

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-3**  
**October 22, 2024**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Vince Lago**

**Vice Mayor Rhonda Anderson**

**Commissioner Melissa Castro**

**Commissioner Ariel Fernandez**

**Commissioner Kirk Menendez**

**City Staff**

**City Attorney, Cristina Suárez**

**City Manager, Amos Rojas, Jr.**

**City Clerk, Billy Urquia**

**Assistant City Attorney, Gus Ceballos**

**Public Speaker(s)**

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Agenda Item E-3 [3:47 p.m.]

An Ordinance of the City Commission amending the City of Coral Gables Code, Chapter 10 “Animals”, Section 10-4 “Removal of animal feces”, to provide a code enforcement mechanism for illegal dumping of animal waste bags in trash pits. (Sponsored by Vice Mayor Anderson) (Co-sponsored by Mayor Lago)

Mayor Lago: Item E-3 on first reading.

City Attorney Suarez: E-3 is an Ordinance of the City Commission amending the City of Coral Gables Code, Chapter 10 “Animals”, Section 10-4 “Removal of animal feces”, to provide a code enforcement mechanism for illegal dumping of animal waste bags in trash pits. Assistant City Attorney and Prosecutor, Gus Ceballos will present the item.

Assistant City Attorney Ceballos: Good afternoon, Mr. Mayor, Vice Mayor, Commissioners. This item is pretty straightforward. It basically just gives the Code Enforcement Department a few additional tools to try to curb the current issue with the doggy bags and dog waste issue throughout

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the city. Straightforward – first offence you will receive a warning, second offence you will receive a \$100 fine and the third offence, and any continuing fines will be a \$500 charge.

Vice Mayor Anderson: So, refresh my memory. When we first discussed it, the appropriate fine was \$500.

Assistant City Attorney Ceballos: So the current code for illegal dumping, you can be fined up to \$500, but currently our code does allow if somebody was to see somebody throwing a bag or any sort of trash into somebody else's trash pit, that per our code is defined as illegal dumping, but I think our idea was to try to narrow, to provide a more narrowed approach and in conjunction with the QR codes and things as part of the waste stations throughout the city, direct people to specifically this code section and let them know, hey there is a penalty provision for specifically doing what, I think a lot of people actually think is a permitted activity.

Vice Mayor Anderson: So when Martha was designing some of the signs and the QR code went to the city's website, it said, the sledge hammer was coming and you are going to get a \$500 fine, and so I asked staff to do this stepped approach like we did with bicycles and skateboards and other things, you get a warning, a fine that gets your attention, and then the sledge hammer comes.

Mayor Lago: If I may, as the co-sponsor of this item. I'd like to see if we can implement something additional. It doesn't have to be legislative, it can be through Public Works, just an idea. I'd like to find the hotspots throughout the Gables that have major issues, because at the end of the day, we don't have enough staff and never will have enough staff, never will have enough police, we never will have enough Neighbor Safety Aides to be able to catch somebody in the act, unless a neighbor sees from their lawn a habitual offender doing it, it's going to be very difficult. Again, I would like to see if where we have areas, we can identify the top 50-100 areas where we've received a lot of complaints for the issue of illegal dumping, like we're dealing with New York, excuse me, in North Gables which is being curbed significantly since we pushed that forward. I'd like to see if we can do the same thing here. What can we do with that. Contact those individuals and say, I know you love your trash pit, maybe they don't love their trash pit, maybe they say, you know what, I'm fed up with this and I want to get rid of my trash pit and we can address the issue by removing that trash pit, and offering them that there are other solutions to the situation. You don't have to have a trash pit, and once we talk to people. I've encountered dozens of people who told me, I'm suffering from illegal dumping, I didn't know I could get rid of my trash pit. I don't know if that's something that you think would be a good idea, Vice Mayor, just to kind of educate them and say, you're having this issue, let's find another solution.

Vice Mayor Anderson: Some people when they find out that they don't need to have a trash pit that they can use an alternative solution, enclose it and have chosen to do that when they've contacted me. The other hope here was, we can identify where the trash pits are with the most

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dumping of fecal matter, put these signs up, we've still got to work through cost issues. Some residents have already asked me, how can I request a sign and go through wrinkles later on and to help educate folks, that's why the QR code is on there; and I asked staff to confer with our Sanitation Department about placement of the signs, what will keep it out of the way of our sanitation workers, but yet still communicate to people walking by that there is a QR code, they can look it up, find out that what they are doing could get them a fine if they are spotted. We have cameras in some areas already. If there is heavy, heavy use of dumping in the trash pit there of all the bags, which I had a picture, but I didn't bother, I'll bring it in the post where they continue to flow down the street, and it becomes quite a mess. So hopefully this is the first step in helping curb some of this activity. We'll never going to stop all of it, but we've got to start somewhere.

Commissioner Castro: So, I have some comments. As far as legality, you have to catch somebody in the act to be able to be able to issue a violation or a fine.

Assistant City Attorney Ceballos: That's correct.

Commissioner Castro: So, what happens to the homeowner that has these bags already in the trash pit and we haven't caught them. Are we giving the homeowner a fine?

Assistant City Attorney Ceballos: I'm not aware of us ever giving a fine specifically for dog bag, they could because it is your responsibility to maintain your trash pit and it is your responsibility if somebody is dumping cardboard boxes inside of your trash pit and code goes by and sees a pile of cardboard boxes. There's a very good chance that you'll receive a notice, a violation for that.

Commissioner Castro: Okay. So, I'm guessing now with poop bags we are probably going to give them a fine too, whether we catch somebody in the act or not.

