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**ORDINANCE NO.**

**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by amending Chapter 27 “Solid Waste Disposal”; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date and an enforcement date.**

**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 and diversion of recyclable 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:**

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

**CHAPTER 27 - UTILITIES**

**ARTICLE III – SOLID WASTE DISPOSAL**

**DIVISION 1. - GENERALLY**

**Sec. 27-71. - Purpose.**

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

33 **Sec. 27-72. - Definitions.**

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

35 Applicant shall mean

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

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

42 *Appropriate disposal and/or recycling site* shall mean a place that is properly zoned,  
43 permitted, registered or licensed in accordance with all applicable local and state laws for the  
44 disposal of solid waste and/or the processing of recyclable materials that have been collected by  
45 commercial franchisees or registrants.

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

49 *Certified recovered materials dealer* shall mean a dealer certified as provided in F.S. §  
50 403.7046.

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

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

- 54            (a)     commercial service;
- 55            (b)     collection of construction and demolition debris.

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

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

- 61            (1) a licensed mobile home park ~~exceeding four~~ with five or more dwelling units;
- 62            (2) multi-family residences ~~exceeding four~~ with five or more dwelling units under one  
63 common roof;
- 64            (3) any residential property that has opted-out of residential service under the terms of  
65 this article and is eligible to receive commercially collected residential service;
- 66            (4) business, commercial or industrial enterprises of all types licensed to do business in  
67 the city.

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

70            *Commercially-collected residential service* shall mean the collection of solid waste, other  
71 than hazardous waste and bio-medical waste, provided to persons occupying residential dwelling  
72 units ~~in buildings with five or more dwelling units within the city and persons occupying~~  
73 ~~residential dwelling units in buildings with two to four dwelling units within the city who have~~

74 ~~been allowed by the city to opt out of curbside residential service in a development where one or~~  
75 more of the following criteria exists:

- 76 1) the development has at least one building with five or more dwelling units;  
77 2) the development has a building with two to four dwelling units which has been  
78 allowed by the city to opt-out of curbside residential service;  
79 3) separate developments that share common infrastructure (such as a shared parking lot),  
80 ownership, property management, or home owner association but have four or less  
81 units per building when the city manager or designee has determined it is in the best  
82 interest of the city for operational or aesthetic reasons to provide commercially-  
83 collected residential service to the developments.

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

85 *Construction and demolition debris* shall mean materials generally considered to be not  
86 water soluble nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete,  
87 asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or  
88 destruction of a structure as part of a construction or demolition project, and including rocks,  
89 soils, tree remains, trees, and other vegetative matter that normally results from land clearing or  
90 land development operations for a construction project, including such debris from construction  
91 of structures at a site remote from the construction or demolition project site. Mixing of  
92 construction and demolition debris with other types of solid waste, including material from a  
93 construction or demolition site which is not from the actual construction or destruction of a  
94 structure will cause it to be classified as other than construction and demolition debris.

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

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

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

110 *De minimus* quantity shall mean

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

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

116 *Designated recyclable materials* shall mean those recyclable materials that are designated  
117 ~~in writing~~ by the city manager or designee as potential recovered materials. The city manager or  
118 designee will be responsible for posting the current list of designated recycling materials on the  
119 city website.

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

122 *Food waste* shall mean organic materials that are to be recovered or disposed, resulting  
123 from food production, preparation, and consumption activities of animals and humans that  
124 consists of, but not limited to, vegetables, grains, animal products and byproducts, and food  
125 soiled paper.

**Commented [MKL1]:** We recommend separate ordinance for food waste.

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

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

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

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

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

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

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

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

156           *Residential service* shall mean the solid waste collection service provided to persons  
157 occupying residential dwelling units in buildings with four or fewer dwelling units per tax parcel  
158 within the city.

159           *Solid waste* shall mean sludge unregulated under the federal Clean Water Act or Clean  
160 Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution  
161 control facility, or garbage, trash, special waste, or other discarded material, including solid,  
162 liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial,  
163 mining, agricultural or governmental operations. Recovered materials as defined in this article  
164 are not solid waste.

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

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

171 Special event permittee shall mean the person or organization that applies and receives a  
172 special event permit.

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

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

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

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

- 183 (1) To place or cause to be placed any garbage or trash upon the property of another;
- 184 (2) To collect or transport solid waste for hire or for remuneration or any other form of  
185 consideration without first being granted a commercial franchise except as follows:
- 186 (a) Commercial generators transporting their own solid waste; and

**Commented [MKL2]:** City is developing a special events ordinance. We recommend moving this into the special events ordinance.



187 (b) Persons transporting their own solid waste generated by their own dwelling unit or  
188 establishment to an appropriate disposal site;

189 (3) To collect or transport construction and demolition debris for hire or for remuneration or  
190 any other form of consideration without first being granted a construction and demolition debris  
191 franchise except as follows:

192 (a) Commercial generators transporting their own debris;

193 (b) Persons secondarily providing removal of debris created as a result of other primary  
194 services performed by those persons as described in subsection (11) below. Subcontractors who  
195 provide primarily collection or transport services shall not qualify for this exemption.

196 (4) To collect, process, convey or transport recovered materials in the city without having  
197 registered with the city, except as follows:

198 (a) Persons whose primary business is freight transport that may involve the intermittent  
199 transport of recovered materials:

200 (b) Commercial generators transporting their own recovered materials; and

201 (c) Persons transporting their own recovered materials generated by their own dwelling  
202 unit or establishment to an appropriate recycling site:

203 (5) To collect recovered materials from a solid waste container used by a consumer or  
204 commercial customer receiving service from a franchisee, franchise or registrant, after the  
205 consumer or commercial customer places the container and recovered materials at the curb or  
206 designated area for collection, except as permitted by the city on an emergency interim basis as  
207 part of the city's recycling program when the city manager or designee determines that it is  
208 necessary to protect public health, safety or welfare:

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

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

249 **Sec. 27-74. - City manager to make regulations; enforce article.**

250 (a) The city manager or designee shall have the authority to make regulations concerning  
251 the days of collection, type and location of collection containers and other such matters  
252 pertaining to the storage, collection, conveyance and disposal as necessary and to change or  
253 modify the same after reasonable notice to affected persons.

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

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

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

267 (b) *Collection frequency and method:* ~~Each~~ Commercial generators or commercially-  
268 collected residential service customers shall enter into an agreement with a franchisee of the city  
269 for the frequency and method of refuse collection ~~except where landlords provide service~~  
270 through a franchisee or generators reach a dumpster sharing arrangement with an immediately  
271 adjacent generator. Such service shall be received no less than one time per week with no  
272 exception for holidays, except that collection service scheduled to occur on a holiday may be  
273 rescheduled with written notice to the customer as long as minimum frequency is met. Collection  
274 service provided to compactors is exempt from this minimum frequency. Commercially-  
275 collected residential service not serviced by a compacting dumpster shall receive a minimum of  
276 twice per week service. Alcoholic beverage establishments, grocery stores, and restaurants not

277 serviced by a compacting dumpster shall receive a minimum of four (4) times per week service.  
278 When necessary to protect the public health or to enforce the purpose of this article, the city  
279 manager or designee shall have the authority to stipulate the frequency of collection or require  
280 the implementation of a plan to eliminate the hazard. Service shall consist of the mechanical  
281 dumping of commercial containers capable of being unloaded by proper equipment; or a manual  
282 hand service dumping of containers located at agreed upon sites upon the property; or other  
283 levels of service as may be required or agreed to. If the franchisee fails to perform collection  
284 according to the contract, the customer shall have 30 days from the first such failure to enter into  
285 an agreement with another franchisee before being cited for violation of this subsection.

