

## ORDINANCE NO. 2003-03

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA DIRECTING THE DELIVERY OF ALL SOLID WASTE GENERATED WITHIN THE TOWN OF SOUTHWEST RANCHES, FLORIDA, TO THE RESOURCE RECOVERY SYSTEM DESCRIBED HEREIN; RELINQUISHING TITLE TO SOLID WASTE COLLECTED OR GENERATED WITHIN THE TOWN OF SOUTHWEST RANCHES, FLORIDA, UPON DELIVERY OF SUCH SOLID WASTE TO SAID RESOURCE RECOVERY SYSTEM; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

**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 of land fills 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 (1) "any local government that undertakes resource recovery of 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 the local government sponsoring the resource recovery facility;" (2) "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, (3) "such solid waste shall not include recovered material, whether separated at the point of generation or after collection, that are intended to be held for purposes of recycling pursuant to requirements of this part; however, the handling of such materials shall be subject to state and local public health and safety law;" 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, dated November 25, 1986, (the "Interlocal Agreement"), with the County 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 3.3 of the Interlocal Agreement provides that each Contract Community and the County agree to enact a waste flow control ordinance as set forth in Section 403.713, Florida Statutes, directing that solid waste generated within each such Contract Community and the unincorporated area of the County be delivered to the designated resource recovery system transfer or disposal facility or facilities as provided in the Interlocal Agreement; and

**WHEREAS**, each Contract Community and the County further agree to include in any contract with haulers a provision that all municipal solid waste shall be delivered to the resource recovery system transfer or disposal facility or facilities designated in the Plan of Operations developed pursuant to the Interlocal Agreement.

**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 term "**County**" shall refer to Broward County, Florida, a political subdivision of the State of Florida.

- (c) **Hauler**. The term "**Hauler**" shall refer to those persons, firms or corporations or governmental agencies responsible (under either oral or written contract, or otherwise) for the collection of solid waste within the geographic boundaries of the Contract Communities and transportation to the resource recovery system.
- (d) **Interlocal Agreement**. The term "**Interlocal Agreement**" shall refer to that certain Interlocal Agreement dated November 25, 1986, 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.
- (e) **Resource Recovery System**. The term "**resource recovery system**" shall refer to the resource recovery facilities, which are constructed, operated, and maintained, or caused to be constructed, operated and maintained pursuant to the Interlocal Agreement.
- (f) **Solid Waste**. The term "**solid waste**" shall have the meaning set forth in Chapter 403, Part IV, Florida Statutes, as amended from time to time, as limited or expanded by the terms "processable waste, unprocessable waste and unacceptable waste" set forth in the Interlocal Agreement.
- (g) **District**. The term "**District**" shall refer to the Broward Solid Waste Disposal District created by the County and approved by the governing bodies of the Contract Communities pursuant to the Interlocal Agreement.

### **Section 3. Waste Flow Control**

- (a) It is the purpose of this Ordinance to require all inhabitants and persons within the Town of Southwest Ranches, Florida to use exclusively the resource recovery system identified in the Interlocal Agreement for the disposal of all solid waste generated within the Town of Southwest Ranches, Florida for the purpose of ensuring that the resource recovery system receives an adequate quantity of solid waste from solid waste generated within its boundaries.
- (b) The Town of Southwest Ranches, Florida hereby directs that all solid waste generated within its geographic boundaries be delivered to the resource recovery system transfer or disposal facility or facilities designated in the Plan of Operations under the Interlocal

Agreement and further hereby relinquishes any and all title and interest in solid waste collected or generated within its geographical boundaries upon delivery of such solid waste to the resource recovery system transfer or disposal facility or facilities designated in said Plan of Operations.

- (c) The Town of Southwest Ranches, Florida, will conform the terms and conditions of any agreement that it may have with a hauler of solid waste to the terms and conditions of the Interlocal Agreement.
- (d) Nothing herein is intended to either discourage or prohibit either voluntary or locally ordained solid waste segregation programs segregating scrap or new or used materials at the point of generation and held for purposes of recycling.

**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** by the Town Council of the Town of Southwest ranches, Florida, this 18<sup>th</sup> day of September, 2002.

**PASSED ON SECOND READING** by the Town Council of the Town of Southwest Ranches, Florida, this 10<sup>th</sup> day of October, 2002.

By: \_\_\_\_\_  
Mecca Fink, Mayor

ATTEST:

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Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

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