Assistant City Attorney Ceballos: The code already allowed for them to issue that citation, if the Code Enforcement officer choses to, obviously they have the discretion, but currently our code allows them to cite for that.

Commissioner Castro: Okay. And then the other thing is, once I saw this ordinance, which is very good, thank you for bringing it up, I did get together with Solid Waste, they did voice some concerns, and I think they would like us to add some language of where it is appropriate to dump the feces. They were showing concerns that there shouldn't be a separate bag or container with poop bags, maybe that we should include it in the house garbage or in the kitchen garbage.

Assistant City Attorney Ceballos: That is the appropriate.

Mayor Lago: That's the appropriate area. That's a standard policy.

City Attorney Suarez: That's existing. This isn't changing what's allowed. This is just creating the framework or the scheme for the fines.

Commissioner Castro: But the funds, that was explained to me was that some residents are dumping in a separate bag, and they are not picking it up.

Vice Mayor Anderson: So let me fill in some gaps. The flyer that went out this past year, I've participated with Ms. Pantin on editing the language to inform people how to properly dispose of dog waste. So, it did say you can put it in a dog waste receptacle or in your household garbage and collect it and dump it in. The way this is written, failure to properly remove and dispose of animal feces in a manner in a trash receptacle, seems to be directed at the person who's actually dumping the waste, as opposed to the victim which is the homeowner there of people improperly dumping waste.

Mayor Lago: The intent of this, again, we are not reinventing the wheel. The intent of this is very simple is to provide a vehicle that when somebody gets caught, like what we did with the North Gables when I wrote the legislation about illegal dumping and put the cameras, we were able to curb that significantly, as per you can read it in the article of the Community Newspaper. This is the same concept behind that, is to provide a vehicle for Code Enforcement, our Neighborhood Safety Aides, our police, our staff to be able to address that concern. If you have a neighbor that says hey, I have a handful of individuals that continue to dump their poop bags in my yard, I have it on the camera, I caught it on the camera, the continued effort. We don't think we will ever get to that. One of the things we always say when I tell residents about a Code Enforcement issue is, let's educate, educate, educate, but now you have a way to address the issue and if someone doesn't want to conform to the rules, then they are going to have a Code Enforcement violation, not a Code Enforcement, but they are going to have some actual violation.

Vice Mayor Anderson: I'm going to use my late mother-in-law's example again. She for years didn't want to properly dispose of a lot of things, but once she received a garbage receptacle would have the information right on it, she was the best person at complying. The point here is to educate to try to get more people to not be dumping it in the trash pits and not burden our sanitation staff with having to deal with all these doggy waste bags that they are going to have to rake up which never gets really raked up, they are still left behind after the garbage is picked up, and why should they have to be dealing with half decayed waste bags. So, that's the point. You all have any other questions before I move this.

Commissioner Fernandez: I think, like the Mayor said, education is key in this. I don't know if maybe we can do, Martha can prepare a PSA video that she can put out on the E-NEWS on proper ways to dispose, because the language as it exists, it kind of says just dump it in with your household waste, but from what I've been hearing as well, people are collecting it in one bag,

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which is all doggy waste, when they put it into the truck that thing explodes. So, it's better if they just mix it in with their household waste, as opposed to having a separate bag that they are just putting their doggy waste in. That's something that again, is just informational.

Assistant City Attorney Ceballos: Before second reading I can try to tweak some of the language and see to kind of direct the residents to make sure that they are putting it in as part of their household trash.

Commissioner Fernandez: I don't think its so much language. Its just about information and getting the education out there. I think the legislation is fine as it, its just about making sure that the informational campaign that follows once we approve it on second reading just informs residents of best practices, I guess.

City Manager Rojas: I believe, Commissioner that there is on E-NEWS already some information on how to dispose. I did have a question for Gus. Can you use the evidence from video cameras for illegal dumping as evidence in a hearing?

Assistant City Attorney Ceballos: If a neighbor has a video of their neighbor pooping in the trash, because our officers are not the ones that collected that video or that evidence. They would have to be willing to come here and testify as to what that video shows.

City Manager Rojas: I'm talking more about the ones that the city has over a couple dozen around the cities, if we take that recording, we could take that with the Code Enforcement officer to the board for a hearing.

Assistant City Attorney Ceballos: We could. I don't know how we will be able to tie that to the individual in the video, but if we have a manner of way of doing that, that could be presented as evidence in front of the Code Board.

Mayor Lago: That's the reason why I wrote the law. I didn't write the law just to catch somebody on TV. I wrote the law to resolve the issue of illegal dumping that we were having in the North Gables. So of course, the video can be used. We had a very thorough analysis, as you and I sat down, along with the City Attorney, that's the extent of spending money and the extent of putting these cameras up and putting the signage up, because people were tired in North Gables with all the illegal dumping, to the extent where you put the cameras up and then they'll do the illegal dumping somewhere else, and then you've got to go and you've got to plant some trees, and you've got to put another camera. It works. It's a deterrent. It's a deterrent and you can use it because we've caught people, it was a moving company, I think it was a few months ago that was dumping bed mattresses and furniture, and we caught the name of the company. You were talking about that before.

Assistant City Attorney Ceballos: And we've caught even the adjoining buildings that were walking over, and we see them walking over and dumping it, and we were able to identify where the source of the illegal dumping was coming from.

Vice Mayor Anderson: Right. It works. The beauty of this is people usually walking their dogs in the same area repeatedly and the people are identified by their dogs. People know me long before they, by my dogs, long before they've realized its me, no matter what hat or disguise I wear. I'll move it.

Commissioner Fernandez: Second.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)