

ORDINANCE NO. 2002-10

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES GRANTING AN EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO BFI WASTE SYSTEMS OF NORTH AMERICA, INC., TO PROVIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND RECYCLING SERVICES WITHIN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING FOR DEFINITIONS, TERMS, CONDITIONS AND STANDARDS FOR SAID FRANCHISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Southwest Ranches deems it to be in the best interests of the citizens and residents of the Town to insure uninterrupted, quality solid waste collection and disposal and recycling services; and

WHEREAS, the Town Administrator has been able to negotiate a franchise agreement with the existing franchise provider, BFI Waste Systems of North America, Inc., who was providing service to the area prior to the Town's incorporation; and

WHEREAS, the franchise agreement will provide a more cost effective means for providing solid waste services to the residents of the Town of Southwest Ranches than remaining in the County's unincorporated area program; and

WHEREAS, the franchise agreement will contain provisions for awarding commercial solid waste collection and disposal services to the franchisee while protecting existing hauling agreements during transition, when applicable; and

WHEREAS, the franchise agreement will lower costs to the residents and increase the level of solid waste collection and disposal services to the Town's residents;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and are hereby made a specific part of this Ordinance.

SECTION 2: APPROVAL OF FRANCHISE AGREEMENT. That the Franchise Agreement between the Town of Southwest Ranches and BFI Waste Systems of North America, Inc., attached hereto as Exhibit "A" and made a part hereof by this reference, is hereby approved and adopted.

SECTION 3: SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 4: CONFLICTS. All ordinances or part of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: EFFECTIVE DATE. That the Franchise Agreement become effective on October 1, 2002.

PASSED ON FIRST READING THIS 10th DAY OF July, 2002.

PASSED AND ADOPTED ON SECOND READING THIS 12th DAY OF SEPTEMBER, 2002.

Mecca Fink, Mayor

Attest:

Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney