

ORDINANCE NO. 14-1619

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-7, "DISPOSAL OF GRASS CUTTINGS AND HEDGE TRIMMINGS" OF THE CODE OF ORDINANCES TO; PROVIDING FOR INCLUSION IN THE CODE BY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, The Town of Surfside Public Works Solid Waste Division strives to provide a safe and clean environment for all Surfside residents, businesses and visitors alike; and

**WHEREAS**, commercial gardeners tend to leave and/or fail to bag cuttings and trimmings resulting in clogging of the storm drain system; and

**WHEREAS**, the proposed amendment will require commercial gardeners to promptly remove all cuttings and hedge trimmings from the property; and

**WHEREAS**, the proposed amendment will significantly reduce the risk of flooding, blocking, and contamination of the storm drain system; and

**WHEREAS**, the Town Commission held its first public reading on April 8, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on May 13, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:**

**Section 1. Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Chapter 66. Solid Waste.**

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**Sec. 66-7 Disposal of grass cuttings and hedge trimmings.**

All grass cuttings and hedge trimmings that are not mulched or composted, shall be placed in plastic bags and securely tied before setting out at curbside for collection: on the scheduled pick up day up to the allowable four (4) cubic yard limit. If more than four (4) cubic yards is placed at curbside, the Town will hang a Non-Compliance Notice on the property owner's door and the Town will charge a per cubic yard fee over the allowable limit as adopted by Resolution. Said fee will be billed to the property owner in the monthly utility bill. Commercial gardeners shall ~~either bag all cuttings and trimmings~~ or promptly remove the cuttings and trimmings from the ~~the~~ Town. Grass cuttings shall be completely removed and cleaned from all paved areas by broom sweeping only, and the use of power blowers is absolutely prohibited.

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**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Sections" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective on passage on Second Reading or as otherwise provided by Florida law.

PASSED and ADOPTED on first reading this 8<sup>th</sup> day of April, 2014  
PASSED and ADOPTED on second reading this 13<sup>th</sup> day of May, 2014

  
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Daniel Dietch, Mayor

Attest:



Sandra Novoa, Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



Linda Miller, Town Attorney

On Second Reading Moved by: Vice Mayor Tourgeman  
On Second Reading Seconded by: Commissioner Olchyk

**Vote:**

Commissioner Michael Karukin	yes	_____	no	<u>✓</u>
Commissioner Marta Olchyk	yes	<u>✓</u>	no	_____
Commissioner Barry R. Cohen	yes	<u>✓</u>	no	_____
Vice Mayor Eli Tourgeman	yes	<u>✓</u>	no	_____
Mayor Daniel Dietch	yes	<u>✓</u>	no	_____