

**ORDINANCE NO. 2007 - 10**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ORDINANCE NO. 2006-20, BY LIMITING THE SIZE OF BULK TRASH TO SIX (6) CUBIC YARDS AND ESTABLISHING A FEE IF THE TOWN'S WASTE PROVIDER AGREES TO COLLECT BULK TRASH, WHICH EXCEEDS THE TOWN'S MAXIMUM THRESHOLD; AMENDING ORDINANCE NO. 2006-20, BY LIMITING BULK TRASH COLLECTION TO TWO TIMES PER MONTH; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 10, 2003, the Town Council adopted Resolution No. 2003-071, which approved an assignment of the Collection and Disposal Waste Assessment Ordinance to Waste Management, Inc; and

**WHEREAS**, part of the Town's agreement with Waste Management, Inc. provides for bulk trash pickup; and

**WHEREAS**, on July 6<sup>th</sup>, 2006, the Town adopted Ordinance No. 2006-20 to assist Waste Management, Inc. in controlling the prolific placement of bulk trash items around the Town every day of the week; and

**WHEREAS**, on July 12<sup>th</sup>, 2007, the Town adopted Ordinance No. 2007-07, which enables the routine bulk trash pick up schedule to be set by Resolution; and

**WHEREAS**, as a result of an April 26, 2007 Town Council Workshop, the Town Council agreed to limit the amount of bulk trash to six (6) cubic yards per residential pick up and that bulk trash collection shall be limited to two times per month; and

**WHEREAS**, any bulk trash in its combined entirety which exceeds the Town's maximum threshold shall not be collected, shall be marked by the hauler, and the property owner shall be issued a Citation; and

**WHEREAS**, upon issuance of the Citation the property owner shall have forty-eight hours to remove the bulk trash or shall be subject to civil penalties; and

**WHEREAS**, the property owner may properly dispose of the bulk itself, or in the even it chooses to use an outside source, pursuant to the terms of the Town's Franchise Agreement, it shall utilize the Town's designated waste services provider; and

**WHEREAS**, in the event the property owner chooses to utilize the Town's waste services provider, the property owner shall be billed directly as a special pickup, at the waste provider's then prevailing rate; 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. 2006-20, 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 shall not exceed six (6) cubic yards per residential pick up. Any bulk trash in its combined entirety which exceeds this total amount shall not be collected, shall be marked by the hauler, and the property owner shall be issued a Citation. Upon issuance of the Citation the property owner shall have forty-eight hours to remove the bulk trash or shall be subject to civil penalties. The property owner may properly dispose of the bulk itself, or in the event it chooses to use an outside source, pursuant to the terms of the Town's Franchise Agreement, it shall utilize the Town's designated waste services provider. In the event the property owner chooses to utilize the Town's waste services provider, the property owner shall be billed directly as a special pickup, at the waste provider's then prevailing rate. All bills shall be sent via certified mail and payment shall be made within fifteen (15) business days of mailing. In the event the bulk trash is not removed by the property owner the Town may elect to remove the bulk trash and to assess the costs of the removal, along with any applicable administrative costs and fees, which may be placed as a lien upon the property.

**Section 3.** The Town Council hereby amends Ordinance No. 2006-20, 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.) (12), which shall state as follows:

(g.)(12) Bulk trash pick up shall be restricted to two times per month as delineated in the Town's Bulk Pick Up Schedule Resolution, as may be amended from time to time.

**Section 4. 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 5. 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 6. 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 7. Effective Date.** This Ordinance shall become effective on October 1, 2007.

**PASSED ON FIRST READING** this 19<sup>th</sup> day of July, 2007 on a motion made by Council Member Aster Knight and seconded by Vice Mayor Don Maines.

**PASSED AND ADOPTED ON SECOND READING** this 6<sup>th</sup> day of September, 2007, on a motion made by Council Member Steve Breitkreuz and seconded by Vice Mayor Don Maines.

Fink	<u>Y</u>	Ayes	<u>5</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

**[Signatures on Following Page]**

Mecca Fink  
Mecca Fink, Mayor

Attest:

Susan A. Owens  
Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

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

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