

ORDINANCE NO. 2008 - 04

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ORDINANCE NO. 2007-10, BY INCREASING THE MAXIMUM SIZE LIMIT OF BULK TRASH PICKUP FROM SIX (6) CUBIC YARDS TO TWELVE (12) CUBIC YARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 2002, the Town entered into a Franchise Agreement with BFI Waste Systems of North America, Inc. for Solid Waste and Recycling Collection and Disposal Services ("Original Agreement"); and

WHEREAS, on October 22, 2003, in furtherance of Resolution No, 2003-071, the Original Agreement, and all terms contained therein, was assigned to Waste Management, Inc. of Florida ("Waste Management"); and

WHEREAS, to help control the disposal of the Town's waste, on September 6th, 2007, the Town adopted Ordinance No. 2007-10, which in part limited the size of bulk trash pick up to six (6) cubic yards; and

WHEREAS, after reanalyzing the six cubic yard size limitation, and after numerous discussions with Waste Management, Waste Management has agreed to increase bulk collection size from six (6) cubic yards to twelve (12) cubic yards without additional costs to the Town; and

WHEREAS, this Amendment seeks to incorporate the increased size of the bulk collection pickup into the Town's Code; and

WHEREAS, the Town Council believes that this modification is in the best interest of the health, safety, and welfare of its 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 correct and are hereby made a specific part of this Ordinance.

Section 2. The Town Council hereby amends Ordinance No. 2007-10, which amends Section 14-65 "Removal of garbage, construction debris, rubbish and refuse

require", of the Town's Code of Ordinances to provide Subsection (g) (11), which shall state as follows:

(g.) (11) The total amount of bulk trash items shall not exceed ~~six (6)~~twelve (12) cubic yards. In the event the total amount of bulk trash inadvertently exceeds the maximum threshold, and in the event the waste provider agrees to collect the bulk trash, the property owner shall be billed an amount equal to the waste provider's then prevailing rate for each cubic yard, or portion thereof, collected above the maximum threshold. All bills shall be sent via certified mail and payment shall be made within fifteen (15) days of mailing.

Section 3. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. Inclusion. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Code of Ordinances; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability. If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption.

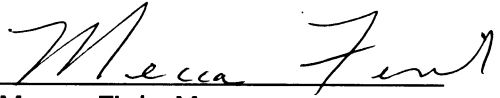
[SIGNATURES ON FOLLOWING PAGE]

PASSED ON FIRST READING this 7th day of February, 2008 on a motion made by Council Member Don Maines and seconded by Vice Mayor Jeff Nelson.

PASSED AND ADOPTED ON SECOND READING this 6th day of March, 2008, on a motion made by Vice Mayor Jeff Nelson and seconded by Council Member Don Maines.

Fink	<u>Y</u>
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Knight	<u>Y</u>
Maines	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Mecca Fink, Mayor

Attest:



Susan A. Owens, Town Clerk

Approved as to Form and Correctness:



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

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