

**ORDINANCE NO. 2011 – 05**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ESTABLISHING SOLID WASTE FLOW CONTROL REPORTING REQUIREMENTS PURSUANT TO SECTION 403.713, FLORIDA STATUTES AND SECTION 4.3 OF THE INTERLOCAL AGREEMENT DATED DECEMBER 31, 2010 BY AND BETWEEN THE CONTRACT COMMUNITIES AND BROWARD COUNTY, FLORIDA, PROVIDING FOR THE BROWARD SOLID WASTE DISPOSAL DISTRICT; REQUIRING THE REPORTING OF ALL SOLID WASTE COLLECTED WITHIN THE BOUNDARIES OF THE TOWN OF SOUTHWEST RANCHES; PROVIDING FOR REMITTANCE; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, because of the 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 landfilling 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**, Section 403.713, Florida Statutes, provides that (a) "any local government that undertakes resource recovery from solid waste pursuant to general law or special act may control the collection and disposal of solid waste, as defined by general law or such special act, which is generated within the territorial boundaries of such local government and other local governments which enter into interlocal agreements for the disposal of solid waste with local government sponsoring the resource recovery" facilities (b) "any local government which undertakes resource recovery of solid waste pursuant to general law or special act may institute a flow control ordinance for the purpose of ensuring that the resource recovery facility receives an adequate quantity of solid waste from solid waste generated within its jurisdiction"; and (c) "such solid waste will not include recovered materials, whether separated at the point of generation or after collection, that are intended to be held for

purposes of recycling ..."; however, the handling of such materials shall be subject to applicable state and local public health and safety laws; and

**WHEREAS**, consistent with Chapter 403, Part IV, Florida Statutes and 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 (the "Interlocal Agreement") which provides for, among other things, the disposal of solid waste generated within the Contract Communities and the unincorporated area of the County; and

**WHEREAS**, Section 4.3(a) of the Interlocal Agreement provides that each Contract Community and the County shall enact waste flow control ordinances pursuant to Section 403.713 of the Florida Statutes, directing that solid waste generated within each Contract Community and the unincorporated area of the County be delivered to the designated Resource Recovery System facilities, except for solid waste which is to be transported outside the State of Florida; and

**WHEREAS**, each Contract Community and the County agreed in the Interlocal Agreement to enact an ordinance in furtherance of flow control, as authorized by F.S. 403.713, and agreed to require reporting by all haulers collecting solid waste generated within the boundaries of the communities.

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

**Section 1.** Findings. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the Town Council.

**Section 2.** Definitions. For the purpose of this Ordinance, the definitions contained in the Interlocal Agreement dated December 31, 2010 shall apply unless otherwise specifically stated. 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 term "County" shall mean, depending upon the context, either (a) the geographical area contained within unincorporated Broward County, Florida, a political subdivision of the State of Florida;

- or (b) the government of Broward County, acting through the County Commission or its designee.
- (c) District. The term "District" shall mean the Broward Solid Waste Disposal District formed pursuant to the Interlocal Agreement and state law. The geographic boundaries of the DISTRICT shall be coterminous with the geographic boundaries of the CONTRACT COMMUNITIES which have executed this agreement and unincorporated Broward County.
- (d) Haulers. The term "haulers" shall mean those persons, firms or corporations or governmental agencies which collect solid waste (either under oral or written contract, license, permit or otherwise) within the geographic boundaries of the CONTRACT COMMUNITY(IES) or the unincorporated County, or provide for the transportation or delivery of such solid waste to facilities inside or outside the District.
- (e) Interlocal Agreement. The term "Interlocal Agreement" shall refer to that certain Interlocal Agreement, dated December 31, 2010, by and among the County and the Contract Communities, providing for the Broward Solid Waste Disposal District, as amended or supplemented from time to time pursuant to the provisions of the Interlocal Agreement.
- (f) Resource Recovery System. The term "resource recovery system" shall refer to the resource recovery facilities which are constructed, operated and maintained pursuant to the Interlocal Agreement.
- (g) Solid Waste. The term "solid waste" shall have the meaning set forth in Chapter 403, Part IV, Florida Statutes.
- (h) Processable Waste. The term "processable waste" shall mean that portion of the solid waste stream which is capable of being processed in the mass burn resource recovery facilities used by the District, including, but not limited to, all forms of household and other garbage, trash, rubbish, refuse, combustible agricultural, commercial and light industrial waste, commercial waste, leaves and brush, paper and cardboard, plastics, wood and lumber, rags, carpeting, occasional tires, wood furniture, mattresses, stumps, wood pallets, timber, tree limbs, ties, and logs, not separated and recycled at the source of generation. Processable waste does not include unacceptable waste and unprocessable waste, except, to the extent consistent with the regulatory and permit requirements applicable to the processing of waste by the District's mass burn resource recovery facilities and to the extent that minor amounts of unacceptable waste may be contained lawfully in the processable waste.

