

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 545.11

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 26-35 "ILLEGAL DISPOSAL OF GARBAGE" OF CHAPTER 26 "SOLID WASTE" OF THE TOWN OF GOLDEN BEACH CODE OF ORDINANCES, TO INCLUDE A PERMIT APPLICATION AND FEE REQUIREMENT FOR CONSTRUCTION DEBRIS TRASH DUMPSTERS OR TRASH ROLL OFF CONTAINERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach (the "Town") currently allows construction debris trash dumpsters and roll off containers within the Town; and

WHEREAS, the Town Council desires to amend the Town Code of Ordinances (the "Town Code") to require a permit application for such dumpsters and containers in order to ensure that construction debris is being disposed of in a safe and appropriate manner within the Town; and

WHEREAS, the Town Council further desires to allow for a reasonable permit application fee in order to offset the costs of reviewing and inspecting the construction debris trash dumpsters and roll off containers; and

WHEREAS, the Town Council finds this amendment to be in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals Adopted. That the recitals set forth above are hereby adopted and confirmed.

Section 2. Amendment. That Section 26-35 "Illegal Disposal of Garbage" of Chapter 26 "Solid Waste" of the Town of Golden Beach Code of Ordinances is hereby amended to read as follows:

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 26-35. Illegal disposal of Garbage.

(a) Construction debris.

(1) It shall be unlawful for any Persons 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 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.

(2) It shall be unlawful for any Persons 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. 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.

(3) 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. Prior to the placement of a trash dumpster or trash roll off container, the property owner or authorized agent shall be required to complete a permit application for each trash dumpster or roll off container placed within the Town's limits and to pay the applicable permit fee, which is to be established by Resolution of the Town Council.

(4) 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 \$250.00 for each subsequent violation by the same individual in any five year period, except failure to cover a dumpster (subsection (a)(2) 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 ten days of the citation, after which failure to pay shall be a violation of the Town Code.

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, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. 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 Town of Golden Beach Code of Ordinances, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Bernstein, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

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|----------------------------------|------------|
| Mayor Glenn Singer | <u>Aye</u> |
| Vice Mayor Kenneth Bernstein | <u>Aye</u> |
| Councilmember Bernard Einstein | <u>Aye</u> |
| Councilmember Judy Lusskin | <u>Aye</u> |
| Councilmember Amy Isackson-Rojas | <u>Aye</u> |

PASSED on first reading this 28th day of June, 2011.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Bernstein, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

| | |
|----------------------------------|---------------|
| Mayor Glenn Singer | <u>Aye</u> |
| Vice Mayor Kenneth Bernstein | <u>Aye</u> |
| Councilmember Bernard Einstein | <u>Aye</u> |
| Councilmember Judy Lusskin | <u>Aye</u> |
| Councilmember Amy Isackson-Rojas | <u>Absent</u> |

PASSED AND ADOPTED on second reading this 15th day of November, 2011.

ATTEST:


LISSETTE PEREZ
INTERIM TOWN CLERK


MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY