applicant or registrant by registered mail or personal

1027 service. The hearing shall be held no earlier than 10 days after notice is received by the
1028 applicant or registrant. Notice of the final decision of the public works director or designee shall
1029 be sent in writing to the applicant or registrant.

1030 (c) Any applicant or registrant whose registration is denied, suspended or revoked by the
1031 ~~city manager~~ public works director or designee may appeal the decision to the city ~~commission~~
1032 manager. The appeal shall be taken by filing written notice thereof, in duplicate, with the city
1033 ~~clerk of the commission~~ within ten days after the decision of the ~~city manager~~ public works
1034 director or designee. The city clerk shall inform the ~~city manager~~ public works director of the
1035 appeal, and the ~~city manager~~ public works director or designee shall forthwith transmit to the city
1036 clerk copies of all papers constituting the record upon which the action appealed is based. ~~The~~
1037 ~~clerk shall place the appeal on the agenda of the next regularly scheduled city commission~~
1038 ~~meeting which is not less than ten days from the date of the filing of the appeal. No later than 15~~
1039 ~~days after the date of filing the appeal, the city commission manager shall review the record~~
1040 and decide whether the decision of the ~~city manager~~ public works director was based on
1041 competent, substantial evidence. ~~It [If]~~ If the ~~commission~~ city manager finds competent,
1042 substantial evidence for the ~~city manager~~ public works director 's decision, the city manager will
1043 uphold the ~~city manager~~ public works director's decision; otherwise, the city manager will
1044 reverse the ~~city manager~~ public works director 's decision. The decision of the city ~~commission~~
1045 manager shall constitute final administrative action.

1046 **Sec. 27-88. - Penalties for violation.**

1047 Except as otherwise provided, any person violating or failing to comply with any of the
1048 provisions of this division shall be punished as provided by section 1-9 of this Code of

1049 Ordinances, is subject to code enforcement proceedings, or the city may seek injunctive relief
1050 against such person.

1051 **Section 2.** A new Division 4 within Article III of Chapter 27 of the Gainesville Code of
1052 Ordinances is created to read as set forth below. Division 5 is amended as set forth below.
1053 Except as amended herein, the remainder of Chapter 27 remains in full force and effect.

1054 **DIVISION 4. RESERVED. SINGLE-USE PLASTIC AND POLYSTYRENE**
1055 **PRODUCTS.**

1056 **Sec. 27-~~9289~~. - Definitions.**

1057 The following words, terms and phrases, when used in this article, shall have the meanings
1058 ascribed to them in this section, except where the context clearly indicates a different meaning:

1059 *Expanded polystyrene container* means any plate, bowl, cup, container, lid, tray, cooler,
1060 ice chest, and similar items that are made of blown polystyrene and expanded and extruded
1061 foams that are thermoplastic petrochemical materials utilizing a styrene monomer and
1062 manufactured by fusion of polymer spheres (expandable bead foam), injection molding, foam
1063 molding and extrusion-blown molding (extruded foam polystyrene) or any other technique.

1064 *Beverage Prepared food provider* means a person or entity that provides food (including
1065 beverages) directly to the consumer, that is ready for immediate consumption without any further
1066 cooking, mixing, preparation, alteration or repackaging regardless of whether such food beverage
1067 is provided free of charge or sold, or whether consumption occurs on or off premises, or whether
1068 the food beverage is provided from a building, pushcart, stand or vehicle. Prepared Food
1069 Beverage providers include, but are not limited to, bars, restaurants, cafes, sidewalk cafes,
1070 delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies,
1071 bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

1072 Single-use plastic food accessory means any item which is made predominantly of plastic
1073 derived from petroleum polymer or a biologically-based polymer and is provided for one-time
1074 use with prepared food (including beverages), such as utensils, chopsticks, portion cups,
1075 condiment packets, and other similar accessories. This definition excludes items that are
1076 provided to prevent spills and injuries, such as spill plugs, splash sticks, cup lids, cup sleeves and
1077 cup trays.

1078 *Single-use plastic straw* means a disposable tube used for the purpose of consuming
1079 beverages and intended for one-time use, which is made predominantly of plastic derived from
1080 petroleum polymer or a biologically-based polymer.

1081 *Single-use plastic stirrer* means a device that is used to mix beverages and intended for
1082 one-time use, and made predominantly of plastic derived from a petroleum polymer or a
1083 biologically based polymer.

1084 **Sec. 27-~~93~~90. - Prohibition on single-use plastic straws and single-use plastic stirrers.**

1085 (a) ~~Beverage~~ Prepared food providers shall not sell, use, offer for sale or use, or provide
1086 to any person a single-use plastic straw or single-use plastic stirrer.

1087 (1) Exceptions: Although the discontinuation of the use of single-use plastic straws
1088 and single-use plastic stirrers is strongly encouraged, this article shall not apply to
1089 the sale or use of single-use plastic straws or single-use plastic stirrers as follows:

1090 a. Pre-packaged beverages with a single-use plastic straw or single-use plastic
1091 stirrer that are prepared and packaged outside the city and are not altered,
1092 packaged or repackaged within the city.

1093 b. Boxes of pre-packaged single-use plastic straws or single-use plastic stirrers
1094 that are offered for retail sale to a consumer for personal use, that are prepared

- 1095 and packaged outside the city and are not altered, packaged or repackaged
1096 within the city.
- 1097 c. By medical or dental facilities.
- 1098 d. By hospitals.
- 1099 e. By nursing homes or assisted living facilities.
- 1100 f. By any disabled person that requires or relies on same to consume beverages
1101 and/or food supplements.

