

RESOLUTION 235 - 23

A RESOLUTION OF THE CITY OF CAPE CORAL, FLORIDA, AUTHORIZING THE TEMPORARY MODIFICATION OF WASTE PRO'S COLLECTION SCHEDULE AND NOISE EXEMPTION UNTIL OCTOBER 31, 2023, DUE TO EMERGENCY CIRCUMSTANCES AND PURSUANT TO SECTION 12-22(H), CAPE CORAL CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, solid waste collection is an essential public service; and

WHEREAS, Section 12-22(g)(4), Cape Coral Code of Ordinances ("Code") provides that sounds made by the operation of equipment or conduction of activities for City approved refuse and recyclable waste collection between the hours of 6:00 a.m. and 8:00 p.m. are exempt from City noise regulations; and

WHEREAS, Section 12-22(h) of the Code authorizes the City Council to temporarily suspend or modify noise regulations when it finds that emergency circumstances exist; and

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 temporarily modify Waste Pro's collection schedule and noise exemption in order to protect its workers from heat exposure; and

WHEREAS, due to emergency circumstances, the City Council desires to temporarily modify Waste Pro's collection schedule and noise exemption until October 31, 2023, pursuant to Section 12-22(h) of the Code and authorize Waste Pro to begin collecting refuse at 5:00 a.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council finds that solid waste collection is an essential public service.

Section 2. The City Council hereby approves the temporary modification of Waste Pro's collection schedule and noise exemption until October 31, 2023, pursuant to Section 12-22(h) of the Code, and authorizes Waste Pro to begin collecting refuse at 5:00 a.m. until such time.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

VOTE OF MAYOR AND COUNCILMEMBERS:

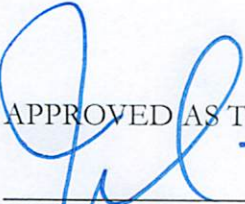
GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
SHEPPARD \_\_\_\_\_  
HAYDEN \_\_\_\_\_

CUMMINGS \_\_\_\_\_  
WELSH \_\_\_\_\_  
LONG \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOHN E. NACLERIO III  
ASSISTANT CITY ATTORNEY  
res/TempSuspNoise