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ORDINANCE NO: 160709

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to solid waste disposal by amending paragraph (e) of section 27-79 to provide for earlier solid waste collection times in certain zones; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days' notice has been given once by publication in a newspaper

of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

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

which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

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

Section 1. Paragraph (e) of Section 27-79 of Division 2 of Article III of Chapter 27 is amended to read as set forth below. Except as amended herein, the remainder of Section 27-79 remains in full force and effect.

Chapter 27 – UTILITIES
ARTICLE III – SOLID WASTE DISPOSAL
DIVISION 2 – COMMERCIAL SERVICE AND CONSTRUCTION AND DEMOLITION DEBRIS FRANCHISE

Sec. 27-79. General provisions.

(e) Collection times shall be as follows:

1 (1) Each commercial franchisee shall make available daily (except Sunday) collection of solid
2 waste. Collection shall begin no earlier than 6:00 a.m.; and shall cease no later than 9:00 p.m.,
3 Monday through Saturday, except that in areas of mixed residential and commercial occupancy;
4 ~~where~~ collections shall begin no earlier than 7:00 a.m. and cease no later than 9:00 p.m., Monday
5 through Saturday.

6 (2) Notwithstanding paragraph (e)(1), the city manager or designee may set other hours for the
7 purpose of improving collection operations or safety, by the City first holding a neighborhood
8 workshop to inform various residents, businesses and other stakeholders of the change being
9 considered, and to solicit their input. The workshop will be held in a location generally near the
10 subject area in a facility that is ADA compliant. The City will provide notification by mail to all
11 owners of property and neighborhood associations within the area being considered as well as
12 those within 400 feet of the perimeter of that area. The notices will be mailed at least 14 days
13 before the workshop and the City will also advertise the workshop in a newspaper of general
14 circulation at least 14 days before the date of the workshop. The workshop must start between
15 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The
16 City shall prepare a written summary of the neighborhood meeting that includes a list of those in
17 attendance, a summary of the issues discussed, and comments, concerns and suggestions by
18 those in attendance. Any change in collection times shall be established in a written
19 memorandum outlining the justification. All memoranda establishing collection times, and
20 summaries of the neighborhood meetings, shall be retained on file by the Solid Waste Division
21 and made available to the public for inspection. These collection times should be reviewed
22 periodically to determine whether the operational justification continues to exist.

1 (3) Notwithstanding paragraph (e)(1), tThe city manager or designee may authorize collection
2 on Sunday where special needs of the customer make it necessary. In the event of an emergency,
3 a franchisee may collect at times not allowed by this section, provided the city manager grants
4 prior approval, to be later evidenced by a written memorandum. If no written memorandum is
5 obtained, there shall be a presumption that the franchisee had not obtained prior approval. All
6 written memoranda issued shall be retained on file by the Solid Waste Division and made
7 available to the public for inspection.

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

12 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
13 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
14 finding shall not affect the other provisions or application of the ordinance which can be given
15 effect without the invalid or unconstitutional provisions or application, and to this end the
16 provisions of this ordinance are declared severable.

17 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
18 such conflict hereby repealed.

19 **Section 5.** This ordinance shall become effective immediately upon final adoption.
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PASSED AND ADOPTED THIS 5th DAY OF OCTOBER, 2017.

LAUREN POE
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this 21st day of September, 2017.

This ordinance passed on second reading this 5th day of October, 2017.