286 (c) *Preparation and storage.* ~~Storage~~ Collection containers shall be drained of free  
287 liquids prior to accumulation for collection. Storage areas and areas adjacent to the storage area  
288 shall be maintained by the customer in a neat, sanitary and sightly manner. Customers are  
289 responsible for maintaining the accessibility to storage containers or areas. If pickups are missed  
290 due to customer's failure to maintain accessibility, and unsanitary or unsightly conditions result,  
291 the customer shall be in violation of this article. All ~~storage~~ collection containers that are to be  
292 picked up by collection trucks must be approved by the city as meeting acceptable standards  
293 established by the city. Readily apparent damage to storage areas or container enclosures, normal  
294 wear and tear excepted, caused by the collector driver shall be reported by the driver to the  
295 customer prior to leaving the collection area if the business or management office is open and if  
296 not, by radio to the contractor's office, and personnel from the office will then contact the  
297 customer at the earliest possible time.

298 (d) *Commercial service containers.* The following commercial service container  
299 standards are guidelines under which the owners of containers, as well as the lessees of

300 containers, will conform in order to ensure a healthy and aesthetically pleasing environment for  
301 the citizens of the city:

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

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

307 a. A serial or property control number;

308 b. "NO PARKING," "UNAUTHORIZED ENTRY OR USE PROHIBITED," AND  
309 "DEPOSITING OF FLAMMABLE LIQUIDS OR EXPLOSIVES PROHIBITED" labeled  
310 conspicuously across its front.

311 c. By October 1, 2022, every solid waste commercial service container, except for  
312 construction and demolition debris collection containers, shall follow the City's approved color  
313 and educational labeling format as set forth in regulations maintained on file with the solid waste  
314 department. Labeling graphics and suggested text will be supplied by the City at no cost to  
315 commercial service providers operating within the City. The City Manager or designee may  
316 waive the educational labeling requirements of this section if it is determined to be in the best  
317 interest of the city.

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

320 a. "RECYCLING", "RECYCLING ONLY" or "RECYCLE HERE".

321 b. "NO GARBAGE".

- 322 c. List of recyclable materials accepted in that container, such as “CARDBOARD  
323 ONLY,” that is texted-based, image-based or a combination of text and images.
- 324 d. Educational labeling shall be:
- 325 i. Clearly and conspicuously placed on and consist of at least twenty-five  
326 (25) percent of the area of the front loading side of dumpsters or cart lids;
- 327 ii. Printed in both the English and Spanish language.
- 328 (4) Every organic materials container shall be clearly and conspicuously labeled across the  
329 front of the container with the following information:
- 330 a. “YARD WASTE ONLY”, “COMPOST ONLY” or “FOOD WASTE ONLY”.
- 331 b. “NO GARBAGE”.
- 332 c. List of organic materials accepted in that container that is texted-based, image-based  
333 or a combination of text and images.
- 334 d. Educational labeling shall be:
- 335 i. Clearly and conspicuously placed on and consist of at least twenty-five  
336 (25) percent of the area of the front loading side of dumpsters or cart lids;
- 337 ii. Printed in both the English and Spanish language.
- 338 (36) Each container ~~must~~ shall be free of rust holes, broken hinges or broken door fasteners  
339 and will have solid substantial bottoms with at least one drain hole for purposes of cleanout.
- 340 (47) All necessary containers ~~will~~ shall have properly fitting lids and or side door(s) in place  
341 that close automatically when lifted and that will prevent the entry of rodents, snakes and other  
342 animals, and allow for opening and closing action during the emptying cycle. Containers used for  
343 storage of materials other than garbage must meet the same criteria, except that lids or covers  
344 may not be required if the city manager or designee determines that it does not pose a threat to

345 the health, welfare or safety of the citizens, or cleanliness of the container site or adjacent  
346 community.

347 (~~§ 8~~) Containers at commercial locations are not to be filled to a height exceeding the level of  
348 the highest portion of the container body or rim. This limitation applies to dumpsters, cans, bins  
349 or any other method employed for storage. Customers must arrange for items such as furniture,  
350 appliances, construction and demolition debris or any material not considered a part of the  
351 customer's normal collection service to be picked up within seven days of being placed for  
352 collection. If these items are not picked up within seven days of being placed for collection, the  
353 city manager or designee may provide notice to the customer by hand delivery or certified mail,  
354 return receipt requested. If the customer has not removed the refuse within 24 hours after  
355 notification by the city, the city manager or designee may order such removal and all costs  
356 incurred shall be placed against the customer's utility account. At no time will any solid waste or  
357 storage containers be placed on the travel portions of any walk, street or alley within the city  
358 without prior authorization from the city manager or designee.

359 (~~6 2~~) The city waste control inspector shall notify the owners and/or lessees of containers not  
360 maintained in a condition of good repair or in violation of any provision of this section either by  
361 hand delivery of such notice or by sending notice by certified mail, return receipt requested and  
362 shall also post a notice in a conspicuous place on the premises. After notice is given in writing,  
363 the owner and/or lessee will have 24 hours in which to repair or replace any container that is a  
364 hazard during the unloading cycle and seven working days in which to repair or replace all other  
365 violations.

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



367 (a) *Provided.* Residential service shall consist of curbside collection of all garbage and  
368 recovered materials ~~household trash~~, and an optional service of backyard collection of garbage  
369 and recovered materials ~~household trash~~.

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

371 (1) *Garbage and household trash:*

372 a. Each dwelling unit qualifying for residential service in the city shall be  
373 assigned a serial-numbered cart of the size requested by the occupant of the  
374 unit, or, if no size request is received, of the size determined by the city  
375 manager or designee. The occupant may exchange the cart for another of  
376 different size upon paying the fee as listed in Appendix A. Damaged and stolen  
377 carts will be replaced on request.

378 b. All garbage and household trash shall be drained of free liquids and stored for  
379 collection in the assigned cart, or in pre-paid garbage disposal bags, as  
380 accumulated. The cart shall not be filled above a height allowing the attached  
381 lid to be completely closed, nor shall the bags be filled such that they cannot be  
382 securely fastened shut or weigh over 40 pounds. The bags may be placed inside  
383 non-disposable containers. The assigned cart and the pre-paid garbage disposal  
384 bags shall be placed at the curb or roadside no earlier than 5:00 p.m. on the day  
385 preceding the scheduled collection day, and the emptied carts and non-  
386 disposable containers shall be removed from the curbside location not later  
387 than 9:00 p.m. of the day of collection. The carts and non-disposable containers  
388 shall be removed and kept, except during the hours permitted by this section  
389 for the placement of them for collection, at a location where they are not

390 clearly visible from any public street. It shall be unlawful and punishable as  
391 provided for any owner or occupant to place, permit the placing of or allow the  
392 continued location of ~~garbage and household trash~~ collection containers in any  
393 location or at any times not provided for in this subsection. Garbage and  
394 household trash placed in containers other than the assigned cart or pre-paid  
395 approved garbage disposal bags will not be collected. Non-disposable or  
396 reusable containers intended not to be picked up by the collectors shall be  
397 clearly and appropriately identified. Anyone placing garbage or household  
398 trash in containers other than the assigned cart or pre-paid garbage disposal  
399 bags will be in violation of this article.

