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ORDINANCE NO. 2016-08

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO HEALTH, SAFETY AND WELFARE; AMENDING SECTION 28-3 OF THE TOWN OF WINDERMERE'S CODE OF ORDINANCES TO ADD REMOVAL AND LOCATION REQUIREMENTS FOR GARBAGE CANS AND TRASH CONTAINERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

Whereas, the Town has received complaints regarding individuals leaving garbage cans and trash containers by the road after trash pick-up has occurred, and in some instances garbage cans and trash containers are simply left by the roadside and never removed.

Whereas, leaving garbage cans and trash containers by the road causes blight, safety hazards and can result in unsanitary conditions.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Recitals. The recitals set forth above are true and correct and constitute the legislative findings of the Town Council.

Section 2. Amendments to the Town of Windermere's Code of Ordinances. Section 28-3 of Chapter 28 of the Town of Windermere's Code of Ordinances is amended as indicated by the addition of the underlined language:

Sec. 28-3. - Cans and containers—Location and Time for Placing and Removing.

(1) Garbage cans and trash containers shall be kept in a place easily accessible to the inspectors and to the employees of the contractor of the town and shall not be kept upon town or public property or neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property is vacant or improved. Storage of garbage or trash in an open garbage can or trash container, or in a covered portion of a garbage or outbuilding, will not be permitted, except upon the written approval of the town council.

(2) Garbage cans and trash containers shall be placed within three feet of the street right-of-way or as otherwise specified by the town no earlier than 5:00 p.m. of the day preceding the day designated for collection and shall be removed not later than 7:00 p.m. on such designated day. At all other times, garbage cans and trash containers shall be screened from view.

1 **Section 3. Severability.** If any provision or portion of this ordinance is declared by a court of
2 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
3 provisions and portions of this ordinance shall remain in full effect.
4

5 **Section 4. Codification.** The provisions of this Ordinance shall become and be made a part of
6 the Town's Code of Ordinances.
7

8 **Section 5. Effective Date.** This Ordinance takes effect immediately upon its enactment.
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10 **ENACTED** this 22nd day of November 2016, at a regular meeting of the Town Council of
11 the Town of Windermere, Florida.
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13

14 Town of Windermere, Florida
15 by: Town Council

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17
18 by: [Signature]
19 Gary Bruhn, Mayor

20 Attest:

21 [Signature]
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23
24 Dorothy Bunkhalter, MMC
25 Town Clerk
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27 First reading: October 25, 2016
28 Second reading: November 22, 2016
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