

ORDINANCE NO. 00-12-15

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA; PROVIDING FOR PROPOSED AMENDMENT OF THE CITY CHARTER CONCERNING SOLID WASTE COLLECTION PLAN, BY REPEALING PARAGRAPH (D) OF SUBSECTION 6 "TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS AND SOLID WASTE COLLECTION PLAN" OF SECTION 9 "TRANSITION SCHEDULE" OF THE CITY CHARTER, BY REMOVING REQUIREMENT THAT CITY PROVIDE FOR THE DELIVERY OF SOLID WASTE COLLECTED WITHIN THE CITY TO A MONROE COUNTY SOLID WASTE TRANSFER STATION OR A MONROE COUNTY SOLID WASTE DISPOSAL FACILITY, AND PROVIDING FOR THE REPEAL OF LIMITATIONS AND RESTRICTIONS PROVIDED BY SAID PARAGRAPH (D); PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENT TO THE CITY CHARTER TO BE HELD IN CONJUNCTION WITH THE GENERAL CITY ELECTION ON TUESDAY, FEBRUARY 13, 2001; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 11(1) of the City Charter and Section 166.031, Florida Statutes, the City Council is authorized to provide by ordinance for the submission of proposed amendments to the City Charter to the electorate of the City for acceptance or rejection; and

WHEREAS, the City Council desires to submit to the electors of the City a proposed Charter amendment concerning delivery of solid waste collected within the City, as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the recitals made above are hereby confirmed and adopted.

Section 2. That pursuant to Section 11(1) of the City Charter, and Section 166.031, Florida Statutes, Section 9 "Transition Schedule" of the City Charter of the City of Marathon is hereby amended by repealing paragraph (d) of subsection (6) "Transitional Comprehensive Plan and Land Development Regulations and Solid Waste Collection Plan," which paragraph (d) presently reads as follows:

Section 9. Transition Schedule. --

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(6) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS AND SOLID WASTE COLLECTION PLAN. --

• • •

~~(d) In accordance with section 403.706(1), Florida Statutes, the Board of County Commissioners shall have the responsibility to transport municipal solid waste to a solid waste disposal facility of the county or operate a solid waste facility. The municipality must, through September 30, 2002, deliver the solid waste collected within the municipality to either a county solid waste transfer station or a county solid waste disposal facility, as determined by the board. For the remainder of the term of the county's solid waste haul out contract, the board and the municipality shall negotiate for the delivery of the solid waste collected within the municipality by interlocal agreement. The parties shall negotiate in good faith and with primary consideration given to the minimum waste generation guarantees set forth in the county's solid waste haul out contract. However, in no event may the board charge the municipality a tipping fee in excess of the tipping fee established annually and charged to other municipalities and persons delivering solid waste to the county transfer stations or county solid waste disposal facility.~~

¹ The proposed repeal of paragraph (d) of Section 9(6) of the existing City Charter is indicated by ~~strikethrough~~.

Section 3. Election Called. That a special election is hereby called, to be held in conjunction with the general City election, for Tuesday, the 13th day of February, 2001, to present to the electors of the City of Marathon, the ballot question provided in Section 4 of this Ordinance.

Section 4. Form of Ballot. That the form of ballot for the Charter amendment provided for in Section 2 of this Ordinance shall be substantially as follows:

"Charter Amendment Concerning Repeal of Solid Waste Collection Plan"

Section 9(6)(d) of the existing City Charter requires that the City deliver solid waste collected within the City to a Monroe County solid waste transfer station or solid waste disposal facility, and envisions the City and County negotiating an interlocal agreement for such purpose. The City Council desires to remove these requirements and has proposed that the Charter be amended to repeal that Charter provision.

Shall the above-described Charter amendment be adopted?

Yes. []

No. []

The Council may, by resolution, revise the form of the ballot, if necessary.

Section 5. Balloting. That balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. at the regular polling places for City elections. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City officials are authorized to obtain any necessary election administration services from the Monroe County Supervisor of Elections.

Section 6. Notice of Election. That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation

within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, January 7, 2001), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, January 21, 2001), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION"

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCE NO. _____, ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (THE "CITY") AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, FEBRUARY 13, 2001, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

"Charter Amendment Concerning Repeal of Solid Waste Collection Plan."

Section 9(6)(d) of the existing City Charter requires that the City deliver solid waste collected within the City to a Monroe County solid waste transfer station or solid waste disposal facility, and envisions the City and County negotiating an interlocal agreement for such purpose. The City Council desires to remove these requirements and has proposed that the Charter be amended to repeal that Charter provision.

Shall the above-described Charter amendment be adopted?

Yes. []

No. []

Polling place information and the full text of the proposed City Charter amendment is available at the City offices located at City of Marathon, 11090 Overseas Highway, Marathon, Florida 33050.

Section 7. Copies. That copies of this Ordinance proposing the Charter amendment are on file at the City offices located at City of Marathon, 11090 Overseas Highway, Marathon, Florida 33050, and are available for public inspection during regular business hours.

Section 8. Effectiveness. That this Charter amendment shall become effective if the majority of the qualified electors voting on the proposed Charter amendment vote for its adoption, and it shall be considered adopted and effective upon certification of the election results. Following adoption of the Charter amendment, the City Manager shall file it with the Florida Department of State.

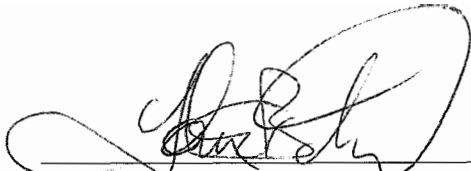
Section 9. Inclusion in the Charter. Subject to the requirements of Section 8 above, it is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Charter of the City of Marathon; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 10. Effective Date of Ordinance. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED and ADOPTED on first reading this 28th day of November, 2000.

PASSED and ADOPTED on second reading this 20th day of December, 2000.

Mayor Robert Miller _____
Vice Mayor John Bartus _____
Councilman Frank Greenman _____
Councilman Jon Johnson _____
Councilman Randy Mearns _____



JOHN BARTUS, VICE MAYOR

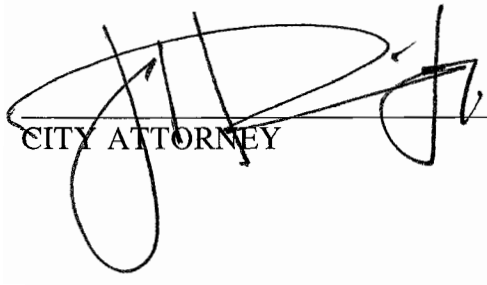


ATTEST:



CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY