

ORDINANCE NO. 2000-5

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA APPROVING THE TERMS AND CONDITIONS OF ORDINANCE NO. 87-3, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ON MARCH 10, 1987, AND THEREBY EVIDENCING THE ELECTION OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, TO BECOME A MEMBER OF THE BROWARD SOLID WASTE DISPOSAL DISTRICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, because of the contour, elevation, and high ground water level of Broward County, Florida (the "County"), disposal of solid waste through means other than landfills has been encouraged; and

WHEREAS, the Legislature of the State of Florida has discouraged the dumping or burying of solid waste matter and the use of sanitary landfills as the sole method of disposal of solid waste; and

WHEREAS, because of environmental concerns with utilizing landfills as the sole method of disposal of solid waste generated by the residents and visitors of the County, certain municipalities within the County and the County have sought a joint solution to such concerns; and

WHEREAS, in furtherance of addressing the problems created by the disposal of solid waste, certain municipalities within the County (the "Contract Communities") have entered into an Interlocal Agreement, dated August 24, 2000, (the "Interlocal Agreement"), with the County which provides for, among other things, the disposal of solid waste within the Contract Communities and the unincorporated areas of County; and

WHEREAS, Section 5.1 of the Interlocal Agreement provides that there shall be created a special district pursuant to Section 125.01(5), Florida Statutes, which special district will be created by ordinance of the Board of County Commissioners of Broward County, Florida (the "Board") and approved by ordinance of each Contract Community; and

WHEREAS, Section 125.01(5), Florida Statutes, further provides that within each special district there may be provided municipal services and facilities from funds derived from service charges, special assessments or taxes within the special district only.

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

Section 1. Findings. The findings set forth in the foregoing preamble to this Ordinance are hereby approved and confirmed.

Section 2. Definitions. For the purpose of this Ordinance, the definitions contained in the Interlocal Agreement shall apply unless otherwise specifically stated in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

(a) Contract Communities. The term "Contract Communities" shall refer to the municipal corporation or corporations existing under the laws of the State of Florida located within the County that from time to time enter into the Interlocal Agreement.

(b) County. The word "County" shall refer to Broward County, Florida, a political subdivision of the State of Florida.

(c) Interlocal Agreement. The term "Interlocal Agreement" shall refer to that certain Interlocal Agreement, dated August 24, 2000, by and among the County and the Contract Communities, as amended or supplemented from time to time pursuant to the provisions of the Interlocal Agreement.

(d) Resource Recovery Board. The term "Resource Recovery Board" shall refer to the governing board of the Special District.

(e) District. The word "District" shall refer to the Broward Solid Waste Disposal District created by the County pursuant to Ordinance No. 87-3.

Section 3. Approval of Creation of District.

(a) The creation of the District and the establishment of the Resource Recovery Board as the governing board of the District and the terms and conditions of Ordinance No. 87-3, approved by the Board of County Commissioners on March 10, 1987, are hereby approved, thereby evidencing the election of the Town of Southwest Ranches, Florida to become a member of the District.

(b) The Resource Recovery Board shall have such powers and rights as are granted to it pursuant to the Interlocal Agreement and Ordinance No. 87-3 adopted by the Board of County Commissioners on March 10, 1987.

Section 4. Effective Date. This Ordinance shall become effective immediately upon compliance with any statutory requirements relating to notice and publication hereof.

PASSED ON FIRST READING on August 8, 2000.

PASSED ON SECOND READING on August 24, 2000.

TOWN OF SOUTHWEST RANCHES,
BROWARD COUNTY, FLORIDA

Mecca Fink, Mayor

Attest:

Interim Town Clerk

Approved as to Form and Correctness:

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