

ORDINANCE NO. 1566

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, RELATING TO NON-EXCLUSIVE COMMERCIAL SOLID WASTE COLLECTORS; AMENDING CHAPTER 38, ARTICLE IV, SECTIONS 38-97 AND 38-98 OF THE *CODE OF ORDINANCES OF THE CITY OF OVIEDO*; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Oviedo, Florida is responsible for the collection and disposal of all garbage within the City; and

WHEREAS, the City may grant authorization to private waste collectors to collect, convey and dispose of solid waste from designated areas and premises within the City; and

WHEREAS, such grant for “commercial” hauling is a nonexclusive right afforded to qualified private waste collectors to compete with one another in contracting with designated premises and areas within the City; and

WHEREAS, all private waste collectors desiring to provide commercial solid waste collection shall, prior to contracting with any person within the City, enter into a Non-Exclusive Franchise Agreement for the collection of commercial solid waste; and

WHEREAS, currently, such agreement is accomplished by enactment of an Ordinance by the City Council and renewed annually by Resolution; and

WHEREAS, to streamline the process and reduce costs associated with legal advertisements, the City Council deems it appropriate that the approval process be accomplished by adoption of a resolution of City Council with the terms and conditions specifically set forth in an agreement rather than by Ordinance; and

WHEREAS, compensation currently paid to the City by non-exclusive commercial solid waste collectors for the privilege of collecting solid waste from commercial establishments within the City is currently set by resolution; and

WHEREAS, the City Council deems it appropriate to include the compensation paid by non-exclusive commercial solid waste collectors in the City’s Fee Schedule which is adopted annually by City Council, rather than by separate resolution; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of Oviedo as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 162, *Florida Statutes*; Chapter 166, *Florida Statutes*; Chapter 403, *Florida Statutes*; the *City Charter of the City of Oviedo*; and other applicable controlling law.

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Oviedo, Florida as follows:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City Council of the City of Oviedo hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance.

SECTION 2. REVISIONS TO CHAPTER 38, ARTICLE IV, SECTION 38-97 AND SECTION 38-98 OF THE *CODE OF ORDINANCES OF THE CITY OF OVIEDO*. Section 38-97 and Section 38-98 of the *Code of Ordinances of the City of Oviedo* is amended to read as follows:

Section 38-97. Authorization by City required.

No private waste collector shall engage in collection of solid waste within the City until authorized to do so by the City pursuant to written agreement. Such agreement shall be approved by Resolution of the City Council.

Section 38-98. Compensation paid to city.

For the privilege of collecting solid waste from commercial establishments within the City, each private waste collector shall pay to the City ~~on a quarterly basis~~ a percentage of gross revenue of all customers being serviced within the City Limits by the private waste collector. This compensation shall be based not only on standard container customers, but also on any other type of container selected by the private waste collector to serve a particular customer's needs. The percentage of the gross revenue, shall be set forth in the City's Fee Schedule as determined by the City Council and shall not exceed 15 percent. The percentage shall be uniform as to each class of private waste collector. Any additional fees shall also be set forth in the City's Fee Schedule. The first monthly quarterly payment and the monthly quarterly payments thereafter shall be established in an agreement between the City and the private waste collector.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager is hereby authorized and directed to implement the provisions of this Ordinance by means of such administrative actions as may be deemed appropriate and necessary to include, but not be limited to, the adoption of administrative rules.

SECTION 4. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

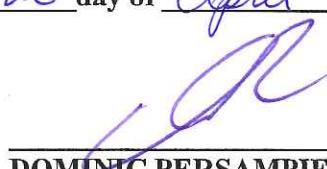
SECTION 6. CODIFICATION. The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Oviedo, Florida* and the sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 3, 4, 5, 6, and 7 shall not be codified.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment.

FIRST READING: April 1, 2013

SECOND READING: April 15, 2013

PASSED AND ADOPTED THIS 15th **day of** April **A.D., 2013.**


DOMINIC PERSAMPIERE
MAYOR of the City of Oviedo, Florida

ATTEST:


Barbara J. Barbour
City Clerk

