

ORDINANCE NO. 395

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTIONS 30-44, 30-88 AND 30-119 OF CHAPTER 30, SOLID WASTE, BY REQUIRING THE PROPERTY OWNER TO PLACE THEIR GARBAGE RECEPTACLES CURBSIDE NO EARLIER THAN 4:00 P.M. THE DAY PRIOR TO THE SCHEDULED PICKUP AND VEGETATIVE WASTE NO EARLIER THAN 72 HOURS PRIOR TO THE SCHEDULED PICKUP; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Haverhill, as the governing body of the Town of Haverhill, pursuant to the authority vested in Chapter 166, Florida Statutes, and the Charter of the Town of Haverhill, is authorized and empowered to consider such matters relating to solid waste;

WHEREAS, the Town desires to modify its provisions dealing with solid waste, Chapter 30, by requiring that garbage receptacles not be placed out for collection any sooner than 4:00 p.m. prior to the scheduled collection and that vegetative waste not be put out any sooner than 72 hours prior to scheduled pickup; and

WHEREAS, the notice and hearing requirements as provided for by the Town of Haverhill have been met; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the amendment to the Solid Waste chapter is consistent with the requirements of the Comprehensive Plan; and

WHEREAS, the Town Council of the Town of Haverhill finds that amending the Solid Waste Code will promote, protect and improve the health, safety and welfare of its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

SECTION 1. Recitals. The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the Town Council of the Town of Haverhill.

SECTION 2. Amendment to Code. Sections 30-44, 30-88 and 30-119, of Chapter 30, Solid Waste, of the Code of Ordinances of the Town of Haverhill is hereby amended as follows:

Sec. 30-44. Point of pickup.

Collections of residential refuse shall be at curbside or other such locations as will provide ready accessibility to the collector's collection crew and vehicle, provided, however, that garbage receptacles shall not be placed in the right-of-way or otherwise impede traffic. If an appropriate location cannot be agreed upon, the Town Administrator shall designate the location. The collector shall collect at curbside all white goods and household furniture on regular pick-up days. For residential collection service, no additional charge for the collection of white goods shall be made. Nothing in this section shall require the collector to remove waste resulting from construction activity (except do-it-yourself projects) or the clearance of vacant lots, except as further required in section 30-47. Garbage receptacles shall not be place at the curb earlier than 4:00 p.m. on the day prior to scheduled pick up and removed from the curb no later than 11:00 p.m. on the day of pick up.

Sec. 30-88. Point of pickup.

Collection of recyclable materials shall be at curbside or other such locations as will provide ready accessibility to the collector's collection crew and vehicle, provided, however, that recycling containers shall not be placed in the right-of-way or otherwise impede traffic. If an appropriate location cannot be agreed upon, the Town Administrator shall designate the location. Recycling containers shall not be place at the curb earlier than 4:00 p.m. on the day prior to scheduled pick up and removed from the curb no later than 11:00 p.m. on the day of pick up.

Sec. 30-119. Point of pickup.

Collection of garden and yard trash and bulk yard trash shall be at curbside or other such locations as will provide ready accessibility to the collector's collection crew and vehicle, provided, however, that garden and yard trash and bulk yard trash, including vegetative waste, shall not be placed in the right-of-way or otherwise impede traffic. If an appropriate location cannot be agreed upon, the Town Administrator or his designee shall designate the location. Garden, yard and bulk trash, and vegetative waste, shall not be place at the curb earlier than 72 hours prior to scheduled pick up.

SECTION 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED ON FIRST READING this 8th day of April, 2010.

THE SECOND AND FINAL READING was held this 6th day of May, 2010. Council member JAY G. FOY offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member MARK C. UPTGRAPH and upon being put to a vote, the vote was as follows:

JAMES E. WOODS, Mayor
JAY G. FOY, Vice Mayor
JERRY E. BEAVERS, Council Member
HENRY LYNCH, Council Member
MARK C. UPTGRAPH, Council Member


ABSENT
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AYE

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

ATTEST:

TOWN OF HAVERHILL, FLORIDA


Janice C. Rutan, Town Admin.


James E. Woods, Mayor
JAY G. FOY, VICE MAYOR