- (i) Unacceptable Waste. The term "unacceptable waste" shall mean motor vehicles, trailers, comparable bulky items of machinery or equipment, highly flammable substances, hazardous waste, sludges, pathological and untreated biological wastes, liquid wastes, sewage, manure, explosives and ordinance materials, and radioactive materials. Unacceptable waste shall also include any other material not permitted by law or regulation to be disposed of at a Class 1 landfill. None of such material shall constitute either processable waste or unprocessable waste. Haulers shall not knowingly deliver such unacceptable waste to and the DISTRICT and full service contractors shall have the right to exclude such unacceptable waste from the Resource Recovery System.
  
- (j) Unprocessable Waste. The term "unprocessable waste" shall mean that portion of the solid waste stream that is predominately noncombustible and therefore, should not be processed in the mass burn facilities used by the Resource Recovery System. Unprocessable waste shall include, but not be limited to, metal furniture and appliances, concrete rubble, mixed roofing materials, noncombustible building debris, rock, gravel and other earthen materials, equipment, wire and cable, and any item of solid waste exceeding six feet in any one of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion, and processable waste (to the extent that it is contained in the normal unprocessable waste stream). Unprocessable waste includes construction and demolition debris as defined in F.S. 403.703(6).

**Section 3. Reports.** Each hauler that collects processable solid waste generated within the boundaries of the Town of Southwest Ranches shall file monthly reports on forms approved by the Broward Resource Recovery Board. Said reports shall provide the following information about the hauler's activities during the prior month:

- (1) The amount/quantity (in tons or cubic yards) of processable solid waste collected by the hauler that has been generated within the Town of Southwest Ranches with regard to each facility identified in (2).
  
- (2) The name, address and contact person of each facility where the processable solid waste has been transported/delivered by the hauler.
  
- (3) A summary table of delivery tickets information from each facility must be attached to the monthly report.

The above described reports shall be remitted to the Executive Director of the Broward Resource Recovery Board no later than the fifteenth (15<sup>th</sup>) day of each succeeding month.

**Section 4. Reports.** Each hauler that collects unprocessable solid waste generated within the boundaries of the Town of Southwest Ranches where said solid waste is to be transported outside the State of Florida, shall file monthly reports on forms approved by the Broward Resource Recovery Board. Said reports shall require the following information:

(1) The quantity (either by volume, weight, or number and size of all trucks or containers) of unprocessable solid waste which has been collected by the hauler within the Contract Communities and unincorporated County which is to be transported outside the State of Florida.

(2) The name, address and contact person of each facility where the unprocessable waste has been transported/delivered.

(3) A summary table of delivery tickets information from each facility must be attached to the monthly report.

The above described reports shall be remitted to the Executive Director of the Broward Resource Recovery Board no later than the fifteenth (15<sup>th</sup>) day of each succeeding month.

**Section 5. Inclusion in the Code.** This Ordinance shall be codified and included as part of the Town's Code of Ordinances. 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 Ranches Code; 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. 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 7. Severability.** If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

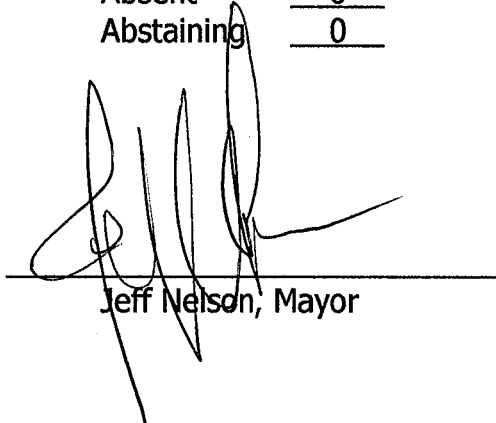
**Section 8. Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 16<sup>th</sup> day of November, 2010 on a motion made by Vice Mayor Fisikelli and seconded by Council Member Jablonski.

**PASSED AND ADOPTED ON SECOND READING** this 8<sup>th</sup> day of December, 2010, on a motion made by Council Member Jablonski and seconded by Council Member McKay.

Nelson	<u>AYE</u>
Fisikelli	<u>NO</u>
Breitkreuz	<u>AYE</u>
Jablonski	<u>AYE</u>
McKay	<u>AYE</u>

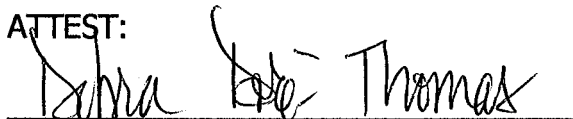
Ayes	<u>4</u>
Nays	<u>1</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



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Jeff Nelson, Mayor

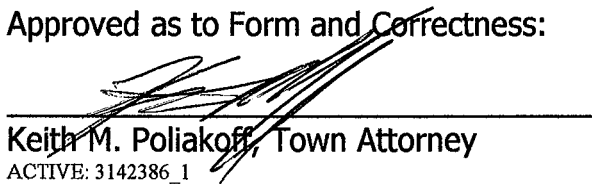
ATTEST:



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Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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Keith M. Poliakoff, Town Attorney

ACTIVE: 3142386\_1