400 c. Any container, other than the assigned cart, that is allowed to remain at  
401 curbside or roadside at times other than those permitted by this section, and  
402 any container, other than the assigned cart, that has become damaged or  
403 deteriorated, may be impounded by the city. The owner of any such container  
404 so impounded shall be notified immediately in writing by the city by mail to  
405 the address where picked up or by placing a notice thereof in a conspicuous  
406 place on such premises, or both. The owner may redeem such impounded  
407 containers within 30 days after the same are impounded by the city by paying  
408 the charges in accordance with the schedule set out in Appendix A. Any  
409 container not redeemed within the 30-day period may be used by the city in  
410 any manner as the city may determine in furtherance of the waste control  
411 program or may be sold to the highest bidder at a noticed public sale for each,  
412 which cash shall be deposited in the general fund of the city.

413 (2) ~~Yard trash waste.~~ Yard trash waste that is properly bundled or containerized in such  
414 manner to enable one person to lift the trash in a single lifting movement to place  
415 same in the compaction truck, and which bundles or containers do not exceed 40  
416 pounds in weight and five feet in length, will be collected at curb or roadside. If tree  
417 or shrubbery trimmings are not containerized they may be placed at curbside in a  
418 compact pile not containing any items exceeding 40 pounds in weight and five feet  
419 in length and will be picked up. Grass, leaves and pine straw must be containerized  
420 by either using disposable or reusable containers, and will be collected if properly  
421 placed for collection at curb or roadside. Non-disposable or reusable containers  
422 intended not to be picked up by the collectors shall be clearly and appropriately  
423 identified. Concrete, dirt, bricks, appliances, furniture or similar items are not  
424 considered yard ~~trash waste~~, and will not be collected except by special service as  
425 described in section 27-77.

426 (3) Recycling Container Bin ~~provided.~~ Each dwelling unit shall be provided a ~~bin~~  
427 container for the purpose of storage and disposal of recyclable materials.  
428 Recyclable materials that meet the requirements set forth by the city manager or  
429 designee shall be collected from curb or roadside. Recyclable materials not fitting in  
430 the bin may be placed in non-disposable containers or paper bags and will be  
431 collected at curb or roadside.

432 (c) *Responsibility for scattered garbage or trash.* Customers are responsible for the cleanup from  
433 bags torn or cans spilled by animals, or otherwise spilled through no fault of the collectors.  
434 Collectors are not required to sweep, fork, shovel or otherwise clean up trash or garbage that

435 has become scattered or is otherwise not readily picked up and placed in the compaction  
436 truck, including spillage resulting from overloaded containers.

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

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

454 (f) *Residential service exclusion.*

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

- 458 (2) Petitions for exclusion shall be made to the city manager or designee.
- 459 (3) Petitions shall be made on city-provided forms, and shall contain the following
- 460 information:
- 461 a. Applicant's name.
- 462 b. Address of the property proposed to be excluded and number of dwelling units.
- 463 c. A copy of the proposed service agreement between the applicant and a
- 464 franchised commercial provider, including the level and type of services to be
- 465 provided and the number of dwelling units to be served.
- 466 (4) Upon receipt of a properly executed application and verification of the supporting
- 467 documentation, the city manager or designee shall decide whether to grant the
- 468 exclusion based on the following criteria:
- 469 a. Collection history (whether commercial or residential)
- 470 b. Accessibility of collection vehicles to property.
- 471 c. Available space for placement of carts.
- 472 d. Predominant use of property.
- 473 e. Safety.
- 474 f. Level of service requested by residents.
- 475 (5) The city manager or designee shall notify the applicant in writing of the decision.
- 476 (6) If the exclusion is approved, it shall be effective until terminated, ~~from the date~~
- 477 ~~specified by the city manager or designee until September 30, 2004, unless An~~
- 478 exclusion may be terminated earlier by the city manager or designee, or at the request
- 479 of the property owner, due to changes in the contract between the city and its solid
- 480 waste collector or change in circumstances concerning the property.

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

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

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

487 (b) *Scheduling and rates.* Special collection will be scheduled at the earliest reasonable  
488 time by the contractor. The fee for special service collection and disposal will be arranged  
489 between the customer and the contractor. The contractor will bill directly for such services and  
490 collect a reasonable fee agreed to jointly by the contractor and the customer prior to the work  
491 being performed.

492 **Sec. 27-78. - Reserved.**

493 **DIVISION 2. - COMMERCIAL SERVICE AND CONSTRUCTION AND DEMOLITION**  
494 **DEBRIS FRANCHISE**

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

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

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

502 (c) Each franchise shall be subject to the charter of the city and this Code of Ordinances.  
503 Each franchise shall be subject to, and franchisees shall abide by, all present and future laws,

504 regulations, orders of regulatory bodies, city code provisions and administrative rules applicable  
505 to the performance of the collection services hereunder. Each franchise shall obtain all licenses  
506 and permits presently required by federal, state and local governments, and as required from time  
507 to time.

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

511 (e) Collection times shall be as follows:

512 (1) Each commercial franchisee shall make available daily ~~(except Sunday)~~  
513 collection of solid waste. Collection shall begin no earlier than 6:00 a.m. and shall  
514 cease no later than 9:00 p.m., Monday through Saturday, except that in areas of  
515 mixed residential and commercial occupancy collections shall begin no earlier than  
516 7:00 a.m. and cease no later than 9:00 p.m., Monday through Saturday. Sunday  
517 service shall not begin before 8:00 am and cease no later than 9:00 p.m.

518 (2) Notwithstanding paragraph (e)(1), the city manager or designee may set  
519 other hours for the purpose of improving collection operations or safety, by the city  
520 first holding a neighborhood workshop to inform various residents, businesses and  
521 other stakeholders of the change being considered, and to solicit their input. The  
522 workshop will be held in a location generally near the subject area in a facility that  
523 is ADA compliant. The city will provide notification by mail to all owners of  
524 property and neighborhood associations within the area being considered as well as  
525 those within 400 feet of the perimeter of that area. The notices will be mailed at  
526 least 14 days before the workshop and the city will also advertise the workshop in a

527 newspaper of general circulation at least 14 days before the date of the workshop.  
528 The workshop must start between 6:00 p.m. and 8:00 p.m. on a weekday or between  
529 9:00 a.m. and 5:00 p.m. on a weekend. The city shall prepare a written summary of  
530 the neighborhood meeting that includes a list of those in attendance, a summary of  
531 the issues discussed, and comments, concerns and suggestions by those in  
532 attendance. Any change in collection times shall be established in a written  
533 memorandum outlining the justification. All memoranda establishing collection  
534 times, and summaries of the neighborhood meetings, shall be retained on file by the  
535 solid waste division and made available to the public for inspection. These  
536 collection times should be reviewed periodically to determine whether the  
537 operational justification continues to exist.

