

ORDINANCE NO. 080102
0-08-67

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to solid waste disposal; amending sec. 27-79(p) by removing outdated recycling goals; amending sec. 27-79.1 to remove outdated reference and clarifying term of franchise; amending sec. 27-80(a)(1) to clarify the frequency of payment of the franchise fee; amending Appendix A relating to fees for solid waste and recyclables by correcting a scrivener's or codifier's error and by providing for proration of franchise fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described 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:

Section 1. Sec. 27-79(p) of Article III, Division 2, commercial service and construction and demolition debris franchise, is amended to read as follows:

Sec. 27-79. General provisions.

(p) Each commercial franchisee shall report to the city by December 15 of each year ~~beginning in 2002~~ the percentage participation of its clients in commercial recycling and the amount of recycled material collected as a percentage of total solid waste collected from its customers for the year ending September 30. ~~Failure of the franchisee to meet the capacity~~

1 ~~goals established below for commercial recycling shall be considered a breach of the~~
 2 ~~franchise, and the franchisee shall be subject to penalties as established by the policy adopted~~
 3 ~~under section 27-85(a) of this Code. The following goals are established:~~

Year Ending	Participation	Capacity of recyclables (weight)
September 30, 2002	60%	25%
September 30, 2003	75%	40%
September 30, 2004	80%	50%
September 30, 2005	30%	20%
September 30, 2006	40%	25%
September 30, 2007	50%	30%

4
 5 **Section 2.** Section 27-79.1, Term of franchise, is amended to read

6 as follows:

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

8 ~~The term of each franchise issued on or after October 1, 1996, shall extend until 11:59 p.m.,~~
 9 ~~September 30, 2004, unless forfeited or revoked sooner as provided herein. Any new~~
 10 ~~franchise issued or renewal of an existing franchise shall be by application. The term of any~~
 11 ~~new or renewal franchise shall extend until 11:59 p.m., on September 30 of each year, 2007,~~
 12 ~~unless forfeited or revoked sooner as provided herein.~~

1 **Section 3.** Section 27-80(a)(1) is amended to read as follows:

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

3 (a) *Amount of fee.*

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

12 **Section 4.** Appendix A, fees relating to solid waste and recyclables, is
13 amended to read as follows:

14 UTILITIES:

15

16 (2) *Solid waste and recyclables:*

17 a. Residential service (§ 27-76):

18 1. Redemption of impounded containers:

19 (i) First impoundment, per container 5.00

20 (ii) Subsequent impoundments within 12 months
21 from the same place, per container 10.00

22 2. Rates:

23 (i) Uniform curbside service for each single
24 family residence or dwelling unit or
25 living unit, or multifamily unit (any
26 building containing two but not more
27 than four permanent living units) or
28 mobile home unit, per month:

29 18 gallon cart 13.71

30 35 gallon cart 17.18

31 64 gallon cart 21.14

32 96 gallon cart 26.42

33 (ii) Other charges:

1	Account set up charge	10.00
2	Pre-paid approved bag, each not to exceed	\$2.00
3	Exchange of cart for larger size	10.00
4	Exchange of cart for smaller size	no charge
5	Fixed cost of service per month	
6	(for computing vacation credit)	5.00
7	(iii) Backyard service, per month:	
8	18 gallon cart	22.19
9	35 gallon cart	25.84
10	64 gallon cart	31.42
11	96 gallon cart	38.50
12		
13	b. <u>Application for Commercial services franchise and construction</u>	
14	<u>and demolition debris franchise (§ 27-80):</u>	
15	1. <u>Application for container provision only</u>	100.00
16	2. Collection (with or without container provision)	250.00
17	2. <u>Application for construction and demolition debris</u>	<u>250.00</u>
18	<u>collection franchise</u>	
19	3. <u>Application for solid waste collection franchise</u>	<u>250.00</u>
20	4. <u>Application for solid waste collection franchise, together</u>	
21	<u>with a construction and demolition collection franchise</u>	<u>250.00</u>
22	5. <u>Monthly franchise fee for solid waste collection:</u>	
23	<u>10% of gross revenues from the sale or lease of</u>	
24	<u>containers, from garbage and trash collection services,</u>	
25	<u>from all disposal billed, from late fees, from bad debt</u>	
26	<u>recoveries and from other fees collected from</u>	
27	<u>customers, with no deductions except for bad debts</u>	
28	<u>actually written off.</u>	
29	<i><u>Note: For the first month (if less than a full month), this</u></i>	
30	<i><u>fee shall be prorated based on the gross revenues</u></i>	
31	<i><u>collected for the number of days the franchise is in</u></i>	
32	<i><u>place that month.</u></i>	
33	6. <u>Annual franchise fee for construction and demolition</u>	
34	<u>debris collection:</u>	
35	i. <u>For each vehicle having ten or more wheels</u>	<u>1,500.00</u>
36	ii. <u>For each vehicle having more than five and fewer</u>	
37	<u>than ten wheels</u>	<u>1,000.00</u>
38	iii. <u>For each vehicle having four or five wheels</u>	<u>500.00</u>
39	<i><u>Note: For the first year (if less than a full year),</u></i>	
40	<i><u>this fee shall be prorated based on the number of</u></i>	
41	<i><u>days the franchise is in place that year.</u></i>	
42		
43	c. <u>Commercial recycling/recovered materials collector registration</u>	
44	Application or renewal of registration (§ 27-86)	50.00
45		

1 **Section 5.** It is the intention of the City Commission that the provisions of
2 Sections 1 through 4 shall become and be made a part of the Code of Ordinances of the City
3 of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be
4 renumbered or relettered in order to accomplish such intentions.

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

10 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the
11 extent of such conflict hereby repealed.

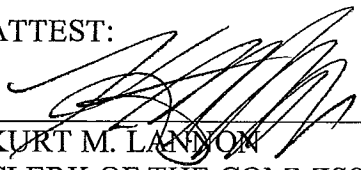
12 **Section 8.** This ordinance shall take effect immediately upon adoption.

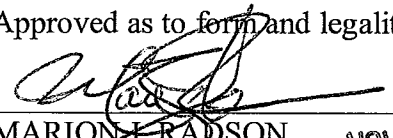
14 **PASSED AND ADOPTED** this 6th day of November, 2008.


PEGEEN HANRAHAN, MAYOR

Approved as to form and legality

ATTEST:


KURT M. LANDON
CLERK OF THE COMMISSION


MARION J. RADSON
CITY ATTORNEY

NOV -6 2008

23 This Ordinance passed on first reading this 16th day of October, 2008.

24 This Ordinance passed on second reading this 6th day of November, 2008.

25