ORDINANCE NO. 441.98

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; AMENDING SECTION 26-35 OF THE TOWN CODE REGARDING ILLEGAL DISPOSAL OF GARBAGE; REQUIRING CONSTRUCTION DEBRIS CONTAINERS AND DUMPSTERS TO BE COVERED TO PREVENT THE DISBURSEMENT OF DEBRIS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Code requires a dumpster or trash container be placed at all construction sites; and

WHEREAS, the Town Council desires to also require that the dumpster or container be covered when not in use, to prevent the contents from blowing or being scattered on or off the property causing a litter problem in the town, or a safety hazard during violent weather;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Section 26-35 of the Town Code is hereby amended to provide as follows:

"Sec. 26-35. Illegal disposal of Garbage.

1. Construction Debris.

(a) (b) It shall be unlawful for any Persons having in his their charge the construction, or repair, of any residence or any other activity generating Commercial Rubbish and Trash to permit or allow the deposit or accumulation on the premises on which such residence shall be constructed or repaired, any Rubbish waste material, refuse or other substance that will cause a nuisance, or be injurious to the health, comfort, or safety of any person, or of the Town.

(b) (c) It shall be unlawful for any Persons having in his their charge the construction repair, of any building to promptly remove, or cause to be removed, from the premises upon which the same shall be erected all refuse, Rubbish and waste material accumulated during the process of the construction, or repair of such building. It shall also be the duty of Persons having buildings under construction or repair to provide a suitable commercial container (dumpster) of sufficient size to properly contain such material in between times of removal. It shall be the responsibility of the owner, contractor on the site and the workers on the site to cover the dumpster or roll off container by closing the lid or covering it with a tarp or other suitable manner to prevent the contents

from blowing out or otherwise dispersing on or off the property when work is not being done on site. When a dumpster or container is full, it shall be emptied or removed within 48 hours. The Town may call for a trash pick up from the owner of the container and charge the hauling and disposal fee to the clean up bond, if any.

(c) Owners of trash dumpsters or trash roll off containers placed in the Town shall indicate the company name and telephone number in legible letters at least two inches in height clearly visible on the container.

(e) (d) Violators of this subsection shall receive one warning per site, then violations shall be punishable by a civil penalty of $150.00 for the first violation, and $250 for each subsequent violation by the same individual in any five year period, except failure to cover a dumpster (subsection (b) above) which shall be punishable by a civil penalty of $25.00 for each offense. If the Town has a Hurricane Warning then the penalties shall double. Civil penalties shall be paid at Town Hall within 10 days of the citation, after which failure to pay shall be a violation of the Town Code."

2. Other Debris.

(a) It shall be unlawful to deposit Garbage, Horticulture Trash, Rubbish or Special Material upon any vacant, occupied or unoccupied premises or empty lots or Town property within the Town upon any Street, storm drain, parkway or park, or in any canal, waterway, beach, ocean or pool within the Town.

(b) It shall be unlawful to deposit, sweep, or blow grass, trash or tree cuttings or debris into the Town Streets or rights-of-way or pile trash on storm drains.

Section 2. **Conflict.** That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Ordinance but they shall remain in effect, notwithstanding the invalidity of any part.

Section 4. **Inclusion In The Code.** That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and be made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

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Section 5. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading.

The Motion to adopt the foregoing Ordinance on first reading was offered by Vice Mayor Chikovsky, seconded by Councilmember Lidsky and on roll call the following vote ensued:
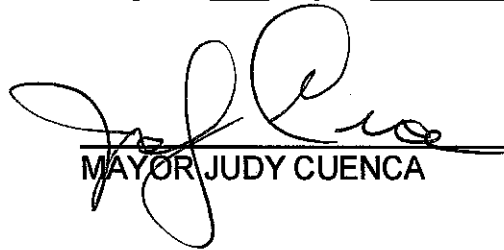
Mayor Cuenca	AYE
Vice Mayor Chikovsky	AYE
Councilmember Fistel	ABSENT
Councilmember Lidsky	AYE
Councilmember Rodriguez	AYE

PASSED AND ADOPTED on first reading this 15th day of September, 1998.

The Motion to adopt the foregoing Ordinance on second reading was offered by Vice-Mayor Chikovsky, seconded by Councilmember Lidsky and on roll call the following vote ensued:
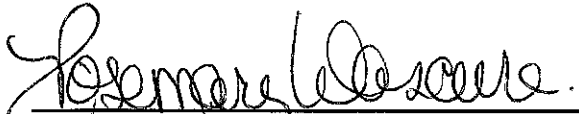
Mayor Cuenca	AYE
Vice Mayor Chikovsky	AYE
Councilmember Fistel	ABSENT
Councilmember Lidsky	AYE
Councilmember Rodriguez	AYE

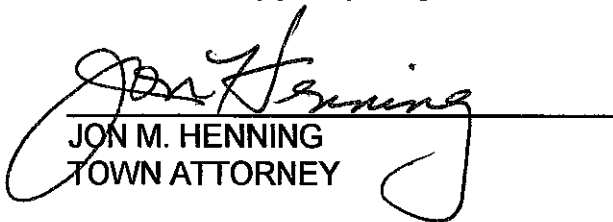**PASSED AND ADOPTED** on second reading this 15th day of December, 1998.

MAYOR JUDY CUENCA

ATTEST:

ROSEMARY J. WASCURA
DEPUTY TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

JON M. HENNING
TOWN ATTORNEY