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An ordinance of the City of Gainesville, Florida, amending Appendix A Schedule of Fees, Rates and Charges of the Code of Ordinances by revising the commercial solid waste franchise fee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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 the public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, this ordinance passed on first reading on September 12, 2024; and

WHEREAS, the second reading of this ordinance was originally scheduled to occur on September 26, 2024. However, due to Tropical Storm Helene, which was projected to develop into a hurricane, the State of Florida, Alachua County Board of County Commissioners, and the City of Gainesville declared a state of emergency. See Executive Order Number 24-208 of Office of the Governor, Proclamation (EO 2024-06) of the Alachua County Board of County Commissioners, and Executive Order No. 24-02 of the City of Gainesville. As of September 25, 2024, Tropical Storm Helene was expected to make landfall as a hurricane and impact the City of Gainesville on or about September 26, 2024. As a result, the September 26, 2024 City Commission special meeting was cancelled; and

WHEREAS, this ordinance has been re-published in order to afford adequate notice of the second reading scheduled to occur on October 17, 2024; and

WHEREAS, this ordinance is intended to apply to solid waste franchises that are in effect as of October 1, 2024 and to future solid waste franchises granted after October 1, 2024; and

1 **WHEREAS**, this ordinance is intended to apply retroactively and to apply to fees, rates
2 and charges which are due and payable after 12:01 AM on October 1, 2024.

3 **WHEREAS**, public hearings were held pursuant to the published notice described above,
4 at which all interested parties had an opportunity to be, and were, in fact, heard.

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

7 **Section 1.** A portion of Appendix A of the Code of Ordinances, relating to fees, rates and
8 charges is amended as set forth in Exhibit “A,” attached to this ordinance and incorporated by
9 reference as if fully set forth herein. Except as amended herein, the remainder of Appendix A
10 remains in full force and effect.

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

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

20 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
21 such conflict hereby repealed on the effective date of this ordinance.

Section 5. This ordinance shall take effect immediately upon adoption; provided however the fees, rates and charges set forth herein shall be applicable to fees, rates and charges which are due and payable after 12:01 AM on October 1, 2024.

PASSED AND ADOPTED this 17th day of October, 2024.

HARVEY L. WARD, JR.
MAYOR

Attest:

Approved as to form and legality:

KRISTEN J. BRYANT
CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this 12th day of September, 2024.

This ordinance passed on second reading this 17th day of October, 2024.

EXHIBIT "A" to Ordinance No. 2024-574

(2) *Solid waste and recyclables:*

a. Residential service (§ 27-76):

1. Redemption of impounded containers:

- (i) First impoundment, per container \$6.50
- (ii) Subsequent impoundments within 12 months from the same place, per container \$13.50

2. Rates:

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

18 gallon cart \$20.50

35 gallon cart \$26.50

64 gallon cart \$32.75

95 gallon cart \$40.75

- (ii) Other charges:

Account set up charge \$13.50

Pre-paid approved bag, each, not to exceed \$3.25

Exchange of cart for larger size \$15.00

Exchange of cart for smaller size \$15.00

Fixed cost of service per month (for computing vacation credit) \$6.50

- (iii) Backyard service, per month:

18 gallon cart \$34.50

35 gallon cart \$40.00

64 gallon cart \$48.50

95 gallon cart \$59.50

b. Commercial services franchise and construction and demolition debris franchise (§ 27-80):

1. Application for container provision only \$134.00

2. Application for construction and demolition debris collection franchise \$335.25

3. Application for commercial service solid waste collection franchise \$335.25

~~i. Commercial franchisee providing commercial service: Ten Fifteen percent of gross revenues from the providing of containers and the collection of garbage and trash from commercial properties under the franchise.~~

~~ii. Commercial franchisee providing construction and demolition debris collection service shall pay as compensation to the city an annual fee calculated based on all vehicles owned, leased, or otherwise used in construction and demolition debris collection service as follows:~~

~~a. \$2,010.25 for each vehicle having ten or more wheels;~~

b. ~~—\$1,340.25 for each vehicle having more than five and fewer than ten wheels; and~~

c. ~~—\$670.00 for each vehicle having four or five wheels.~~

4. Application for commercial service solid waste collection franchise, together with a construction and demolition collection franchise \$335.25
5. Monthly franchise fee for solid waste ~~collection~~ for commercial service: ~~Ten~~ Fifteen percent of gross revenues from the sale or lease of containers, from garbage and trash collection services, from all disposal billed, from late fees, from bad debt recoveries and from other fees collected from customers, with no deductions except for bad debts actually written off.

Note: For the first month (if less than a full month), this fee shall be prorated based on the gross revenues collected for the number of days the franchise is in place that month.

6. Commercial franchisee providing construction and demolition debris collection service shall pay as compensation to the city an annual franchise fee calculated based on all vehicles owned, leased, or otherwise used in construction and demolition debris collection service as follows: ~~Annual franchise fee for construction and demolition debris collection:~~

- i. For each vehicle having ten or more wheels \$2,010.25
- ii. For each vehicle having more than five and fewer than ten wheels \$1,340.25
- iii. For each vehicle having four or five wheels \$670.00

Note: For the first year (if less than a full year), this fee shall be prorated based on the number of days the franchise is in place that year.

- c. Commercial recycling/recovered materials collector registration application or renewal of registration (§ 27-86) \$67.25