538 (3) ~~Notwithstanding paragraph (e)(1), the city manager or designee may~~  
539 ~~authorize collection on Sunday where special needs of the customer make it~~  
540 ~~necessary.~~ In the event of an emergency, a franchisee may collect at times not  
541 allowed by this section, provided the city manager grants prior approval, to be later  
542 evidenced by a written memorandum. If no written memorandum is obtained, there  
543 shall be a presumption that the franchisee had not obtained prior approval. All  
544 written memoranda issued shall be retained on file by the solid waste division and  
545 made available to the public for inspection.

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

548 (g) The franchise granted hereunder ~~may shall not~~ be exclusive. Any exclusive franchise  
549 granted by the city shall be selected through a competitive procurement process. The city



550 reserves the right to grant similar rights or franchises to more than one person or corporation as  
551 well as the right in its own name to use its streets for purposes similar to or different from those  
552 allowed to franchisees hereunder.

553 ~~(h) For all contracts between customers and commercial franchisees as of January 1,~~  
554 ~~1997, the franchisee shall pass through to its customers any savings realized through reduced~~  
555 ~~service levels that the franchisee experiences due to the customers' participation in the mandatory~~  
556 ~~recycling program.~~

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

561 (j) The franchisee shall submit to any load inspection program that the city may  
562 reasonably devise.

563 (k) Yard waste from a commercial generator or customer shall be collected separately  
564 from other solid waste. Each commercial franchisee shall inform all of its commercial customers  
565 of this requirement.

566 (l) A commercial franchisee shall respond to and, if feasible, resolve all complaints  
567 received by 12:00 noon on any business day by 5:00 p.m. of the same day and shall respond to  
568 and, if feasible, resolve all complaints received after 12:00 noon on any business day by 12:00  
569 noon the next day. An emergency telephone number where the commercial franchisee can be  
570 reached shall be given to the city manager or designee.

571           (~~h~~ l) A commercial franchisee shall handle commercial service containers with  
572 reasonable care and return them to the approximate location from which they were collected. A  
573 commercial franchisee shall clean up all solid waste spilled during the collection operation.

574           (~~h~~ m) A commercial franchisee shall not be required to provide collection services when  
575 all appropriate disposal sites are closed or an emergency or imminent emergency exists, as  
576 determined by the city manager or designee. Collections shall resume on the instruction of the  
577 city manager or designee.

578           (~~o~~ n) A commercial franchisee shall not be deemed to be an agent of the city and shall be  
579 responsible for any losses or damages of any kind arising from its performance or  
580 nonperformance under its franchise. The franchisee shall defend at its own expense or reimburse  
581 the city for its defense, at the city's option, on any and all claims and suits brought against the  
582 city, its elected or appointed officers, employees, and agents resulting from the franchisee's  
583 performance or nonperformance of service pursuant to the franchise.

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

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

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

592           (1)       All complaints received by the city and reported to the franchisee shall be  
593 promptly resolved. Any complaint received by the franchisee shall be entered on a

594 form approved by the city. All complaints received during the business day shall be  
595 transmitted on the approved form by 5:00 p.m. each business day. Any complaint  
596 received before noon shall be resolved the same business day. All other complaints  
597 shall be resolved by the end of the next business day.

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

603 a. Commingling solid waste with vegetative waste and/or recyclable materials.

604 b. Failure to replace damaged container within seven days of notification (48  
605 hours for commercially collected residential customers).

606 c. Throwing of garbage cans or recycling containers.

607 d. Failure to transmit commercial complaint forms as specified in this  
608 subsection.

609 e. Failure to repair damage to customer's property.

610 (3) The city may seek fines for the following violations of the article, on a per  
611 day basis, when committed by the franchisee:

612 a. Failure to provide clean, safe, sanitary equipment.

613 b. Failure to maintain required office hours.

614 c. Failure to maintain proper licenses.

615 d. Failure to display franchisee name and phone number on equipment or  
616 containers.

- 617 e. Failure to collect solid waste upon notification by city. Franchisee will  
618 also be charged the cost incurred by the city if city personnel are required  
619 to collect the solid waste due to such failure.
- 620 f. Using improper truck to service commercial or commercially collected  
621 residential customer solid waste.
- 622 g. Failure to provide monthly recycling reports by the 30th day after each  
623 month in the format specified by the city.
- 624 h. Collection outside hours specified in section 27-79.
- 625 i. Failure to clean up spillage of any substance required to be cleaned up  
626 pursuant to federal, state or local laws, rules or ordinance.

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

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

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

636 (a) *Amount of fee.*

637 (1) The commercial franchisee providing commercial service shall pay as compensation to  
638 the city, for the rights and benefits granted hereunder, a monthly fee as described in Appendix A.  
639 For purposes of the calculation stated as Appendix A, gross revenues shall consist of all revenues

640 from the sale or lease of containers, all revenues from garbage and trash collection services, all  
641 disposal billed, late fees, bad debt recoveries and other fees collected from customers, with no  
642 deductions except for bad debts actually written off.

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

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

652 (b) Compensation payments for commercial service shall be due 20 days after the end of  
653 each month, accompanied by statements of gross revenues as prescribed by the city's finance  
654 department, and shall be paid directly to the city's finance department. Statements and  
655 remittances shall be accepted as timely if postmarked on or before the 20th day of the month; if  
656 the 20th day falls upon a Saturday, Sunday or federal or state holiday, statements and remittances  
657 shall be accepted as timely if postmarked on the next succeeding workday. Compensation  
658 payments for construction and demolition debris collection service shall be due on October 15 of  
659 each year, and will be accepted as timely if postmarked on or before October 15, or the next  
660 succeeding workday if October 15 falls upon a Saturday or Sunday or state or federal holiday.  
661 Payments not received by the due date shall be assessed interest at the rate of one percent per  
662 month compounded monthly from the due date.

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

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

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

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

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

676 (b) Each commercial franchisee providing commercial service shall file written monthly  
677 reports within 30 days after the end of each month with the city manager or designee. The report  
678 shall contain an accurate statement of all receipts under the franchise from all sources, the  
679 number of accounts by service level, the quantities of garbage and trash collected and the number  
680 of routes for garbage and trash collection.

681 (c) Each commercial franchisee providing commercial service shall file an annual report  
682 including a schedule of total gross revenues as defined in section 27-80(a). This annual report  
683 shall be examined by an independent certified public accountant ("auditor") to certify that the  
684 computation of gross revenue used to calculate franchise fees remitted is in accordance with the  
685 terms of the franchise. The auditor's report shall state that the examination was performed in

686 accordance with professional standards established by the AICPA and shall be filed with the city  
687 manager or designee within 120 days of the franchisee's year end.

688 (d) Each commercial franchisee shall submit by September 1 of each year an updated list  
689 of the type, number and complete description of all equipment to be used for providing service  
690 pursuant to this division. Vehicles placed into service since the preceding September 1 shall have  
691 the in-service dates noted, and vehicles no longer in service shall have the retirement dates noted.  
692 Commercial and demolition debris collection service franchisees will be invoiced for all net  
693 increases in vehicles operating during the prior year on a prorated basis, as well as invoiced for  
694 vehicles intended to be operated during the coming year.

