

1 The Neighborhoods, Community Services and Public Health & Safety
2 Committee offers the following Substitute to File No. 2020-624:

3
4 Introduced by Council Member White:

5
6
7 **ORDINANCE 2020-624**

8 AN ORDINANCE AMENDING SECTION 380.403 (PROGRAM
9 ESTABLISHED; RULEMAKING AUTHORITY), CHAPTER 380
10 (SOLID WASTE MANAGEMENT), *ORDINANCE CODE*, TO
11 MODIFY THE APPLICABLE DISTANCES FOR THE USE OF
12 MITIGATION FUNDS FOR CLASS I SOLID WASTE
13 MANAGEMENT FACILITY TO 15 MILES AND TO MODIFY
14 THE APPLICABLE DISTANCES FOR MITIGATION FUNDS
15 FOR NON-CLASS I SOLID WASTE MANAGEMENT
16 FACILITIES TO SEVEN MILES; PROVIDING AN
17 EFFECTIVE DATE.

18
19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Amending Section 380.403 (Program Established;**
21 **Rulemaking Authority), Chapter 380 (Solid Waste Management),**
22 **Ordinance Code.** Section 380.403 (Program Established; Rulemaking
23 Authority), Chapter 380 (Solid Waste Management), *Ordinance Code*, is
24 hereby amended to read as follows:

25 **CHAPTER 380. SOLID WASTE MANAGEMENT**

26 * * *

27 **PART 4. RESOURCE RECOVERY PROGRAM**

28 * * *

29 **Sec. 380.403. - Program Established; Rulemaking Authority.**

30 The definitions contained within and referenced by Part 6,
31 Chapter 380, *Ordinance Code*, shall apply to this Part. There is

1 established a host fee program, hereinafter referred to as the
2 program. The program shall be administered by the Public Works
3 Department or reassigned department, and the Director of the Public
4 Works Department, or reassigned department, is authorized to adopt,
5 alter, amend and repeal rules for the implementation and
6 administration of the program. The program is divided into three
7 subprograms, as follows:

8 (a) The contamination assessment and remediation program shall be
9 responsible for the implementation of contamination assessment
10 and remediation programs at closed landfill and disposal sites.

11 (b) The landfill closure program shall be responsible for the closing
12 of open but filled sanitary landfills.

13 (c) The solid waste management facility mitigation programs shall
14 be responsible for benefiting property affected by the solid
15 waste management facilities by mitigating the effects of such
16 facilities. The mitigation programs shall be divided into two
17 categories as follows: the Class I Solid Waste Management
18 Facility Mitigation Program (applicable to Class I solid waste
19 management facilities owned by the City); and the Non-Class I
20 Solid Waste Management Facility Mitigation Program (applicable
21 to permitted non-Class I solid waste management facilities).

22 ~~(i)~~The Council hereby finds that proximity to a solid waste
23 management facility is an important factor in determining
24 justifiable usage of mitigation funds, thus it is the intent
25 and desire of the Council that the following allocation
26 formula be utilized ~~on an annual basis~~ as a guideline for
27 utilization and distribution of the mitigation funds
28 available for expenditure during any fiscal year, with all
29 distance measurements to be made from the center of the
30 solid waste management facility:

31 (i) For the Class I Solid Waste Management Facility Mitigation

1 Program, mitigation funds shall be used within a fifteen
2 (15) mile radius of the solid waste management facility.
3 Such distance requirements shall not apply to the funds
4 allocated to Teye' Brown Regional Park pursuant to Section
5 380.405(b) (1).

6 (ii) For Non-Class I Solid Waste Management Facility Mitigation
7 Program, mitigation funds shall be used within a seven (7)
8 mile radius of the solid waste management facility. ~~Forty~~
9 ~~percent within a four-mile radius of the solid waste~~
10 ~~management facility; an additional 30 percent within a five-~~
11 ~~mile radius of the solid waste management facility; and an~~
12 ~~additional 30 percent within a seven-mile radius of the~~
13 ~~solid waste management facility. Such distance requirements~~
14 ~~shall not apply to the funds allocated to Teye' Brown~~
15 ~~Regional Park pursuant to Section 380.405(b) (1).~~

16 (iii) The Council further finds that Non-Class I Solid Waste
17 Management Facility mitigation funds should be used only to
18 enhance real property owned by the City of Jacksonville or
19 to purchase additional real property for the City of
20 Jacksonville.

21 **Section 2. Effective Date.** This ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24
25 Form Approved:

26
27 /s/ Margaret M. Sidman

28 Office of General Counsel

29 Legislation Prepared By: Paige H. Johnston

30 GC-#1404907-v1-2020-624_NCSPHS_Sub.docx