

ORDINANCE NO. 2006 - 20

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING SECTION 14-65 OF THE TOWN'S CODE OF ORDINANCES TO PROVIDE A SECTION RELATING TO BULK TRASH REMOVAL; ESTABLISHING A BULK TRASH PICK UP SCHEDULE; ESTABLISHING A TIME PERIOD FOR WHEN BULK TRASH SHALL BE PLACED ONTO THE SWALE; ESTABLISHING HOW BULK TRASH PICK UP ITEMS SHALL BE PLACED ONTO THE SWALE; ESTABLISHING WHAT ITEMS MAY NOT BE INCLUDED IN BULK TRASH PICK UP; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 bulk trash pickup; and

WHEREAS, although weekly bulk trash pick up has been included in the Agreement, residents have been abusing this service and have been utilizing bulk trash pick up as the principle means for removing solid waste from their properties, and businesses, including bringing in bulk trash items from areas other than the Town; and

WHEREAS, property owners routinely pile bulk trash items onto the swales and sometimes even onto adjacent roadways every day of the week; and

WHEREAS, the prolific placement of bulk trash items around the Town has spawned numerous incidents of dumping; and

WHEREAS, due to the tremendous and unprecedented use of bulk trash pick up, Waste Management, Inc. is having difficulty maintaining the appearance of the municipality; and

WHEREAS, the Town Council believes that it is in the best interest of the health, safety, and welfare of its residents to establish guidelines relating to bulk trash pick up.

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 14-65, "Removal of garbage, construction debris, rubbish and refuse require", of the Town's Code of Ordinances to provide Subsection (g), which shall state as follows:

(g.) Bulk Trash Pick Up. To help ensure the routine pick up of bulk trash items, the Town shall be divided into bulk trash pick up zones. These zones and the days bulk trash shall be picked up within these zones shall be as follows:

<u>Zone</u>	<u>Pick Up Day</u>
<u>Zone 1: East of I-75 and North of Stirling Road</u>	<u>Monday</u>
<u>Zone 2: West of I-75 and East of 172nd Avenue</u>	<u>Tuesday</u>
<u>Zone 3: West of I-75 and East of 193rd Lane and West of 185th Way and 186th Avenue</u>	<u>Wednesday</u>
<u>Zone 4: East of I-75 and South of Stirling Road</u>	<u>Thursday</u>
<u>Zone 5: West of I-75 and East of 185th Way and 186th Avenue and West of 172nd Avenue</u>	<u>Friday</u>
<u>Zone 6: West of I-75 and West of 193rd Lane</u>	<u>Saturday</u>

(1) Bulk trash shall be picked up as set forth above except in the event that trash pick up is temporarily suspended.

(2) Bulk trash pick up is only for residential properties and the bulk trash must be generated by the residential property abutting the swale where the bulk trash is placed.

(3) Bulk trash items shall not be placed into the swale earlier than forty-eight (48) hours prior to the scheduled collection day.

(4) Bulk trash must be placed in the swale in a neat and orderly manner that facilitates safe collection, and shall be at least three feet from any right-of-way or vehicular easement.

(5) All tree trimmings must be cut so that it does not exceed four feet in length or fifty pounds in weight.

(6) All loose items that cannot be picked up by a claw truck shall be placed in a disposable bag, box, carton, or crate of sufficient strength that can be safely lifted without breaking, which does not exceed four feet in length or fifty pounds in weight.

(7) Glass items must be placed in a rigid container for sufficient strength that it may be lifted while containing its contents without breaking.

(8) Larger items such as tabletops, shower doors, or other heavier "White Goods" such as refrigerators, ranges, water heaters, freezers, and other similar domestic appliance must be placed separate from the bulk trash being collected.

(9) The doors or openings of all bulk trash items, such as refrigerators and freezers, shall be removed or sealed to prevent them from being opened prior to placement onto the swale.

(10) Bulk trash collection is only for residential use and shall exclude the following:

(a) Contractor generated material or any construction debris or material;

(b) Waste that is of a non-residential nature;

(c) Waste that is associated with a non-residential use or purpose;

(d) Waste that is compiled by an independent contractor

(e) Waste from commercial business, including nurseries and Landscapers;

(f) Hazardous waste, such as motor oil, paint, batteries, and pesticides;

(g) Exempt waste, such as auto or boat parts, machine parts, or biological sludge;

(h) Excessive matter or debris resulting from land clearing and land development; and

(i) Automotive bodies, engines, transmissions, batteries, tires, and other motorized vehicle and marine parts.

Section 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 1st day of June, 2006 on a motion made by Council Member Forest Blanton and seconded by Council Member Aster Knight.

PASSED AND ADOPTED ON SECOND READING this 6th day of July, 2006, on a motion made by Vice Mayor Don Maines and seconded by Council Member Aster Knight.

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>		

[Signatures on Following Page]

Mecca Fink, Mayor

Attest:

Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

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