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

696 (a) Applications for a franchise shall be made to the city manager or designee on such  
697 forms and in such manner as prescribed by the city. Application may be made for one or both of  
698 the following types of franchise:

- 699 (1) Commercial limited to collection of garbage and trash from commercially-  
700 collected residential dwellings and collection or processing of garbage and trash  
701 from commercial generators.
- 702 (2) Construction and demolition limited to collection and disposal of  
703 construction and demolition debris.

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

- 706 (1) If the applicant is a partnership or corporation, the name(s) and business  
707 address(es) of the principal officers and stockholders and other persons having  
708 financial or controlling interest in the partnership or corporation; provided,

709 however, that if the corporation is a publicly owned corporation having more than  
710 25 shareholders, then only the names and business addresses of the local managing  
711 officers shall be required.

712 (2) Criminal convictions, including withheld adjudication and plea of nolo  
713 contendere for any felonies of the applicant if an individual, or any person having  
714 any controlling interest in a firm, corporation, partnership, association or  
715 organization making application, if requested by the city manager or designee.

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

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

725 (5) A list of the type, number and complete description of all equipment to be  
726 used by the applicant for providing service pursuant to this division. The city  
727 manager or designee may conduct an inspection of all equipment utilized in  
728 providing the services as outlined in the franchise to determine that the franchise  
729 possesses equipment capable of providing safe and efficient services.

730 (6) The applicant shall maintain in full force and effect insurance as specified  
731 herein and shall furnish a comprehensive general liability policy to the city manager



732 or designee and also file with the city manager or designee a certificate of insurance  
733 for all policies written in the applicant's name. The applicant shall carry in its own  
734 name a policy covering its operations in an amount not less than \$200,000.00 per  
735 occurrence for bodily injury and \$200,000.00 per occurrence for property damage  
736 regarding comprehensive general liability. The applicant shall carry in its own name  
737 a policy covering its operation in an amount not less than \$100,000.00 per person,  
738 \$200,000.00 per occurrence for bodily injury, and \$50,000.00 per occurrence for  
739 property damage liability regarding automobile liability insurance.

740 (7) The insurance policies shall be filed in the office of the city manager or  
741 designee and shall remain on file so long as the franchisee operates a franchise.

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

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

745 (a) Upon a finding of just cause, the city manager or designee shall deny a franchise in  
746 the case of application for new or renewed franchises, and suspend or revoke a franchise for a  
747 specified period of time in the case of previously issued franchises. Just cause shall include but  
748 not be limited to a failure to meet the requirements of this article, violation of any of the  
749 provisions of this article or any of the ordinances of the city, or the laws of the United States or  
750 the state of Florida, the violations of which reflect unfavorably on the fitness of the holder to  
751 offer solid waste collection services to the public.

752 (b) Prior to denial, suspension or revocation, the applicant or holder shall be given  
753 reasonable notice of the proposed action to be taken and shall have an opportunity to present to  
754 the city manager or designee evidence as to why the franchise should not be denied, revoked or

755 suspended. The notice of intention shall be served upon the applicant or franchisee by registered  
756 mail or personal service.

757 (c) Any applicant or franchisee whose franchise is denied, suspended or revoked by the  
758 city manager or designee may appeal the decision to the city commission. The appeal shall be  
759 taken by filing written notice thereof, in duplicate, with the clerk of the commission within ten  
760 days after the decision of the city manager or designee. The clerk of the commission shall notify  
761 the city manager of the appeal and the city manager or designee shall forthwith transmit to the  
762 clerk copies of all papers constituting the record upon which the action appealed is based. The  
763 clerk of the commission shall place the appeal on the agenda of the next regularly scheduled city  
764 commission meeting which is not less than ten days from the date of the filing of the appeal. The  
765 city commission shall review the record and decide whether the decision of the city manager was  
766 based on competent, substantial evidence. ~~If~~ the commission finds competent, substantial  
767 evidence for the city manager's decision, it will uphold the manager's decision; otherwise, it will  
768 reverse the manager's decision. The decision of the city commission shall constitute final  
769 administrative action.

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

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

773 **DIVISION 3. – COMMERCIAL RECYCLING**

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

775 (a) Commercial generators. ~~Beginning January 1, 1997, or such later date as designated by~~  
776 ~~the city manager or designee, all~~ All commercial generators ~~and generators of construction and~~  
777 ~~demolition debris~~ shall separate designated recycling materials and make them available for

778 recycling. The commercial generator ~~or generator of construction and demolition debris~~ may  
779 utilize a registrant, which includes a commercial franchisee who has obtained a registration, to  
780 collect the recycled materials. Failure to separate the designated recyclable materials, except for  
781 de minimus amounts as determined by the city manager or designee, from solid waste loads  
782 delivered to a city facility, a facility under contract with the city or a solid waste container at  
783 point of generation will subject the commercial generator to civil citation as provided in  
784 sections 2-336 through 2-339 of this Code and may, in addition, result in a surcharge as provided  
785 in subsection (ed) below.

786 (b) Beginning January 1, 2022 all commercial generators that regularly generate more than  
787 one cubic yard of food waste per week shall divert them from the waste stream unless capable of  
788 documenting they do not generate more than one cubic yard of food waste per week or  
789 providing proof they are unable to comply due to lack of available service providers.  
790 Commercial generators who are required to divert food waste under this subsection shall  
791 implement the following hierarchy when diverting food waste:

- 792 (1) feeding hungry people;
- 793 (2) feeding animals;
- 794 (3) providing for industrial uses; and
- 795 (4) composting.

796 This section shall be enforced by ....

797 (c) Special Event Recycling.

- 798 (1) For special events requiring an event permit from the City of Gainesville, the special  
799 event permittee shall provide recycling and food waste receptacles throughout the  
800 event venue.

**Commented [MKL3]:** We recommend a separate food waste ordinance.

**Commented [MKL4]:** What is the enforcement mechanism?

**Commented [MKL5]:** We recommend moving this special event recycling section into the special events ordinance.

801 (2) The number of recycling and food waste receptacles shall be equal to the number of  
802 garbage receptacles.

803 (3) Garbage, food waste, and recycling receptacles shall be placed next to each other  
804 throughout the event venue. Each receptacle shall clearly identify the products to be  
805 placed in each receptacle.

806 (4) The minimum of recyclable items that shall be collected in event recycling  
807 receptacles shall be plastic beverage bottles, aluminum cans and bottles, and glass  
808 bottles.

809 (5) The special event permittee shall provide recycling containers for corrugated  
810 cardboard that is generated at the event by the special event permittee or vendors at  
811 the special event. The special event permittee is responsible for ensuring vendors at  
812 the event recycle corrugated cardboard.

813 (6) If the City's Solid Waste Division determines that food waste collection is  
814 appropriate for the event, the special events permittee shall abide by the requirements  
815 for commercial food waste processing as prescribed in this chapter.

816 (7) All food waste receptacles using bags for collection shall use compostable bags as  
817 certified by the Biodegradable Products Institute.

