

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

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3
4 **ORDINANCE 2021-729-E**

5 AN ORDINANCE REGARDING THE ACCEPTANCE,
6 PROCESSING, RECYCLING, AND/OR DISPOSAL OF
7 RESIDENTIAL YARD TRASH GENERATED IN THE CITY OF
8 JACKSONVILLE; APPROVING AND AUTHORIZING THE
9 MAYOR, OR HIS DESIGNEE, AND CORPORATION
10 SECRETARY TO EXECUTE AND DELIVER A SERVICE
11 AGREEMENT PURSUANT TO CHAPTER 386 (WASTE FLOW
12 CONTROL), *ORDINANCE CODE* ("SERVICE AGREEMENT"),
13 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
14 GASTON TREE DEBRIS RECYCLING, L.L.C. ("GASTON
15 LLC"), A FLORIDA LIMITED LIABILITY COMPANY, TO
16 ACCEPT, PROCESS, RECYCLE, AND/OR DISPOSE OF
17 RESIDENTIAL YARD TRASH GENERATED IN THE CITY OF
18 JACKSONVILLE AT THE SOLID WASTE MANAGEMENT
19 FACILITY HOLDING CERTIFICATE OF PUBLIC
20 CONVENIENCE AND NECESSITY NO. 2012-293-E-R1
21 LOCATED AT 7405 PHILIPS HIGHWAY, JACKSONVILLE,
22 FLORIDA 32256; AUTHORIZING THE MAYOR, OR HIS
23 DESIGNEE, AND CORPORATION SECRETARY TO EXECUTE
24 AND DELIVER, ADDITIONAL SERVICE AGREEMENTS AS
25 NECESSARY AND APPROPRIATE BETWEEN THE CITY AND
26 OWNERS/OPERATORS/CONTRACTORS SELECTED BY THE
27 CITY, PURSUANT TO CHAPTER 126 (PURCHASING CODE),
28 *ORDINANCE CODE*, FOR THE ACCEPTANCE, PROCESSING,
29 RECYCLING, AND/OR DISPOSAL OF RESIDENTIAL YARD
30 TRASH GENERATED IN THE CITY OF JACKSONVILLE;
31 AMENDING SECTION 380.303 (RATES FOR DISPOSAL),

1 PART 3 (GARAGE DISPOSAL), CHAPTER 380 (SOLID
2 WASTE MANAGEMENT), *ORDINANCE CODE*, TO EXPAND THE
3 DAYS AND HOURS PERMITTED FOR PRIVATE AUTO OR
4 TRUCK RESIDENTIAL WASTE DEPOSITS AT A REDUCED
5 RATE AT TRAIL RIDGE LANDFILL LOCATED AT 5100
6 U.S. HIGHWAY 301, BALDWIN, FL 32234; WAIVING
7 PART 1 (CERTIFICATE OF PUBLIC CONVENIENCE AND
8 NECESSITY), CHAPTER 380 (SOLID WASTE
9 MANAGEMENT), *ORDINANCE CODE*, AS TO CITY OWNED
10 AND OPERATED FACILITIES AND/OR
11 OWNERS/OPERATORS/CONTRACTORS CONTRACTED BY THE
12 CITY TO ACCEPT, PROCESS, RECYCLE, AND DISPOSE OF
13 RESIDENTIAL YARD TRASH PURSUANT TO THE AUTHORITY
14 GRANTED IN THIS ORDINANCE; WAIVING SECTION
15 386.202 (SERVICE AGREEMENTS), PART 2 (MANAGEMENT
16 OF SOLID WASTE, DESIGNATION, AND REVOCATION OF
17 DESIGNATION), CHAPTER 386 (WASTE FLOW CONTROL),
18 *ORDINANCE CODE*; PROVIDING FOR A LEGISLATIVE
19 SUNSET DATE ENDING MARCH 31, 2023; PROVIDING FOR
20 A LEGISLATIVE SUNSET DATE ENDING ONE HUNDRED
21 EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF
22 THIS ORDINANCE WITH EXTENSIONS; REQUESTING
23 EMERGENCY PASSAGE UPON INTRODUCTION; PROVIDING
24 AN EFFECTIVE DATE.

