



**AGENDA  
REQUEST FORM**  
CITY OF CAPE  
CORAL

Item Number:	C.(5)
Meeting Date:	4/3/2024
Item Type:	ORDINANCES/RESOLUTIONS - Introductions

**TITLE:**

Ordinance 26-24 Set Public Hearing for April 17, 2024

**ORDINANCES AND RESOLUTIONS:**

**WHAT THE ORDINANCE ACCOMPLISHES:**

The ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 9, "Health and Sanitation," Article III, "Disposition of Garbage," Section 9-73, "Refuse service to be provided by City refuse franchise hauler," pertaining to the time to begin collection of refuse, and Chapter 12, "Offenses and Miscellaneous provisions," Article II, "Offenses creating nuisances," Section 12-22, "Noise Control," pertaining to the exemption for City approved refuse and recyclable waste collection. (Brought forward by City Management)

**REQUESTED ACTION:**

Introduction

**SUMMARY EXPLANATION AND BACKGROUND:**

**STRATEGIC PLAN ALIGNMENT:**

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

**RECOMMENDATIONS:**

Approve

**SOURCE OF ADDITIONAL INFORMATION:**

Terry Schweitzer, Solid Waste Manager, 1-239-573-3136

Damon Grant, Interim Public Works Director, 1-239-242-3681

**FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:**

1. Will this action result in a Budget Amendment? No

**PREPARED BY:**

Division- Department- Public

Works

ATTACHMENTS:

<b>Description</b>	<b>Type</b>
1. Ordinance 26-24	Ordinance

ORDINANCE 26 - 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 9, "HEALTH AND SANITATION," ARTICLE III, "DISPOSITION OF GARBAGE," SECTION 9-73, "REFUSE SERVICE TO BE PROVIDED BY CITY REFUSE FRANCHISE HAULER," PERTAINING TO THE TIME TO BEGIN COLLECTION OF REFUSE; AND CHAPTER 12, "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE II, "OFFENSES CREATING NUISANCES," SECTION 12-22, "NOISE CONTROL," PERTAINING TO THE EXEMPTION FOR CITY APPROVED REFUSE AND RECYCLABLE WASTE COLLECTION.; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Southwest Florida has been experiencing some of the highest temperatures ever recorded, and the heat index has been regularly reaching 100 degrees or higher during the summer months; and

WHEREAS, Waste Pro has requested that the City amend Cape Coral Code of Ordinances to modify Waste Pro's collection schedule and noise exemption during the summer months in order to protect its workers from heat exposure; and

WHEREAS, the Mayor and City Council hereby find that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral, Florida, Code of Ordinances, Chapter 9, Article III, Section 9-73, "Refuse service to be provided by city refuse franchise hauler," is hereby amended to read as follows:

**§ 9-73 - Refuse service to be provided by city refuse franchise hauler.**

...

- (d) The franchise hauler shall not allow single-family dwelling collection trucks to begin collection of refuse until on or after 6:00 a.m. Notwithstanding the foregoing, during the period from May 1<sup>st</sup> through September 30<sup>th</sup> of every year, the franchise hauler shall not allow single-family dwelling collection trucks to begin collection of refuse until on or after 5:00 a.m. Construction cleanup contractors shall not begin collection of construction refuse until on or after 7:00 a.m.

SECTION 2. The City of Cape Coral, Florida, Code of Ordinances, Chapter 12, Article II, Section 12-22, "Noise control," is hereby amended to read as follows:

**§ 12-22 - Noise control.**

...

- (g) *Exemptions.* The provisions of this section shall not apply to:

...

- (4) The During the period from October 1<sup>st</sup> through April 30<sup>th</sup> of every year, the operation of equipment or conduction of activities for city approved refuse and recyclable waste collection, between the hours of 6:00 a.m. to 8:00 p.m. During the period from May 1<sup>st</sup> through September 30<sup>th</sup> of every year, the operation of equipment or conduction of activities for city approved refuse and recyclable waste collection, between the hours of 5:00 a.m. to 8:00 p.m.

...

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
SHEPPARD \_\_\_\_\_  
HAYDEN \_\_\_\_\_

CARR \_\_\_\_\_  
WELSH \_\_\_\_\_  
LONG \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
  
\_\_\_\_\_  
Ord/RefuseCollTimes