818 Violations of this subsection will be enforced by civil citation.

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

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

830 (ef) 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 manager or designee  
834 shall have 15 calendar days to affirm or abate the surcharge. The determination of the manager  
835 or designee shall be final.

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

839 (1) Includes recycling of all designated recyclable materials;

840 (2) By June 1, 2025, include a food waste diversion program unless the

841 commercially-collected residential property is demonstrates it is unable to

842 comply due to lack of available service providers;

843 (3) Provides a location for recycling containers that is as convenient and

844 accessible to the residents as garbage and trash collection containers. If the

845 city manager or designee determines the location of recycling containers fails

**Commented [MKL6]:** We recommend a separate food waste ordinance.

846 to meet this requirement, the city manager shall determine an appropriate  
847 location on the property for recycling containers;  
848 (4) Provides an adequate level of service and capacity of recyclable collection  
849 containers based on the number of residents, units, or generation at the given  
850 property. If the city manager or designee determines the level of service and  
851 capacity of recycling containers is inadequate, the city manager shall  
852 determine an appropriate level of service and capacity of recycling containers;  
853 (5) Prominently post and maintain one or more signs in common areas where  
854 recyclables are collected or stored that specify the materials accepted for  
855 recycling and the collection procedures for such materials;  
856 (6) Distributes recycling information in printed or electronic form to each  
857 occupant or unit on the property upon leasing and at least once annually and  
858 within fourteen (14) days after any changes to recycling services on the  
859 property;  
860 (7) As of October 1, 2022, provide at least one indoor recycling storage container  
861 per unit of a type and design approved by the City for tenants to easily  
862 transport recovered materials to a central collection area on the property; and  
863 (8) At such time as when food waste services are made available at property,  
864 property owners are to provide at least one indoor food waste storage  
865 container per unit of a type and design approved by the City for tenants to  
866 easily transport organic material to a central collection area on the property.  
867 (fh) Location of containers. All recovered materials or food waste shall be placed in an  
868 appropriate industry standard container. Where ~~garbage cans~~ carts are used, they shall be placed

**Commented [MKL7]:** We recommend separate food waste ordinance.

**Commented [MKL8]:** We recommend separate food waste ordinance.

869 ~~at the roadside or~~ at such ~~other single~~ collection point(s) as may be agreed to between the  
870 registrant and the customer. All containers shall be kept in a safe, accessible location as  
871 designated or approved by the city and agreed to by the registrant and customer.

872 (gi) Maintenance of containers. If a registrant provides recovered material containers to  
873 its customers, the registrant will be responsible for the proper maintenance of the container.  
874 Customers that acquire their own containers from any other source are responsible for the proper  
875 maintenance of the container, except that damage done by the registrant shall be the  
876 responsibility of the registrant; and for ensuring that the container can be serviced by the  
877 registrant's equipment.

878 (hj) Proof of participation in recycling program. A commercial generator, generator of  
879 construction and demolition debris or owner of a commercially-collected residential property  
880 shall produce proof of a valid and current contract with a registrant or receipts for delivery of  
881 recovered materials to an approved site, upon request of the city manager or designee.

882 (k) Exemptions. A commercial generator shall have the right to file a request for an  
883 exemption request from the requirements within Section 27-85. The city manager or designee  
884 shall grant a request for an exemption if the commercial generator demonstrates to the  
885 satisfaction of the city manager of designee that the volume of recyclables generated is de  
886 minimus amounts or space is not available at a given property for additional container  
887 placement. Each exemption request must be completed and submitted using the standardized  
888 forms provided by the city. Commercial generators shall be notified in writing within sixty  
889 (60) days of whether their exemption request is granted or denied.

890 **Sec. 27-86. - Registration of recovered materials and food waste collectors.**

**Commented [MKL9]:** We recommend food waste collector requirements go in separate ordinance.

891 (a) *Registration required.* ~~On and after October 1, 1996, no~~ No person, including a  
892 commercial franchisee, shall collect, transport, convey or process recovered materials or food  
893 waste in the city without a registration certificate from the city. Each commercial franchise  
894 holder ~~as of October 1, 1996,~~ who desires to collect recovered materials as part of the  
895 commercial recycling program shall be granted a registration certificate upon filling out an  
896 application and providing the necessary documentation. No application fee will be required until  
897 such time as the commercial franchise would have terminated had it not been extended by  
898 subsection 27-79.1.

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

900 (1) Applications for registration shall be obtained from and returned to the  
901 department of solid waste.

902 (2) The applicant shall state whether it is a processor, a transporter, or both.

903 (3) Requested information on the application shall be limited to that information  
904 required by F.S. § 403.7046.

905 (4) The application must be accompanied by

906 a. a copy of state certification as required by F.S. § 403.7046;

907 b. disclosure of ownership as set forth below; and

908 c. proof of insurance as set forth below.

909 (c) *Application for a Food Waste Collector.*

910 (1) Applications for registration shall be obtained from and returned to the City's  
911 Solid Waste Division.

912 (2) The applicant shall state whether it is a processor, a transporter, or both.

913 a. Provide a list of facilities where material will be delivered



914                    b. disclosure of ownership as set forth below; and  
915                    c. proof of insurance as set forth below.  
916            (~~ed~~) *Renewal of registration.* The certificate of registration may be valid for five years,  
917                    and may be renewed up to two times upon  
918                    (1) disclosure of ownership as set forth below;  
919                    (2) proof of insurance as set forth below as of the time of renewal; and  
920                    (3) proof that the registrant is still providing service to customers.  
921            (~~de~~) *Operating requirements for registrants.* Persons collecting, transporting, conveying  
922 or processing recovered materials or food waste in the city shall comply with the following  
923 operating requirements:  
924                    (1) *Disclosure of ownership.* Each registrant shall annually provide two copies of a  
925                    notarized statement disclosing the names of its owners, general and limited partners,  
926                    or corporate or registered name under which it will conduct its business as  
927                    authorized by this article.  
928                    (2) *Response to complaint.* Each registrant shall be responsible for responding to  
929                    any and all complaints which involve registrant's actions that create a nuisance or  
930                    have the potential to create a nuisance. Response shall be within 24 hours of the  
931                    complaint, or by 5 p.m. Monday if the complaint was received during a weekend.  
932                    (3) *Clean-up.* A registrant shall handle recovered materials containers with  
933                    reasonable care and return them to the approximate location from which they were  
934                    collected. A registrant shall clean up all materials spilled during its collection  
935                    operation.

936 (4) *Emergencies.* A registrant shall not be required to provide collection services  
937 when all appropriate recycling or food collection sites are closed or a city emergency  
938 or imminent emergency exists, as determined by the city manager or designee.

939 Collections shall resume on the instruction of the city manager or designee.

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

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

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

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

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

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

958 (8) *Other laws, rules and regulations.* A registrant shall procure at its own expense  
959 all local, state and federal franchises, certificates, permits or other authorizations  
960 necessary for the conduct of its operations. A registrant and its employees, officers  
961 and agents shall comply with all relevant local, state, and federal laws, rules and  
962 regulations, orders and mandatory guidelines applying to the collection or  
963 processing services being rendered.

