

Legislative #

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ORDINANCE NO. 110171

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Solid Waste Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing was given that the Solid Waste Element of the City of Gainesville 2000-2010 Comprehensive Plan be amended, as more specifically described in this ordinance; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on June 23, 2011; and

WHEREAS, notice was given and publication made of a public hearing which was then held by the City Commission on August 9, 2011; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the transmittal stage, the City of Gainesville transmitted copies of this proposed change to the Reviewing Agencies and any other local government unit or state agency that requested same; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second Public Hearing to be

1 held at the adoption stage at least five (5) days after the day the second advertisement was
2 published; and

3 **WHEREAS**, public hearings were held pursuant to the published notices described
4 above at which hearings the parties in interest and all others had an opportunity to be and were,
5 in fact, heard; and

6 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered
7 written comments, if any were received, concerning this plan amendment.

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

10 **Section 1.** The Solid Waste Element of the City of Gainesville 2000-2010 Comprehensive
11 Plan is amended by amending the Objectives and Policies as follows:

12 Solid Waste Element

13 GOAL 1

14
15 PROVIDE FOR THE MANAGEMENT OF SOLID AND HAZARDOUS WASTES IN A
16 MANNER WHICH ASSURES PUBLIC HEALTH AND SAFETY, PROTECTS
17 ENVIRONMENTAL RESOURCES, AND CONSERVES ENERGY.

18
19 Objective 1.1 By ~~2004~~ 2020, reduce by ~~50%~~ 75% the amount of solid waste that would have
20 been disposed of in the absence of landfill diversion practices such as recycling,
21 reuse and composting. The City shall establish a goal of recycling recyclable
22 solid waste at a rate of 40% by December 31, 2012; 50% by December 31, 2014;
23 60% by December 31, 2016; 70% by December 31, 2018; and 75% by December
24 31, 2020.

25
26 Policy 1.1.1 The City shall minimize the amount of solid waste that must be disposed of in a
27 landfill. In order of priority, minimization shall be attained by (1) source
28 reduction of waste; (2) re-use; (3) recycling; (4) composting; and (5) landfilling.

29
30 Policy 1.1.2 The City shall continue to utilize procurement procedures that follow State and
31 federal guidelines in terms of the paper purchasing policy by purchasing paper
32 with a minimum of 25% post-consumer recycled content.

- 1
2 Policy 1.1.3 By ~~2005~~ 2015, the City shall certify that at least 12% of all city households are
3 backyard composting their food and yard wastes.
4
5 Policy 1.1.4 The City shall encourage citizens to use re-usable tote bags for groceries and
6 other retail shopping through the distribution of approximately 5000 "~~Let's Talk~~
7 ~~Trash~~" "Curbside Manners" brochures between ~~2000 and 2010~~ and 2020.
8
9 Policy 1.1.5 By ~~2001~~ 2015, ~~60%~~ 98% of all multi-family residential and commercial
10 properties shall participate in a recycling program.
11
12 Policy 1.1.6 The City shall continue to require new multi-family, commercial, and institutional
13 developments to include recycling receptacles or have provisions for access to
14 off-site recycling facilities. Recycling receptacles shall also be placed at public
15 parks, the airport, and other places of public assembly.
16
17 Policy 1.1.7 The City shall encourage the State to allow only food and beverage containers
18 that are recyclable, returnable, or degradable through the distribution of
19 approximately 5000 "~~Let's Talk Trash~~" "Curbside Manners" brochures between
20 ~~2000 and 2010~~ and 2020.
21
22 Policy 1.1.8 The City shall maintain at least a ~~50%~~ 75% set out rate for the residential curbside
23 recycling program.
24
25 Policy 1.1.9 ~~By 2001, The City will continue to expand~~ the two-bin pilot program to
26 encourage separation of paper recyclables from plastic, metals and glass ~~will be~~
27 ~~expanded~~ throughout the mandatory collection area of the city.
28
29 Objective 1.2 Prevent the disposal of hazardous waste that would cause significant degradation
30 of the environment. Coordinate with hazardous materials service providers to
31 increase the capacity of hazardous materials management facilities.
32
33 Policy 1.2.1 The City shall enforce illegal dumping laws. Such enforcement shall include
34 efforts to clean up existing illegal dump sites, and develop or revise ordinances to
35 increase the feasibility of prosecuting illegal dumpers.
36
37 Policy 1.2.2 Through coordination with the County and other waste material handlers, the City
38 will continue to participate in a periodic, convenient special waste collection
39 program for difficult-to-dispose-of waste such as tires, used oil, batteries, and
40 asbestos, and will utilize the Household Hazardous Waste Center to promote
41 increased reuse and recycling by the general public.
42
43 Policy 1.2.3 The City shall continue to coordinate with the Florida Departments of
44 Transportation and Environmental Protection regarding the transportation of

