

1 Introduced by the Council President at the request of the Mayor:
2
3

4 **ORDINANCE 2020-83**

5 AN ORDINANCE AMENDING CHAPTER 380 (SOLID WASTE
6 MANAGEMENT), PART 1 (CERTIFICATE OF PUBLIC
7 CONVENIENCE AND NECESSITY), *ORDINANCE CODE*, TO
8 CREATE A NEW SECTION 380.119 (TEMPORARY
9 CERTIFICATE; REDUCING THE SIZE OF CONSTRUCTION
10 AND DEMOLITION DEBRIS (SIZE-REDUCING)) TO
11 PROVIDE FOR A TEMPORARY CERTIFICATE OF PUBLIC
12 CONVENIENCE AND NECESSITY FOR REDUCING THE
13 SIZE OF CONSTRUCTION AND DEMOLITION DEBRIS
14 (SIZE-REDUCING), AND TO AMEND SECTION 380.121
15 (APPLICATION FOR TEMPORARY CERTIFICATE; FEE)
16 AND SECTION 380.122 (REVIEW; RECOMMENDATIONS;
17 ISSUANCE) TO PROVIDE FOR APPLICATION
18 REQUIREMENTS, FEES, TIMING AND DURATION;
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, the City of Jacksonville recognizes its working
22 waterfronts as important resources for the City's long term economic
23 success; and

24 **WHEREAS**, due to their location, waterfront properties face
25 unique challenges during improvement and redevelopment, including
26 the inability to process construction and demolition debris on
27 site; and

28 **WHEREAS**, providing temporary authority for an intermediary
29 site for reducing the size of construction and demolition debris
30 (size-reducing) prior to transporting it to an authorized solid
31 waste management facility for processing will support the City's

1 working waterfronts, while also protecting the health, safety and
2 welfare of the citizens of the City of Jacksonville; now, therefore

3 **BE IT ORDAINED** by the Council of the City of Jacksonville:

4 **Section 1. Amending Chapter 380 (SOLID WASTE MANAGEMENT), PART**
5 **1 (CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), Ordinance**
6 **Code.** Chapter 380 (SOLID WASTE MANAGEMENT), PART 1 (CERTIFICATE OF
7 PUBLIC CONVENIENCE AND NECESSITY), is hereby amended to read as
8 follows:

9 **Chapter 380 - SOLID WASTE MANAGEMENT**

10 **PART 1. - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

11 * * *

12 **Secs. 380.118, ~~380.119.~~ - Reserved.**

13 **Sec. 380.119. - Temporary certificate; reducing the size of**
14 **construction and demolition debris (size-reducing).**

15 (a) A temporary certificate of public convenience and
16 necessity may be granted by the Director for reducing the size of
17 construction and demolition debris (size-reducing) generated at a
18 waterfront property, at an intermediary site, as defined and
19 limited in this Section.

20 (b) As used in this Section:

21 (1) Intermediary site shall mean land located within
22 Duval County (other than land with a solid waste management
23 facility and other than the generating waterfront property), which
24 is used for size-reducing construction and demolition debris, as
25 limited in this Section.

26 (2) Generating waterfront property shall mean land
27 adjacent to waters of the State of Florida, as defined in Section
28 403.031(13), Florida Statutes, where construction and demolition
29 debris is generated, but has conditions such that debris can not be
30 size-reduced on site, as limited in this Section.

31 (c) Applicants for the temporary certificate of public

1 convenience and necessity authorized by this Section must show
2 that:

3 (1) The conditions of the generating waterfront property
4 prevent on-site size-reducing of construction and demolition
5 debris, including, but not limited to, land size, land orientation,
6 or the location of the construction work or demolition work on the
7 generating waterfront property.

8 (2) The proposed intermediary site complies with all
9 applicable local, state and federal rules and regulations for size-
10 reducing construction and demolition debris, including local land
11 use and zoning regulations.

