



Item No. 15c

TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Town Commission

Department Submitting Request

Commissioner Dodd

Dept Head's Signature

<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/> Nov 10, 2009	Oct. 30 (5:00 p.m.)	<input type="checkbox"/> Jan 26, 2010	Jan 15 (5:00 p.m.)	<input type="checkbox"/> March 23, 2010	Mar 12 (5:00 p.m.)
<input type="checkbox"/> Dec 1, 2009	Nov 20 (5:00 p.m.)	<input type="checkbox"/> Feb 9, 2010	Jan 29 (5:00 p.m.)	<input type="checkbox"/> April 13, 2010	April 2 (5:00p.m.)
<input type="checkbox"/> Dec 8, 2009	Nov 25 (5:00 p.m.)	<input type="checkbox"/> Feb 23, 2010	Feb 12 (5:00 p.m.)	<input type="checkbox"/> April 27, 2010	April 16 (5:00p.m.)
<input checked="" type="checkbox"/> Jan 12, 2010	Dec 31 (5:00 p.m.)	<input type="checkbox"/> Mar 9, 2010	Feb 26 (5:00p.m.)	<input type="checkbox"/> May 11, 2010	April 30 (5:00p.m.)

NATURE OF AGENDA ITEM

- | | | |
|---|--|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Resolution | <input type="checkbox"/> New Business |
| <input type="checkbox"/> Report | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Manager's Report |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Bids | <input checked="" type="checkbox"/> Old Business | <input type="checkbox"/> Other |

EXPLANATION: Discussion and/or action regarding Solid Waste Ordinance Amendments – Draft Ordinance attached

STAFF RECOMMENDATION: N/A

BOARD/COMMITTEE RECOMMENDATION: N/A

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

- | | |
|---|--|
| <input type="checkbox"/> Amount \$ _____ | <input type="checkbox"/> Acct # _____ |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____ |
| <input type="checkbox"/> Bid | <input type="checkbox"/> Grant <input type="checkbox"/> Amount represents matching funds |

Town Attorney review required

- Yes No

Town Manager's Initials: GD

January 12, 2010
116 / Com.
Dodd

Town of Lauderdale-by-the-Sea

OFFICE OF THE TOWN MANAGER

Memorandum

Date: November 12, 2009

To: Mayor Roseann Minnet
Vice Mayor Jerry McIntee
✓ Commissioner Stuart Dodd
Commissioner Birute Clotey
Commissioner Jim Silverstone

From: Esther Colon, Town Manager *EC*

Subject: **DRAFT SOLID WASTE ORDINANCE AMENDMENTS**

Attached please find the recommended changes to the Town Code in draft form from the Town Attorney as directed by the Commission at the October 13th, 2009 Town Commission meeting.

Thank you.

EC/mi

Cc: John Olinzock, Assistant Town Manager
June White, Town Clerk

27 WHEREAS, upon the recommendation of Town staff, the Town Commission deems it to
28 be in the best interest of the citizens and residents of the Town to amend the Code of Ordinances to
29 accomplish this objective.

30 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
31 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

32 **SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as
33 being true and correct and are made a specific part of this Ordinance.

34 **SECTION 2.** Section 10-27 “Required” of Article II “Containers and Receptacles” of
35 Chapter 10 “Garbage and Refuse” of the Code of Ordinances is hereby renamed and amended as
36 follows:

37 **Sec. 10-27. Service by town franchisee rRequired.**

38
39 (a) The Town has granted a franchise fee for solid waste collection. All property owners
40 in the Town shall dispose of solid waste by service through the Town's franchisee except
41 as otherwise allowed by law, and shall be required to show proof of same prior to the
42 issuance of an business tax receipt by the Town or the issuance of any other permit or
43 approval; or such proof may be required to be shown to any Town employee upon
44 request by such Town employee.

45
46 (b) Every property owner, lessee or tenant shall provide and maintain in good condition a
47 watertight garbage container sufficient in size and capacity to serve each dwelling with
48 twice-weekly service. No container may be used other than a container approved by
49 and/or obtained from the Town's authorized solid waste collection franchisee. Residents
50 of duplex units may share a common container provided it is of sufficient size to
51 accommodate the joint usage without spillover. Dwellings in structures that are vertically
52 mixed with non-residential uses may share a container with the non-residential use, if the
53 premises containing the two uses are both owned or leased by the same person and
54 provided the container is of sufficient size to accommodate the joint usage without
55 spillover.

56
57 (c) It shall be unlawful for any person or entity to place or cause to be placed solid waste
58 on the property of another for the purpose of avoiding the provisions of this subchapter.
59

60 **SECTION 3.** Section 10-32 “Temporary Discontinuation of Service” of Article II
61 “Containers and Receptacles” of Chapter 10 “Garbage and Refuse” of the Code of Ordinances is
62 hereby amended as follows:

63 **Section 10-32. Temporary discontinuation of service.**

64 Solid waste services to single family and multi-family residences may be discontinued for
65 a single period of not less than three consecutive months in any fiscal year (October 1 –
66 September 31) provided:

67 (a) The property is not occupied during any portion of the period that service is
68 discontinued, and

69 (b) The property owner has provided written notice to the Town and the Town’s
70 Franchisee on a form authorized by the Town, and

71 (c) The form request referenced above is filed with the Town no less than thirty-one (31)
72 days prior to the start of the requested period of discontinuation.

73 **SECTION 4. Severability.**

74 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
75 unconditional by any court of competent jurisdiction, then said holding shall in no way affect the
76 validity of the remaining portions of this Ordinance.

77 **SECTION 5. Effective Date.**

78 This Ordinance shall become effective immediately upon passage on second reading.

79 **SECTION 6. Codification**

80 This Ordinance shall be codified.
81
82

83 **SECTION 7. Adoption.**

84 Passed on the first reading, this ___ day of _____, 2009.

85
86 Passed on the second reading, this ___ day of _____, 2009.
87

ORDINANCE NO. _____

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Mayor Roseanne Minnet

First Reading Second Reading

Mayor Minnet _____

Vice-Mayor McIntee _____

Commissioner Dodd _____

Commissioner Silverstone _____

Commissioner Clottey _____

Attest:

Town Clerk

(CORPORATE SEAL)

Approved as to form:

Town Attorney, Susan L. Trevarthen