- 1 hazardous wastes within city limits.
2
- 3 Policy 1.2.4 The City shall continue to coordinate with the Alachua County Department of
4 Environmental Protection, which requires submission of a hazardous materials
5 management plan as a contingency for all development approvals for sites where
6 hazardous materials may be handled.
7
- 8 Objective 1.3 Conduct ongoing education campaigns to maintain citizen awareness of proper
9 solid and hazardous waste management practices.
10
- 11 Policy 1.3.1 The City shall continue to receive and publicize an annual report prepared by
12 Alachua County, as set forth by Sec. 403.706(7), F.S., describing trends in city the
13 county solid and hazardous waste disposal management program, including, at a
14 minimum, amounts by type of waste, amount and type of waste recycled, percent
15 reduction in waste attained by current recycling rate, and percent of city the
16 population participating in recycling, the full cost of the disposal program, and
17 feasibility of expanding recycling, re-use, and composting programs. This
18 information is published in the State of Florida Recycling and Education Grant
19 proposal submitted annually to the State of Florida Department of Environmental
20 Protection by Alachua County on behalf of all local governments within the
21 County.
22
- 23 Policy 1.3.2 The City, in cooperation with Alachua County, shall continue to sponsor solid and
24 hazardous waste education programs for school students and interested citizens.
25
- 26 Policy 1.3.3 ~~The City shall continue to prepare and distribute an educational report describing~~
27 ~~local trends in local solid waste, hazardous waste, and recycling; the location and~~
28 ~~operating hours of waste and recycling facilities; the environmental consequences~~
29 ~~of improper waste disposal (particularly illegal dumping); and proper disposal~~
30 ~~techniques. This report shall be updated at least annually. This information is~~
31 ~~published in the State of Florida Recycling and Education Grant proposal~~
32 ~~submitted annually to the State of Florida Department of Environmental~~
33 ~~Protection by Alachua County on behalf of all local governments within the~~
34 ~~County.~~
35
- 36 Policy 1.3.34 The City shall continue to provide information to the local legislative delegation
37 to support State and federal initiatives that encourage source reduction, re-use,
38 recycling, and composting, and discourage use of difficult-to-recycle paper such
39 as "slick" or "glossy" paper and "junk" mail.
40
- 41 Policy 1.3.45 The City shall continue to follow the provisions of the source reduction and
42 recycling procurement policy that is intended to increase the recycled content of
43 products purchased and used by the City, reduce waste in the manufacture and use
44 of products purchased and used by the City, and encourage businesses that

1 promote recycling to locate within the Gainesville area.
2

3 Objective 1.4 Establish a level of service (LOS) standard for the disposal of solid waste
4 generated by current and future City waste generators.
5

6 Policy 1.4.1 The following LOS standard for disposal and collection capacity shall be
7 established: 0.655 tons of solid waste per capita per year disposed (3.6 pounds of
8 solid waste per capita per day disposed). The City shall continue to maintain
9 contracts with solid waste haulers and landfill operators that require replacement
10 and purchase of collection trucks necessary to collect 1.07 tons of solid waste per
11 capita per year (5.9 pounds per capita per day).
12