1102 **Sec. 27-91. – Single-Use Plastic Food Accessories available upon request.**

1103 Prepared food providers shall not provide single-use plastic food accessories for dine-in, take-out
1104 or delivery, unless the single-use food accessory is specifically requested by the customer or is
1105 provided at a customer self-serve station.

1106 **Sec. 27-92. - Prohibition on use of expanded polystyrene containers on city property or city**
1107 **right-of-way.**

1108 Any person or entity that is required to obtain a permit, use agreement, or other authorization or
1109 approval to use city property or city right-of-way pursuant to Chapter 18, Article II. Park
1110 Regulations; Chapter 19 Peddlers, Solicitors and Canvassers; and Chapter 30, Article V. Use
1111 Standards, is prohibited from using expanded polystyrene containers for the permitted activity on
1112 city property or city right-of-way. This prohibition excludes the distribution of any prepackaged
1113 food that is filled and sealed in an expanded polystyrene container prior to receipt by the person
1114 or entity and it excludes raw meat or seafood that is stored in an expanded polystyrene container
1115 and sold from a refrigerated display or storage case.

1116 **Sec. 27-93. Prohibition on intentional release outdoors of plastic confetti, glitter and**
1117 **balloons.**

1118 All persons are prohibited from intentionally releasing outdoors any plastic confetti, glitter or
1119 balloons. Consistent with Section 379.233, Florida Statutes, the following balloon releases are
1120 exempt from the above prohibition: (a) balloons released by a person on behalf of a
1121 governmental agency or pursuant to a governmental contract for scientific or meteorological
1122 purposes; (b) hot air balloons that are recovered after launching; or (c) balloons that are either
1123 biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation
1124 Commission, and which are closed by a hand-tied knot in the stem of the balloon without string,
1125 ribbon, or other attachments. The party responsible for the release shall make available evidence
1126 of the biodegradability or photodegradability of said balloons in the form of a certificate
1127 executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a
1128 violation of this act.

1129 **Sec. 27-94. - Enforcement; penalties; injunctive relief.**

1130 The city may enforce this ~~article~~ division by civil citation in accordance with chapter 2, article V,
1131 division 6. In addition, persons who are not in conformity with these requirements shall be
1132 subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

1133 **~~DIVISION 5. - PLASTIC STRAWS AND STIRRERS.~~ WASTE REDUCTION.**

1134 **Sec. 27-95. ~~Reserved.~~ Requirement for a take back program for prescription drugs.**

1135 All commercial generators distributing or providing prescription medicines or drugs shall
1136 provide on-site publicly accessible containers for the destruction of prescription medicines or
1137 drugs. Such containers shall be located within 20 feet of the location where prescription drugs
1138 are dispensed. If the commercial generator is unable to meet the above location requirement, the
1139 commercial generator shall work with the city to develop an acceptable alternative plan for the
1140 placement of collection containers on the premises.

1141 **Sec. 27-95.1. Requirement for public recycling containers at commercial establishments.**

1142 (a) Any commercial establishment providing receptacles for collecting and disposing of
1143 garbage to the public shall provide an equal number of collection receptacles for designated
1144 recyclable materials paired next to the garbage receptacle. If the commercial establishment
1145 is unable to meet the above requirement, the commercial establishment shall work with the
1146 city to develop an acceptable alternative plan for the placement of collection receptacles for
1147 designated recyclable materials on the premises.

1148 (b) The commercial establishment shall make designated recyclable materials collected in the
1149 receptacles available for recycling. The commercial establishment shall either self-transport
1150 the designated recyclable materials or utilize a registrant to collect and transport the
1151 designated recyclable materials to a recovered materials processing facility.

1152 **Sec. 27-95.2. Requirement for property owners to provide accommodations for solid waste**
1153 **containers.**

1154 Property owners shall provide commercial tenants with space for commercial service containers
1155 for garbage and recycling collection or make reasonable accommodations for shared commercial
1156 service containers for garbage and recycling collection in a nearby location. If the property
1157 owner is unable to meet the above requirement, the property owner shall work with the city to
1158 develop an acceptable alternative plan for the collection of waste from the tenant.

1159 **Section 3.** Section 2-339 of the Code of Ordinances of Gainesville, Florida, is amended as
1160 set forth below. Except as herein amended, the remainder of Section 2-339 remains in full force
1161 and effect.

1162 **Sec. 2-339. – Applicable codes and ordinances.**

1163 The following ordinances are enforceable by the procedures described in this division:

Division 3, <u>Article III of Chapter 27</u>	<u>Maintenance of containers</u>	<u>II</u>	<u>\$250.00</u>
Division 3, <u>Article III of Chapter 27</u>	<u>Failure to submit lease transition plan.</u>	<u>II</u>	<u>\$250.00</u>
Division 4, Article III of Chapter 27	Single-use plastic <u>and polystyrene products</u> straws and single-use plastic stirrers	II	\$250.00

1164

1165 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1
1166 and 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City
1167 of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
1168 renumbered or relettered in order to accomplish such intentions.

1169 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
1170 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
1171 finding shall not affect the other provisions or application of the ordinance which can be given
1172 effect without the invalid or unconstitutional provisions or application, and to this end the
1173 provisions of this ordinance are declared severable.

1174 **Section 6.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
1175 such conflict hereby repealed.

1176 **Section 7.** This ordinance shall become effective immediately upon adoption; however,
1177 to allow time for education and public awareness of these new restrictions and prohibitions,
1178 citations for violations of Sec. 27-91 will not be issued until after January 1, 2022.

1179
1180 **PASSED AND ADOPTED THIS _____ DAY OF _____, 2022.**

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LAUREN POE
MAYOR

ATTEST:

Approved as to form and legality

OMICHELE D. GAINEY
CITY CLERK

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2022.

This ordinance passed on second reading this ____ day of _____, 2022.

DRAFT