

ORDINANCE NO. 366-88

ORDINANCE OF THE TOWN COUNCIL, TOWN OF GOLDEN BEACH, PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND WASTE AND IMPOSING CERTAIN CONDITIONS RELATING THERETO.

WHEREAS, the Town Council, Town of Golden Beach finds it in the public interest to ensure the high quality and cost effective refuse collections and disposal service is maintained, and

WHEREAS, the Town Council, Town of Golden Beach finds that the best means of assuring the above-described interest is to set standards for collection and disposal, and

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

Section 1. Definitions

A. "Garbage" shall mean materials resulting from preparation, cooking and serving food, market wastes, trimmings and other discarded matter from meat or produce, including packaging materials and containers and other refuse.

B. "Horticultural Trash" shall mean garden trash such as shrubbery cuttings or clippings, palm fronds, small tree branches (not to exceed three (3) feet in length and three (3) inches in diameter), bushes or shrubs, or other organic matter generated as refuse in the care of lawns, gardens, hedges, bushes and trees. Tree trimmings and palm fronds shall be tied in bundles not exceeding three (3) feet in length, not weighing over forty (40) pounds, and placed at the curb for pick up. Large branches, trees or bulky or non-combustible materials not susceptible to normal loading and collection in "load packer" type sanitation equipment used for regular collections from domestic households are not included in this definition.

C. "Rubbish" shall mean solid wastes or refuse (excluding garbage and bulky items consisting of both combustible and non-combustible trash such as paper, cardboard, tin cans, plastics, yard clippings, wood, glass and similar materials.

D. "Plastic Bags" shall mean bags of sufficient thickness and strength to contain garbage without breaking.

E. "Special Material" shall mean bulky materials, special handling trash, or other special wastes that are not stored in standard storage containers and cannot be picked up by a normally used collection vehicle. "Special Material" generated by property owners or occupants will be scheduled for pick up by the Public Works Department. "Special Material" generated by landscape firms, contractors, or other commercial activity shall be disposed of by the firm. Special arrangements may be made for picking up such items by contacting the Town Sanitation Department, and a scheduled fee or actual cost of disposal may be charged. Under no circumstances will special material be removed if it is a result of any commercial activity.

F. "Commercial Rubbish & Trash" shall mean wood, special material, yard, tree trimmings, and non-combustibles such as metal, plastic, glass, stone, construction debris, any solid waste material generated as a result of commercial construction, repairs, or landscape firms/gardeners doing business in Town.

G. "Garbage Can" shall mean and include any light gauge steel, plastic or galvanized receptacles closed at one end and opened at the other, furnished with a tight fitting top or lid and appropriate lifting handles and not more than forty (40) gallon capacity and not weighing more than forty (40) pounds when it is full.

H. "Landscape Firm/Gardeners" mean landscape contractors, landscape maintenance firms and gardeners doing business within the Town.

Section 2. Collection and Operation

A. It shall be the responsibility of every resident and/or owner of every residence in the Town to provide garbage storage through use of approved "garbage cans", in sufficient size and quantity for pick up service, twice weekly.

B. All garbage cans or trash containers shall be kept on private property and shall not extend into any required front yard setback; on corner lots it shall not extend into side yard setback facing streets and such area shall be accessible to the garbage collector and secured from disturbance from animals.

C. The Town Manager has the authority to approve the capacity of the receptacles and the frequency of collection service unless otherwise specified by adopted code requirements.

D. All horticulture trash and rubbish as defined herein and conducive to containerization shall be placed curbside on collection day and placed for collection separately from garbage in a plastic bag approved by the Town and not weighing more than forty pounds. Garden trash, clippings and tree limbs or trimmings to be collected shall not exceed three (3) feet in length, shall be properly tied and secured in bundles not weighing more than forty pounds.

E. Landscape firms/gardeners are required to dispose of all garden and related trash generated by them while doing business in the Town at a disposal site outside the Town.

Section 3. Illegal Disposal of Garbage

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, waterways, beach, ocean or pool within the Town.

B. It shall be unlawful for any person having in 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 said 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.

C. It shall be the duty of any person having in their charge the construction, or 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.

D. 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.

E. Fees

The Town will provide a minimum of garbage and trash pick up service twice weekly. Fees will be charged for special pick ups required for "special handling" items and "special material" as defined herein in accordance with the following schedule:

Bulk Trash Fees:

Light Load \$30.00\*  
Minimum charge (2 cu. yds or less) 60.00\*  
(2 - 4 cu. yds)  
\* For Heavy Load - plus cost of dumping

Loads Exceeding 5 cu. yds will be charged at the following rate:

\$7.00 per cu. yd. plus the cost of dumping.

Bulk Trash fees established by ordinance are hereinafter deemed to be amendable by resolution and subsequent amendments by such said resolution shall constitute the fee schedule of the Town.

Penalties:

The existence of garbage and trash, as defined herein shall be prima facie evidence that the same was created or placed there by the occupant of the residence or the owner of the property, if the same be vacant. The Code Enforcement Officer is hereby authorized to issue appropriate notices and citations directed to such occupant or owner requiring removal of such trash within seventy-two hours following service of such citations. If such trash is not removed within seventy-two hours, the Town shall remove the same and charge the occupant or owner of the premises in question, on a force account basis, charging actual costs to the occupant or property owner, and in the event of failure to pay such charge within thirty days, a proper and appropriate claim of lien against such property shall be filed with the Clerk of the Circuit Court in the County. Violators shall also be subject to fine and penalty as provided by law.

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida this 15 day of November, 1988.

The motion to adopt the foregoing Ordinance was offered by:

1st Reading Councilman Fried 2nd Reading Councilman Tweddle  
Councilman Fried  
seconded by:

Vice Mayor Duffner Councilman Fried  
and on roll call the following vote ensued:

Mayor Tobin	<u>aye</u>	<u>aye</u>
Vice Mayor Duffner	<u>aye</u>	<u>absent</u>
Councilman Fried	<u>aye</u>	<u>aye</u>
Councilman Sorota	<u>aye</u>	<u>aye</u>
Councilman Tweddle	<u>absent</u>	<u>aye</u>

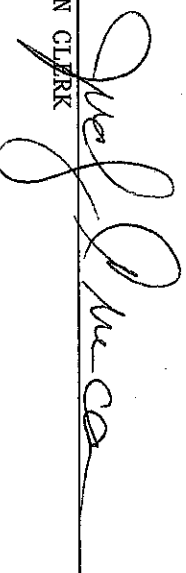
MAYOR



~~APPROVED AS TO FORM AND LEGAL SUFFICIENCY~~

~~TOWN ATTORNEY~~

TOWN CLERK



ATTEST

FIRST READING 10/18/88

SECOND READING 11/15/88