



ORDINANCE NO. 3042-16

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
GRANTING A RESIDENTIAL, COMMERCIAL AND  
CONSTRUCTION SOLID WASTE COLLECTION FRANCHISE  
TO WASTE PRO OF FLORIDA, INC.; PROVIDING TERMS,  
CONDITIONS AND OTHER PROVISIONS; PROVIDING AN  
EFFECTIVE DATE**

**WHEREAS**, the City of Winter Park, Florida (the "City") has previously granted a franchise for the collection of solid waste materials from residential and commercial establishments within the city, the term of which franchise expires October 30, 2016; and

**WHEREAS**, the City, pursuant to the authority granted by Article VIII, Section 2, Florida Constitution (1968, as amended), Section 166.021, Florida Statutes, Section 180.14, Florida Statutes, and Chapter 403, Part IV, Florida Statutes, may grant to private companies or corporations the privilege or franchise for the collection and disposal of solid waste, other waste, and recyclable material for such term of years and upon such conditions and limitations as may be deemed expedient and for the best interest of the City; and

**WHEREAS**, Section 2.11 (b) (4) of the Charter of the City authorizes the granting, renewing or extending of a franchise; and

**WHEREAS**, the City has requested proposals for solid waste and recyclables collection within the city,

**WHEREAS**, after due and proper review, evaluation, and consideration of the proposals submitted, the city finds that it is expedient and in the best interest of the City to award a franchise to Waste Pro of Florida, Inc. a Florida corporation ("Franchisee"), for the collection and delivery for disposal of solid waste, yard waste, bulk waste, recyclables, and construction and demolition debris (collectively "Waste") from residents, businesses, and other entities within the municipal boundaries of the City.

NOW, THEREFORE, be it enacted by the people of the City of Winter Park as follows:

**SOLID WASTE COLLECTION FRANCHISE**

**Section 1. Grant of franchise.**

That there is hereby granted to the Franchisee, certain exclusive and certain non-exclusive rights, privileges and franchise to collect and deliver for disposal, Waste from residential, commercial and other establishments within the City, all as provided in the attached Franchise Agreement.

Section 2. Exclusive right.

So long as Franchisee shall perform the services set forth herein and in the attached Franchise Agreement, no other private refuse collector shall be permitted by the City to provide residential and commercial solid waste collection services within the City, except as provided in the attached Franchise Agreement or upon the prior written consent of the Franchisee.

Section 3. Contract.

The franchise shall be carried out in accordance with the Franchise Agreement attached to this Ordinance which Franchise Agreement is incorporated herein as part of this Ordinance, provided however the Franchise Agreement shall not be codified.

Section 4. Illegal provisions.

If any provision of the franchise shall be declared illegal, void, or unenforceable by a court of competent jurisdiction, the other provisions shall not be affected but shall remain in full force and effect.


Section 5. Conflict.

In the event of any conflict between this Ordinance and any other ordinances or portions of other ordinances, this Ordinance controls.

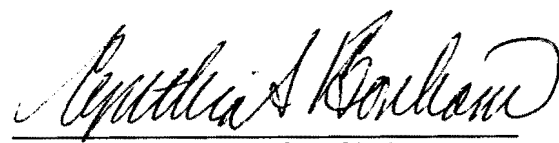
Section 6. Effective date.

This Ordinance shall take effect on October 31, 2016. The franchise herein created shall become effective as to the Franchisee named herein on the date when the Franchisee accepts the same in writing, which date shall not be more than thirty (30) days after the date of final passage and adoption.

Adopted at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 27th day of June, 2016.

  
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Steve Leary, Mayor

ATTEST:

  
\_\_\_\_\_  
Cynthia S. Bonham, City Clerk