13 Policy 1.4.2 The City shall continue to ensure that waste tonnages being generated within city
14 limits are being accurately monitored by requiring monthly reporting of solid
15 waste tonnages being delivered to disposal facilities as required by Section
16 403.706(18), F.S. Monthly tonnages shall also be reported for recyclables
17 (including yard trash).
18

19 Objective 1.5 The City shall coordinate with solid waste management facility providers for
20 future increases in disposal capacity needed to maintain adequate disposal service
21 levels throughout the 10-year planning period.
22

23 Policy 1.5.1 In accordance with the "Interlocal Agreement for Solid Waste Management
24 Services Between Alachua County and The City of Gainesville, Florida", Alachua
25 County shall develop and maintain solid waste management facilities as necessary
26 for the receipt, processing and/or disposal of all acceptable waste from within city
27 limits. The City shall continue to abide by an interlocal agreement with the solid
28 waste management facility provider(s) (currently Alachua County), effective
29 December 21, 1998, that ensures that disposal capacity is available for the
30 disposal of 3.6 pounds of solid waste per capita per day by City waste generators.
31 This shall include, but not be necessarily limited to, all residential, commercial,
32 industrial, governmental, and institutional waste. The agreement shall remain in
33 effect until ~~September 30, 2007~~ December 31, 2018. Upon mutual agreement of
34 the parties, the agreement may be renewed for additional five-year periods.
35

36 Policy 1.5.2 If the solid waste management facility provider(s) is, at some future date, unable
37 to provide disposal capacity and landfill space for city waste generators, the City
38 shall increase the rate of citywide re-use, composting and recycling, prepare a
39 report investigating the feasibility of resource recovery [waste-to-energy], and
40 prohibit all development until the City can provide landfill service consistent with
41 the LOS standard or contract with a landfill service provider to dispose of the
42 waste.
43

1 **Section 2.** The City Manager is authorized and directed to make the necessary changes
2 in the text, maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or
3 element, or portion thereof in order to fully implement this ordinance.

4 **Section 3.** It is the intent of the City Commission that the provisions of Section 1 shall
5 become and be made a part of the City of Gainesville 2000-2010 Comprehensive Plan and that
6 the sections and paragraphs of this ordinance may be renumbered in order to accomplish such
7 intentions.

8 **Section 4.** Within 10 days of the transmittal (first) hearing, the City Manager is authorized
9 and directed to transmit a comprehensive plan amendment package, including this ordinance, to the
10 Reviewing Agencies and to any other local government unit or state agency that has filed a written
11 request for same with the City. Within 10 days of the adoption (second) hearing, the City Manager
12 is authorized and directed to transmit a comprehensive plan amendment package, including this
13 ordinance, to the State Land Planning Agency and to any other Reviewing Agency, local
14 government unit or state agency that filed written comments with the City.

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

20 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
21 such conflict hereby repealed.

22 **Section 7.** This ordinance shall become effective immediately upon passage on second

1 reading; however, the effective date of this plan amendment, if the amendment is not timely
 2 challenged, shall be 31 days after the state land planning agency notifies the City that the plan
 3 amendment package is complete in accordance with Chapter 163.3184, F.S. If timely challenged,
 4 this amendment shall become effective on the date the state land planning agency or the
 5 Administration Commission enters a final order determining this adopted amendment to be in
 6 compliance in accordance with Chapter 163.3184, F.S.

7 **PASSED AND ADOPTED** this _____ day of _____, 2011.

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 CRAIG LOWE, MAYOR

12

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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14

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17

 KURT M. LANNON
 CLERK OF THE COMMISSION

 MARION J. RADSON
 CITY ATTORNEY

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19

This Ordinance passed on first reading on this _____ day of _____, 2011.

20

This Ordinance passed on second reading this _____ day of _____, 2011.