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

969 (10) *Hours of operation.* A registrant shall make available daily (except Sunday)  
970 collection of designated recyclable materials and food waste. Collection shall begin  
971 no earlier than 6:00 a.m. and shall cease no later than 9:00 p.m. Monday through  
972 Saturday, except in areas of mixed residential and commercial occupancy where  
973 collections shall begin no earlier than 7:00 a.m. and shall cease no later than 9:00  
974 p.m. Monday through Saturday. The city manager or designee may authorize  
975 collection on Sunday where special needs of the customer make it necessary.

976 (e) *Separation of residential and commercial materials.* Curbside collection of  
977 designated recyclable materials or food waste from commercial generators shall be  
978 allowed only with prior approval of the city manager or designee, when considering a  
979 request to provide curbside collection, the city manager or designee shall consider the  
980 following factors:

**Commented [MKL10]:** We recommend separate food waste ordinance.

981 (1) Accessibility of collection vehicles to property.

982 (2) Available space for placement of containers.

983 (3) Predominant use of property.

984 (4) Safety.

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

988 (g) *Reports.* The recovered materials and food waste registrants shall submit to the city  
989 manager or designee reports as authorized by F.S. § 403.7046, and the regulations  
990 promulgated pursuant to the authority stated in statute. Within 15 days of changing  
991 facilities where recovered materials or food waste is being delivered, recovered  
992 materials and food waste registrants shall provide the name and location of the new  
993 facilities to the city manager or designee.

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

995 (a) Upon a finding of just cause, the city manager or designee shall deny a registration in  
996 the case of application for new or renewed registration, and suspend or revoke a registration for a  
997 specified period of time in the case of previously issued registration. Just cause shall be  
998 consistent and repeated violation of state or local laws, ordinances, rules, and regulations relating  
999 to the applicant's or registrant's operation; or loss of state certification as a recovered materials  
1000 dealer.

1001 (b) Prior to denial, suspension or revocation, the applicant or registrant shall be given  
1002 reasonable notice of the proposed action to be taken and shall have an opportunity to present to  
1003 the city manager or designee evidence as to why the registration should not be denied, revoked

1004 or suspended. The notice of intention shall be served upon the applicant or registrant by  
1005 registered mail or personal service.

1006 (c) Any applicant or registrant whose registration is denied, suspended or revoked by the  
1007 city manager or designee may appeal the decision to the city commission. The appeal shall be  
1008 taken by filing written notice thereof, in duplicate, with the clerk of the commission within ten  
1009 days after the decision of the city manager or designee. The clerk shall inform the city manager  
1010 of the appeal, and the city manager or designee shall forthwith transmit to the clerk copies of all  
1011 papers constituting the record upon which the action appealed is based. The clerk of the  
1012 commission shall place the appeal on the agenda of the next regularly scheduled city commission  
1013 meeting which is not less than ten days from the date of the filing of the appeal. The city  
1014 commission shall review the record and decide whether the decision of the city manager was  
1015 based on competent, substantial evidence. It [If] the commission finds competent, substantial  
1016 evidence for the city manager's decision, it will uphold the manager's decision; otherwise, it will  
1017 reverse the manager's decision. The decision of the city commission shall constitute final  
1018 administrative action.

1019 **Sec. 27-88. - Penalties for violation.**

1020 Except as otherwise provided, any person violating or failing to comply with any of the  
1021 provisions of this division shall be punished as provided by section 1-9 of this Code of  
1022 Ordinances.

1023 **DIVISION 4. ~~RESERVED.~~ SINGLE-USE PLASTIC AND POLYSTYRENE**

1024 **PRODUCTS.**

1025 **Sec. 27-~~9289.~~ - Definitions.**

1026 The following words, terms and phrases, when used in this article, shall have the meanings  
1027 ascribed to them in this section, except where the context clearly indicates a different meaning:

1028 Expanded polystyrene container means any plate, bowl, cup, container, lid, tray, cooler,  
1029 ice chest, and similar items that are made of blown polystyrene and expanded and extruded  
1030 foams that are thermoplastic petrochemical materials utilizing a styrene monomer and  
1031 manufactured by fusion of polymer spheres (expandable bead foam), injection molding, foam  
1032 molding and extrusion-blown molding (extruded foam polystyrene) or any other technique.

1033 Beverage Prepared food provider means a person or entity that provides food (including  
1034 beverages) directly to the consumer, that is ready for immediate consumption without any further  
1035 cooking, mixing, preparation, alteration or repackaging regardless of whether such food beverage  
1036 is provided free of charge or sold, or whether consumption occurs on or off premises, or whether  
1037 the food beverage is provided from a building, pushcart, stand or vehicle. Prepared Food  
1038 ~~Beverage~~ providers include, but are not limited to, bars, restaurants, cafes, sidewalk cafes,  
1039 delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies,  
1040 bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

1041 Single-use plastic food accessory means any item which is made predominantly of plastic  
1042 derived from petroleum polymer or a biologically-based polymer and is provided for one-time  
1043 use with prepared food (including beverages), such as utensils, chopsticks, portion cups,  
1044 condiment packets, and other similar accessories. This definition excludes items that are  
1045 provided to prevent spills and injuries, such as spill plugs, splash sticks, cup lids, cup sleeves and  
1046 cup trays.

1047 *Single-use plastic straw* means a disposable tube used for the purpose of consuming  
1048 beverages and intended for one-time use, which is made predominantly of plastic derived from  
1049 petroleum polymer or a biologically-based polymer.

1050 *Single-use plastic stirrer* means a device that is used to mix beverages and intended for  
1051 one-time use, and made predominantly of plastic derived from a petroleum polymer or a  
1052 biologically based polymer.

1053 **Sec. 27-~~9390~~. - Prohibition on single-use plastic straws and single-use plastic stirrers.**

1054 (a) ~~Beverage Prepared food~~ providers shall not sell, use, offer for sale or use, or provide  
1055 to any person a single-use plastic straw or single-use plastic stirrer.

1056 (1) Exceptions: Although the discontinuation of the use of single-use plastic straws  
1057 and single-use plastic stirrers is strongly encouraged, this article shall not apply to  
1058 the sale or use of single-use plastic straws or single-use plastic stirrers as follows:

- 1059 a. Pre-packaged beverages with a single-use plastic straw or single-use plastic  
1060 stirrer that are prepared and packaged outside the city and are not altered,  
1061 packaged or repackaged within the city.
- 1062 b. Boxes of pre-packaged single-use plastic straws or single-use plastic stirrers  
1063 that are offered for retail sale to a consumer for personal use, that are prepared  
1064 and packaged outside the city and are not altered, packaged or repackaged  
1065 within the city.
- 1066 c. By medical or dental facilities.
- 1067 d. By hospitals.
- 1068 e. By nursing homes or assisted living facilities.

1069 f. By any disabled person that requires or relies on same to consume beverages  
1070 and/or food supplements.

1071 **Sec. 27-91. – Single-Use Plastic Food Accessories available upon request.**

1072 Prepared food providers shall not provide single-use plastic food accessories for dine-in, take-out  
1073 or delivery, unless the single-use food accessory is specifically requested by the customer or is  
1074 provided at a customer self-serve station.