25
26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Agreement Approved and Execution Authorized.**

28 There is hereby approved, and the Mayor, or his designee, and
29 Corporation Secretary are hereby authorized to negotiate, execute and
30 deliver, for and on behalf of the City, a service agreement pursuant
31 to Chapter 386 (Waste Flow Control), *Ordinance Code*, between the City

1 of Jacksonville (the "City") and Gaston Tree Debris Recycling, L.L.C.
2 ("Gaston LLC"), a Florida limited liability company, to accept,
3 process, recycle, and/or dispose of residential yard trash generated
4 in the City of Jacksonville at the solid waste management facility
5 holding Certificate of Public Convenience and Necessity No. 2012-293-
6 E-R1 and located at 7405 Philips Highway, Jacksonville, Florida 32256.
7 The service agreement shall include the scope of work and terms
8 described on **Exhibit 1** attached hereto ("Terms"), and shall be subject
9 to all applicable local, state and federal rules and regulations,
10 including but not limited to, Chapters 380 and 386, *Ordinance Code*,
11 unless otherwise waived herein. Additionally, the Mayor, or his
12 designee, and Corporation Secretary, are hereby authorized to
13 negotiate, execute, and deliver any and all other documents necessary
14 to complete the transaction contemplated in this Section 1.

15 **Section 2. Additional authorization approved.** There is
16 hereby approved, and the Mayor, or his designee, and Corporation
17 Secretary are hereby authorized to negotiate, execute and deliver,
18 for and on behalf of the City, additional service agreements as
19 necessary and appropriate between the City and
20 owners/operators/contractors selected by the City pursuant to Chapter
21 126 (Purchasing Code), *Ordinance Code*, for the acceptance,
22 processing, recycling, and/or disposal of residential yard trash
23 generated in the City of Jacksonville. Such service agreements shall
24 at a minimum meet the following condition: (1) City fees paid to an
25 owner/operator/contractor to accept, process, recycle, and dispose
26 of residential yard trash shall not exceed \$95.00 per ton; and (2)
27 all applicable local, state and federal rules and regulations,
28 including, but not limited to, Chapters 380 and 386, *Ordinance Code*
29 unless otherwise waived herein, shall be incorporated into the
30 agreement terms. Additionally, the Mayor, or his designee, and
31 Corporation Secretary, are hereby authorized to negotiate, execute,

1 and deliver any and all other documents necessary to complete the
2 transaction contemplated in this Section 2.

3 **Section 3. Amending Section 380.303 (Rates for Disposal),**
4 **Part 3 (Garbage Disposal), Chapter 380 (Solid Waste Management),**
5 **Ordinance Code.** Section 380.303(a)(1)(i) (Rates for Disposal), Part
6 3 (Garbage Disposal), Chapter 380 (Solid Waste Management), *Ordinance*
7 *Code*, is hereby amended to read as follows:

8 **CHAPTER 380 - SOLID WASTE MANAGEMENT**

9 * * *

10 **PART 3. GARBAGE DISPOSAL**

11 * * *

12 **Sec. 380.303. - Rates for disposal.**

13 The fees listed below can be found electronically on the following
14 City of Jacksonville webpage: www.coj.net/fees.

15 * * *

16 (g) Recycling of yard waste and white goods shall be governed by the
17 following basic rates and charges:

18 (1) Rates when scales are present and operational (Wood and Yard
19 Waste Recycling Facility):

20 Yard Waste, per ton debagged

21 Bagged Yard Waste, per ton

22 Pallets

23 Yard Waste—debagged residential haulers

24 Yard Waste—bagged residential haulers

25 Private auto or truck (~~Up to~~ First 500 pounds @ \$1.00, Saturday
26 only Trail Ridge Landfill Operational Hours)

27 (2) Rates when no scales present or when scales are not operating
28 (Wood and Yard Waste Recycling Facility):

29 Private auto and trucks (~~Saturday only~~ First 500 pounds @ \$1.00,
30 Trail Ridge Landfill Operational Hours)

31 ~~Private auto and trucks (Other than Saturday)~~

1 Private auto and trucks (w/ Trailer) (~~Other than Saturday First~~
2 500 pounds @ \$1.00, Trail Ridge Landfill Operational Hours)

3 * * *

4 **Section 4. Waiving provisions of Part 1 (Certificate of**
5 **Public Convenience and Necessity), Chapter 380 (Solid Waste**
6 **Management), Ordinance Code.** The provisions of Part 1 (Certificate
7 of Public Convenience and Necessity), Chapter 380 (Solid Waste
8 Management), *Ordinance Code*, requiring a Certificate of Public
9 Convenience and Necessity is hereby waived as to City owned and
10 operated facilities and/or owners/operators/contractors contracted
11 by the City to accept process, recycle, and/or dispose of residential
12 yard trash in the City of Jacksonville pursuant to the authority
13 granted in Section 2 of this Ordinance. The waiver is necessary to
14 expedite the City's ability to use City personnel or
15 owners/operators/contractors contracted by the City to accept,
16 process, recycle, and/or dispose of residential yard trash in the
17 City of Jacksonville by relieving the requirements to obtain a
18 Certificate of Public Convenience and Necessity.

