

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 6 ENTITLED "GARBAGE AND TRASH DISPOSAL" BY SPECIFICALLY CREATING SECTION 6-42 TO BE ENTITLED "DUMPSTER, COMPACTION, AND ROLL-OFF CONTAINERS ENCLOSURE"; PROVIDING FOR ALL VISIBLE REFUSE AND RECYCLING CONTAINERS TO BE ENCLOSED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Hillsboro Beach is located on a barrier island intersected by historic State Road A-1-A; and

WHEREAS, given it's proximity to the Atlantic Ocean, the Town of Hillsboro Beach recognizes the importance of maintaining it's character and charm that establishes a unique and special quality of life enjoyed by its residents.; and

WHEREAS, the Town Commission finds that the aesthetic qualities of Hillsboro Beach are comprised by the presence of all refuse and recycling containers visible to both residents and the general public when driving or walking on State Road A-1-A.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Chapter 6 entitled "Garbage and Trash Disposal" of the Code of Ordinances is hereby amended by specifically creating Section 6-42 to be entitled "Dumpster Enclosure" which shall read as follows:

Section 6-42.

(A) All refuse and recycling containers visible to the naked eye from State Road A-1-A shall be enclosed as set forth in this Section. No such container shall be placed for storage in a right-of-way.

(B) All refuse or recycling containers in use within the Town limits shall be screened from view from State Road A-1-A on or before November 1, 2021 subject to a ninety (90) day extension as approved by the Town Manager as follows:

(1) Screening shall be on all sides and shall consist of either wood, vinyl-coated chain-link fence with slats, brick, stone, concrete or similar material of a quality approved by the Town Manager.

1 (2) , The enclosure shall be permitted, constructed and inspected in accordance with
2 the Florida Building Code and the Broward County Administrative Provisions (Chapter One)
3 of the Florida Building Code.

4 (3) The screening shall encompass the full height, length, and width of the container,
5 and shall meet land development code requirements. All screenings shall be maintained for
6 function, safety, and appearance at all times.

7 (4) Gates intended for service access shall provide an opening width of at least ten
8 (10) feet for each refuse or recycling container, shall open 90 degrees or greater, and shall be
9 designed to remain open when collection service is provided.

10 (5) Where a gate in the screening structure faces State Road A-1-A, the gate shall
11 be closed at all times except when collection service is provided. The service provider may
12 close any gate left open in violation of this subsection.

13 (6) All screening structures shall be reasonably accessible for collection service
14 vehicles and shall not be located within the right-of-way of State Road A-1-A.

15 (C) The Town Commission, following review and recommendation by the Town Manager,
16 at a duly noticed public hearing may grant exceptions to the container screening enclosure
17 requirements of this section, where specific lot conditions make compliance impractical, the
18 visibility of the container from State Road A-1-A is minimal, or the safety of the collection
19 vehicle or the public in general would be compromised by screening the refuse and recycling
20 containers.

21 (D) Temporary refuse and recycling containers used for the collection of refuse or recycling
22 during special events for a period of less than seven (7) calendar days are exempt from the
23 container screening requirements contained in this section.

24 (E) Refuse or recycling containers on wheels which are stored out of the public view, except
25 during collections, are exempt from the screening requirement of this section.

26 (F) Temporary refuse or recycling containers used for the collection of refuse or recycling
27 during construction activities are exempt from the container screening requirements
28 contained in this section.

29 (7) The entrance to the gate shall allow for a 40 foot approach for garbage collection
30 vehicles to make direct contact with the garbage and recycling containers.
31
32

33 **Section 3.** If any section, subsection, sentence, clause or provision of this Ordinance is
34 held invalid, the remainder of this Ordinance shall not be affected by such invalidity.
35

36 **Section 4.** That all ordinances or parts of ordinances and all resolutions or parts of
37 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.
38

39 **Section 5.** It is the intention of the Town Commission of the Town of Hillsboro Beach,
40 that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of
41 Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered
42 and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in
43 order to accomplish such intention.
44

45 **Section 6.** This Ordinance shall be effective fifteen (15) days after its passage and
46 adoption by the Town Commission of the Town of Hillsboro Beach.
47

1 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,
2 FLORIDA, ON FIRST READING, THIS 6th DAY OF APRIL, 2021.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA,
ON SECOND AND FINAL READING, THIS 4th DAY OF MAY 2021.

3
4 By: Deborah L. Tarrant
5 Deborah L. Tarrant, Mayor

6 ATTEST:

7
8 By: Sherry D. Henderson
9 Sherry D. Henderson, CMC
10 Town Clerk



11
12
13
14 APPROVED AS TO FORM:

15
16
17
18 Donald J. Doody
19 Donald J. Doody, Town Attorney
20

RECORD OF TOWN COMMISSION VOTE:

	<u>YES</u>	<u>NO</u>
MAYOR DEBORAH I. TARRANT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR IRENE KIRDAHY <i>(Second)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER VICKY FEAMAN <i>(Motion)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER BARBARA BALDASARRE	<input checked="" type="checkbox"/>	<input type="checkbox"/>