1075 **Sec. 27-92. - Prohibition on use of expanded polystyrene containers on city property or city**  
1076 **right-of-way.**

1077 Any person or entity that is required to obtain a permit, use agreement, or other authorization or  
1078 approval to use city property or city right-of-way pursuant to Chapter 18, Article II. Park  
1079 Regulations; Chapter 19 Peddlers, Solicitors and Canvassers; and Chapter 30, Article V. Use  
1080 Standards, is prohibited from using expanded polystyrene containers for the permitted activity on  
1081 city property or city right-of-way. This prohibition excludes the distribution of any prepackaged  
1082 food that is filled and sealed in an expanded polystyrene container prior to receipt by the person  
1083 or entity and it excludes raw meat or seafood that is stored in an expanded polystyrene container  
1084 and sold from a refrigerated display or storage case.

1085 **Sec. 27-93. Prohibition on intentional release outdoors of plastic confetti, glitter and**  
1086 **balloons.**

1087 All persons are prohibited from intentionally releasing outdoors any plastic confetti, glitter or  
1088 balloons. Consistent with Section 379.233, Florida Statutes, the following balloon releases are  
1089 exempt from the above prohibition: (a) balloons released by a person on behalf of a  
1090 governmental agency or pursuant to a governmental contract for scientific or meteorological  
1091 purposes; (b) hot air balloons that are recovered after launching; or (c) balloons that are either



1092 biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation  
1093 Commission, and which are closed by a hand-tied knot in the stem of the balloon without string,  
1094 ribbon, or other attachments. The party responsible for the release shall make available evidence  
1095 of the biodegradability or photodegradability of said balloons in the form of a certificate  
1096 executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a  
1097 violation of this act.

1098 **Sec. 27-94. - Enforcement; penalties; injunctive relief.**

1099 The city may enforce this division by civil citation in accordance with chapter 2, article V,  
1100 division 6. In addition, persons who are not in conformity with these requirements shall be  
1101 subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

1102 **DIVISION 5.-- PLASTIC STRAWS AND STIRRERS. WASTE REDUCTION.**

1103 **Sec. 27-94. Requirement for the recycling of prescription medicines, ~~single-use plastic bags~~**  
1104 **and ~~expanded polystyrene containers.~~**

1105 All commercial generators distributing and or providing the following items shall provide on-site  
1106 publicly accessible containers for the recycling of ~~the items listed:~~

1107 ~~(a) Prescription-prescription medicines and or drugs.~~

1108 ~~(b) Single use plastic bags; and or~~

1109 ~~(c) Expanded polystyrene containers;~~

1110 **Sec. 27-95. Requirement for public recycling and composting containers at businesses.**

1111 Any commercial establishment providing receptacles for collecting and disposing of garbage to  
1112 the public shall provide an equal number of collection receptacles for recyclable materials paired  
1113 next to the garbage receptacle. ~~For commercial establishments required to have food waste~~

**Commented [MKL11]:** City attorney has determined this type of regulation of polystyrene and plastic bags is preempted.

1114 recycling services, an equal number of collection receptacles for food waste materials shall also  
1115 be made available and paired next to the garbage and recycling receptacles.

**Commented [MKL12]:** We recommend separate food waste ordinance.

1116 **Sec. 27-96. Requirement for property owners to provide accommodations for solid waste**  
1117 **containers.**

1118 Property owners shall provide commercial tenants with space for commercial service containers  
1119 for garbage, recycling, and food waste collection or make reasonable accommodations for shared  
1120 commercial service containers for garbage, recycling, and food waste collection in a nearby  
1121 location. If the property owner is unable to meet the above requirement, the property owner shall  
1122 work with the city to develop an acceptable alternative plan for the collection of waste from the  
1123 tenant. Failure to develop a plan approved by the city will subject the property owner to code  
1124 enforcement proceedings.

**Commented [MKL13]:** We recommend moving this into separate food waste ordinance.

1125 **Sec. 27-97. Single-family and multifamily food waste processing.**

1126 By January 1, 2024, food waste diversion, shall be made available to all residentially serviced  
1127 customers or later if the composting facility infrastructure or capacity is not available.

**Commented [KM14]:** This should not be in an ordinance.

1128  
1129 REUSE COMMUNITY

1130 **Sec. 27-98. Residential Multi-Family Reuse Pilot**

1131 Beginning January 1, 2022, the City will create a reuse educational program to divert  
1132 usable items from the landfill targeted to reuse items set out for disposal at multifamily units  
1133 during heavy turnover periods. The City will establish a pilot program for reuse items at  
1134 multifamily units by May 1, 2022.

**Commented [MKL15]:** This should not be in an ordinance.

1135 **Sec. 27-99. Multi-Family Reuse Plan**

1136 By January 1, 2025, owners of multifamily properties of five or more units shall establish a reuse  
1137 plan for diverting usable items from the landfill that tenants set out for disposal during heavy  
1138 turnover periods.

**Commented [MKL16]:** This can be in an ordinance eventually. Staff may need data from the pilot program to craft an ordinance that outlines elements required for a reuse plan.

1139 **Sect. 27-100. Residential Single Family Reuse Pilot**

1140 Beginning January 1, 2022, the City will create a reuse educational program to divert  
1141 usable items from the landfill targeted to reuse items set out curbside for disposal at single family  
1142 homes. The City will establish a pilot program for reuse items at single family homes by June 1,  
1143 2022.

**Commented [MKL17]:** This should not be in an ordinance.

1144 **CITY SURPLUS ACCESS FOR LOCAL NON-PROFIT REUSE ORGANIZATIONS**

1145 **EXPLORE PREFERENTIAL ACCESS FOR LOCAL NON-PROFITS TO PURCHASE**  
1146 **CITY SURPLUS ITEMS**

1147 Beginning January 1, 2022, the City will explore opportunities to give preferential access  
1148 for local non-profits to purchase City surplus items.

**Commented [MKL18]:** This should not be in an ordinance.

1149 **Section 2.** Section 2-339 of the Code of Ordinances of Gainesville, Florida, is amended as  
1150 set forth below. Except as herein amended, the remainder of Section 2-339 remains in full force  
1151 and effect.

1152 **Sec. 2-339. – Applicable codes and ordinances.**

1153 The following ordinances are enforceable by the procedures described in this division:

Article III. of Chapter 27	Single-use plastic <del>and polystyrene products</del> <u>straws and</u> <del>single-use plastic stirrers</del>	II	\$250.00
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1154  
1155 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1 and  
1156 2 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of

1157 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered  
1158 or relettered in order to accomplish such intentions.

1159 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
1160 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
1161 finding shall not affect the other provisions or application of the ordinance which can be given  
1162 effect without the invalid or unconstitutional provisions or application, and to this end the  
1163 provisions of this ordinance are declared severable.

1164 **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of  
1165 such conflict hereby repealed.

1166 **Section 6.** This ordinance shall become effective immediately upon adoption; however,  
1167 to allow time for education and public awareness of these new restrictions and prohibitions,  
1168 citations for violations of Sec. 27-91 will not be issued until after January 1, 2022.

1169 **PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**  
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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 \_\_\_\_\_, 2021.

1188

1189 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2021.