

## ORDINANCE NO. 2006 - 13

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING SECTION 14-106 OF THE TOWN'S CODE OF ORDINANCES TO PROVIDE A SECTION RELATING TO REMOVAL OF NON-RESIDENTIAL SOLID WASTE; AMENDING SECTION 14-65 OF THE TOWN'S CODE OF ORDINANCES TO REQUIRE PROPERTY OWNERS TO UTILIZE THE TOWN'S FRANCHISE SERVICE PROVIDER FOR THE REMOVAL OF ALL SOLID WASTE; AMENDING SECTION 045-30, GENERAL PROVISIONS, OF THE UNIFIED LAND DEVELOPMENT CODE TO REQUIRE THE USE OF APPROPRIATE SOLID WASTE RECEPTACLES AND MEANS OF COLLECTION FOR ALL NON-RESIDENTIAL USES LOCATED WITHIN THE AGRICULTURAL AND RURAL ZONING DISTRICTS; PROVIDING A PERIOD FOR ALL NON-RESIDENTIAL USES LOCATED WITHIN THE AGRICULTURAL AND RURAL ZONING DISTRICT TO COME INTO COMPLIANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, for the first year of the Town's incorporation, Broward County provided an assessment and solid waste collection and disposal services for the Town; and

**WHEREAS**, on June 24, 2002, the Town Council adopted Ordinance 2002-8 for the establishment of a Solid Waste Assessment Ordinance; and

**WHEREAS**, on July 10, 2002, the Town Council adopted Resolution 2002-59 approving a franchise agreement for the Collection and Disposal of Solid Waste Agreement with BFI; and

**WHEREAS**, on September 10, 2003, the Town Council adopted Resolution 2003-71, 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 solid waste removal including bulk trash pickup; and

**WHEREAS**, contract service providers have taken advantage of the Town's Agreement with Waste Management, Inc. and have been found to routinely dump solid waste on the Town's swales; and

**WHEREAS**, landscape service providers have also been found to dump solid waste on Town's swales rather than hauling the solid waste off to an appropriate

facility; and

**WHEREAS**, non-residential establishments within the Town have also attempted to masquerade their solid waste including bulk trash as residential solid waste to be hauled off by Waste Management, Inc.; and

**WHEARAS**, Waste Management, Inc. speculates that some waste within the Town has been removed by alternate service providers in violation of the Town's franchise agreement; and

**WHEREAS**, the Town Council believes, that it is in the best interest of the health, safety, and welfare of its residents to prohibit the improper use of the Town's services, to require property owners to utilize the Town's franchise service provider for the removal of all solid waste, and to require non-residential establishments located within the agricultural and rural zoning districts to contain and to dispose of its own solid waste.

**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 Section 14-106 of the Town's Code of Ordinances to provide Subsection (4), which shall state as follows:

**Sec. 14-106. Prohibited abandonment of appliances, vehicles, boats, etc.**

It is prohibited within the Town of Southwest Ranches for any person or persons to place, sweep, scatter, throw or dump or cause to be placed, swept, scattered, thrown or dumped, for any purpose whatsoever, any abandoned appliance of any kind, whether domestic, commercial or agricultural; any abandoned vehicle or boat; construction debris; refuse or rubbish of any kind; any garbage or household trash; commercial trash or industrial waste; yard trash or tree trimmings; or similar material upon:

...

(4) Any swale, when such solid waste is:

a. Of a non-residential nature;

b. Associated with a non-residential use or purpose;

c. Compiled by an independent contractor; or

d. Of a residential nature but does not come from, and was not generated by the property abutting the swale where placed.

**Section 3.** The Town Council hereby amends Section 14-65, Removal of garbage, construction debris, rubbish and refuse required, of the Town's Code of Ordinances to provide Subsection (f), which shall state as follows:

f. All property owners shall utilize the Town's franchise service provider for the removal of all solid waste.

**Section 4.** The Town Council hereby amends Section 045-030, General Provisions, of the Town's Code Unified Land Development Code to state as follows:

...

~~(R) The provisions of Article 15, "General Provisions," shall apply.~~

(R) All non-residential uses shall provide dumpsters and dumpster enclosures in accordance with Section 015-070, "Dumpster Enclosures, unless an alternate solid waste receptacle and removal system is determined to be acceptable by the Town Administrator, in its sole discretion. If the Town Administrator, in its sole discretion, determines that an alternate solid waste receptacle and removal system is no longer acceptable, a dumpster and dumpster enclosure, in accordance with Section 015-070, shall be installed within ninety (90) days of receipt of written notice by the Town Administrator.

(S) Rural and Agricultural districts are subject to the applicable provisions of Article 15 "General Provisions".

**Section 5. Compliance.** All non-residential uses in the Agricultural and Rural Zoning Districts shall provide dumpsters and dumpster enclosures in accordance with Section 015-070, "Dumpster Enclosures, unless an alternate solid waste receptacle and removal system is determined to be acceptable by the Town Administrator, within one hundred and twenty (120) days from the effective date of this Ordinance.

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

**PASSED ON FIRST READING** this 11<sup>th</sup> day of May, 2006 on a motion made by Council Member Aster Knight and seconded by Vice Mayor Don Maines.

**PASSED AND ADOPTED ON SECOND READING** this 1<sup>st</sup> day of June, 2006, on a motion made by Council Member Aster Knight and seconded by Council Member Forest Blanton.

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

Attest:

\_\_\_\_\_  
Mecca Fink, Mayor

\_\_\_\_\_  
Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

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

FTL\_DB: 939344\_1