12 (3) The proposed size-reducing of construction and
13 demolition debris at the intermediary site is limited to the
14 minimum size-reducing necessary to prepare the debris for transport
15 to a solid waste management facility authorized to receive such
16 debris by all applicable local, state or federal rules and
17 regulations.

18 (d) The following additional conditions apply to temporary
19 certificates of public convenience and necessity issued pursuant to
20 this Section:

21 (1) The intermediary site shall only be used for size-
22 reducing construction and demolition debris from the generating
23 waterfront property identified in the application.

24 (2) The temporary certificate of public convenience and
25 necessity is subject to the time limitations in Section 380.122.

26 (e) No person who has knowingly or willfully transported,
27 size-reduced, or otherwise processed construction or demolition
28 debris in violation of this Section shall be granted a temporary
29 certificate of public convenience and necessity pursuant to this
30 Section within one year of the date of violation.

31 (f) No person shall transport construction and demolition

1 debris to, or size-reduce or otherwise process construction and
2 demolition debris on, an intermediary site prior to receiving a
3 temporary certificate of public convenience and necessity pursuant
4 to this Section.

5 * * *

6 **Sec. 380.121. - Application for temporary certificate; fee.**

7 Applications for a temporary certificate shall be filed with the
8 Director, containing:

9 (a) A description of the location, and ownership of the land
10 involved, and the type of waste to be processed.

11 * * *

12 (d) A nonrefundable application processing fee of ~~\$100~~ \$200
13 for applicants other than governmental bodies shall accompany the
14 application.

15 **Sec. 380.122. - Review; recommendations; issuance.**

16 (a) The Director shall forward a copy of the application for
17 a temporary certificate to the Director of the Planning and
18 Development Department, the Chief of the Environmental Quality
19 Division, the Chief of the Solid Waste Division and, for
20 certificates for open burning, to the Chief of the Fire Prevention
21 Division. The Director, the Chief of the Environmental Quality
22 Division, the Chief of the Solid Waste Division, the Director of
23 the Planning and Development Department and, if appropriate, the
24 Chief of the Fire Prevention Division shall review the certificate
25 application within ten working days of receipt and may, within such
26 ten days, through the Director, request submittal of additional
27 information needed for the evaluation of the proposed facility. ~~The~~
28 ~~applicant may, at its option, begin operation after the application~~
29 ~~is complete and filed; provided, operation may be prohibited if the~~
30 ~~application is subsequently denied.~~ Each person to whom the
31 application is forwarded shall submit a written or oral report and

1 recommendation of approval or denial of a temporary certificate to
2 the Director within ten working days after receipt of a completed
3 application. The reports may include recommended conditions.

4 (b) The Director may issue the temporary certificate with or
5 without conditions if he finds, based upon the criteria considered
6 that the facility could serve the public convenience and provide a
7 needed service to the citizens of Duval County. Unless otherwise
8 stated, a temporary certificate shall be for a term of no more than
9 90 days, which term may be extended one time for up to an
10 additional 90 days. An additional extension of 90 days may be
11 granted by the Director upon receipt of a valid contract for the
12 proposed work, and a construction or demolition schedule; provided,
13 however, that no temporary certificate may be granted for longer
14 than the term of the valid contract provided by the applicant. No
15 temporary certificate shall be granted more than once within any
16 12-month period for any parcel of land. No renewal shall be granted
17 for any person who violates any provision of this Chapter.

18 * * *

19 (e) The Director shall have the authority to order immediate
20 cessation of any activity allowable in Sections 380.120 ~~119~~ through
21 380.124 in the event any activity becomes a nuisance. Any person
22 affected by the Director's order shall have a right to an immediate
23 hearing before the Director on the existence of the purported
24 nuisance.

25 * * *

26 **Section 2. Effective Date.** This Ordinance shall become
27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation prepared by: Shannon K. Eller

6 GC-#1336717-v1-Temp_CON_Construction_&_Demo