19 **Section 5. Waiving provisions of Section 386.202 (Service**
20 **Agreement), Part 2 (Management of Solid Waste, Designation, and**
21 **Revocation), Chapter 386 (Waste Flow Control), Ordinance Code.** The
22 provisions of Section 386.202 (Service Agreement), Part 2 (Management
23 of Solid Waste, Designation, and Revocation), Chapter 386 (Waste Flow
24 Control), *Ordinance Code*, requiring the City Council's approval of
25 service agreements is hereby waived. The waiver is necessary in
26 order to authorize the Mayor, or his designee, and Corporation
27 Secretary to enter into the service agreements authorized under
28 Sections 1 and 2 of this Ordinance.

29 **Section 6. Providing for a Legislative Sunset Date Ending**
30 **on March 31, 2023.** The authority granted and waiver provided in
31 Section 2 and 4 above respectively shall sunset, be repealed, and be

1 of no further effect as of March 31, 2023.

2 **Section 7. Providing for a Legislative Sunset Date Ending**
3 **One Hundred and Eighty Days from the Effective Date With Extensions.**

4 The amendment provided in Section 3 above shall sunset, be repealed,
5 and be of no further effect one hundred and eighty days (180) from
6 the effective date of this Ordinance. The Public Works Director may
7 extend the sunset date for up to two additional one hundred and eighty
8 day (180) periods by providing written notice to the Council and the
9 Council Secretary prior to the expiration of a one hundred and eighty
10 day (180) period. Upon the sunset and repeal of this Ordinance at the
11 expiration of a one hundred and eighty day (180) period, the following
12 amended Sections of the Code shall immediately be adopted and become
13 effective with no further action by the Council and as amended shall
14 read as follows:

15 **CHAPTER 380 - SOLID WASTE MANAGEMENT**

16 * * *

17 **PART 3. GARBAGE DISPOSAL**

18 * * *

19 **Sec. 380.303. - Rates for disposal.**

20 The fees listed below can be found electronically on the following
21 City of Jacksonville webpage: www.coj.net/fees .

22 * * *

23 (g) Recycling of yard waste and white goods shall be governed by the
24 following basic rates and charges:

25 (1) Rates when scales are present and operational (Wood and Yard
26 Waste Recycling Facility):

27 Yard Waste, per ton debagged

28 Bagged Yard Waste, per ton

29 Pallets

30 Yard Waste—debagged residential haulers

31 Yard Waste—bagged residential haulers

1 Private auto or truck (Up to ~~First~~ 500 pounds @ ~~\$1.00~~, Saturday
2 only Trail Ridge Landfill Operational Hours)

3 (2) Rates when no scales present or when scales are not operating
4 (Wood and Yard Waste Recycling Facility):

5 Private auto and trucks (Saturday only ~~First~~ 500 pounds @ ~~\$1.00~~,
6 Trail Ridge Landfill Operational Hours)

7 Private auto and trucks (Other than Saturday)

8 Private auto and trucks (w/ Trailer) (Other than Saturday ~~First~~
9 500 pounds @ \$1.00, Trail Ridge Landfill Operational Hours)

10 * * *

11 **Section 8. Rule 4.901 Requesting Emergency Passage.** Emergency
12 passage of this legislation is requested upon introduction. The
13 nature of the emergency is that currently the City's municipal
14 residential haulers are unable to collect yard trash due to a
15 shortage in labor and personnel. The collection of residential yard
16 trash is an essential governmental service and the unforeseen
17 economic environment has created circumstances that require an
18 immediate response to return yard trash collections to its regular
19 established schedule.

20 **Section 9. Effective Date.** This ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

23
24
25 Form Approved:

26
27 /s/ James R. McCain, Jr.

28 Office of General Counsel

29 Legislation Prepared By: Lawsikia J. Hodges

30 GC-#1455380-v5-Yard_Trash_Facility_Waiver_Legislation.DOCX