

**ORDINANCE NO. 2004-04**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, MODIFYING SECTION 39-108 TO THE CODE OF ORDINANCES OF THE TOWN OF SOUTHWEST RANCHES, PROVIDING FOR THE MODIFICATION OF REGULATION OF CLEARING, FILLING OR EXCAVATING OF PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Southwest Ranches desires to protect the health, safety and welfare of the Town's residents; and

**WHEREAS**, the unregulated clearing of land can have a negative effect on the general welfare of the community by affecting vegetation and drainage systems; and

**WHEREAS**, the unregulated filling of property, whether dry land, ponds or lakes, can have a negative effect on the health, safety and welfare of residents by adversely affecting surrounding properties and drainage; and

**WHEREAS**, the unregulated excavation of property, whether dry land, ponds or lakes, can have a negative effect on the safety and welfare of residents by adversely affecting surrounding properties and drainage.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That Section 39-108 of the Town Code of Ordinances is hereby amended as follows:

**Sec. 39-108. Clearing, Filling or Excavation**

(a) It shall be unlawful for any person, firm, corporation or other entity to clear any property without first following the permit process of the Town for such activity.

(b) It shall be unlawful for any person, firm, corporation or other entity to fill any property, whether dry land or body of water, without first following the permit process of the Town for such activity.

(c) It shall be unlawful for any person, firm, corporation or other entity to excavate any property, whether dry land or body of water, without first following the permit process of the Town for such activity.


**Section 3: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 4: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 5: Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 11<sup>th</sup> day of December 2003.

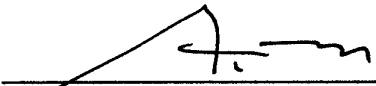
**PASSED ON SECOND READING** this 12<sup>th</sup> day of February 2004.

  
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Mecca Fink, Mayor

Attest:

  
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Shari Canada, Town Clerk

Approved as to Form and Correctness:

  
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Gary A. Poliakoff, J.D., Town Attorney