

ORDINANCE NO. 2016-__

AN EMERGENCY ORDINANCE OF THE CITY OF CORAL GABLES RATIFYING AMENDMENTS TO CITY CODE CHAPTER 54, "SOLID WASTE," ARTICLE III "COLLECTION AND DISPOSAL," DIVISION 4 "RATES, CHARGES, BILLING PROCEDURE", THAT ARE CONSISTENT WITH SOLID WASTE SPECIAL ASSESSMENT SETTLEMENT WITH MIAMI-DADE COUNTY, AND PROVIDING FOR REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables and Miami-Dade County entered into a settlement agreement (the "Settlement") whereby the County agreed to place the City solid waste assessment on the tax bill for delinquent amounts, as well as amounts becoming due in the future; and

WHEREAS, the City Commission approved the terms of the Settlement at its September 22, 2015 meeting; and

WHEREAS, in order to effectuate the terms of the Agreement, which is already in effect and binding on the City, and in order to provide the discounted rate for advanced payment of the solid waste assessment, the City Code must be amended to reflect the terms of the Settlement; and

WHEREAS, the City Commission, at its September 22, 2015 meeting, approved the changes to the City Code; and

WHEREAS, this ordinance is an emergency ordinance as the City Commission has already approved the Settlement and the changes are required to comply with the terms of the Settlement.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The forgoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 54, Article III, Division 4 of the City of Coral Gables' Municipal Code, "Rates, Charges, Billing Procedure," is hereby amended to read as follows¹:

Sec. 54-181. - Fee imposed.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underlining.

Except as herein otherwise provided, all residents, occupants or owners of premises in the city shall be required to have accumulations of garbage, recyclables, trash and garden trash removed and disposed of by the ~~public service~~ Public Works department of the city and for such service of garbage, trash and garden trash removal and disposal, or for the availability of such service, shall pay the finance director of the city the fees set forth herein.

Sec. 54-182. - Liability of property owners; ~~duplexes and townhouses as units~~ Auxiliary Living Units.

(a) In case of all buildings situated in all areas of the city, it shall be the responsibility and liability of the owner thereof to pay the proper service fee and to furnish the necessary number of garbage cans ~~and trash containers,~~ and recycling containers for such buildings in accordance with the established need therefor as determined by the city manager.

~~(b) Duplexes and townhouses shall be treated, for calculation of collection fees, as single family residences. Apartment living units in cooperative or jointly owned buildings shall be treated, for calculation of collection fees, as apartments.~~

Sec. 54-185. - Advance payment dates; residence, duplex, auxiliary living unit, ~~apartment, commercial structure and container service~~.

(a) Residence, duplex, auxiliary living unit, ~~or townhouse~~. The fees prescribed by this article on all residences or townhouses are payable in advance for one year beginning on October 1 of each year and will be collected as prescribed herein. At the option of the payer, a discounted fee, as set forth by the City Commission, shall be available if paid if paid on or before August 15 of each year. ~~or at the option of the payer, in advance in semi-annual payments beginning October 1 of each year and April 1 of each year, in accordance with the schedule of fees set forth in this article.~~

~~(b) Duplex, apartment, commercial structure and container service. The fees prescribed herein for duplexes, apartments, commercial structures and container service are payable in advance in the same manner as set forth in subsection (a) of this section, with an additional option to the payer of making quarterly payments beginning October 1, January 1, April 1 and July 1 of each year, in accordance with the schedule of fees set forth in this article.~~

Sec. 54-186. - Starting fee for fractional period; residence, duplex, and auxiliary living units, ~~townhouse, apartment, commercial structure and container service~~.

The starting fees for a fractional period to residences, duplexes, and auxiliary living units ~~townhouses, apartments, commercial structures and for container service~~ shall be prorated based upon the schedule of fees as set forth in this chapter. For periods of ten days or less in any one month, no charge shall be made for such portion, but 11 days or more shall be interpreted to mean one month.

Sec. 54-189. - Payment of fees; delinquency.

(a) Franchised or otherwise contracted services. The amount of collection fee as regulated by the city payable to the city's contractor for the collection of all garbage, trash, industrial waste, and recyclables generated in the city shall be due to the contractor as the same shall become payable.

(b) City staff provided services. All fees as prescribed remaining unpaid more than 30 days after the due date becomes delinquent and shall accrue interest at the rate of six percent per annum (one-half percent per month) from the due date. ~~Annual rates are payable only during the month of October, thereafter semi-annual rates will apply.~~

Sec. 54-191. - Fee debt to city; property lien.

(a) City staff provided services. The amount of collection fee imposed by this article is hereby declared to be a debt due to the city, and any person required under the terms of this chapter to have accumulations of garbage, trash and garden trash removed and disposed of by the city shall be liable to the city for the amount of applicable collection fee due therefor; and such fee shall be recoverable in any court of competent jurisdiction. In the case of garbage, trash, industrial waste, and recyclables, the cost of collection or the amount of collection fee shall constitute a lien against the premises to the same extent and character as the lien for special assessments, and with the same penalties and with the same rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens, and may be handled in the same manner by the city.

(b) Franchised or otherwise contracted services. In the event the city's contractor shall not be paid after rendering 60 days of service, the contractor shall notify the city of such delinquency, and the city shall, commencing 91 days after such delinquency, commence the payment for such continued service, which payment is hereby declared to be a debt due to the city and shall accrue interest at the rate of six percent per annum from the date the same became a debt due the city, and such amount of collection fee shall constitute a lien against the premises to the same extent and character as a lien for special assessments, and with the same penalties, and with the same rights of collection, foreclosure, sale and forfeiture as

obtained for special assessment liens and may be handled in the same manner by the city, or such delinquent fee may be recoverable in any court of competent jurisdiction, and such liens are determined to be commercial waste liens. ~~chargeable to the city's assessment lien fund.~~

Sec. 54-192. - Collection of fees.

(a) Authority. The city is hereby given the right and power, by ordinance, of imposing and collecting charges or fees for trash and/or garbage collection made by said city. Effective September 29, 2015, the city may utilize the uniform method of collection pursuant to F.S. Chapter 197, whereby residential unit owners shall pay for residential solid waste collection services and delinquent amounts on the tax bill, in accordance with the provisions of F.S. Chapter 197, as amended. If the City elects not to use the tax bill collection method, then one-quarter of said annual fee, as established by the City Commission, shall be due and collectible on October 1, January 1, April 1, and July 1, of each fiscal year.

(b) Method; lien. In connection with the authority granted in subsection (a) of this section the city is hereby granted specific right and authority, by ordinance, to provide for methods, ways and means of collecting fees and charges for trash and/or garbage collection, including the right to declare the nonpayment of such fees or charges to be a lien against the personal and real property of the debtor collectible as is now provided by law for the collection of liens for personal property taxes.

(c) Cumulative effect. The rights herein contained subsections (a) and (b) of this section are cumulative and in addition to any such rights which city now has or may hereafter be granted.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. CODIFICATION. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or such appropriate work or phrase in order to accomplish such intentions.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective as of September 29, 2015.

PASSED AND ADOPTED THIS TWENTY SIXTH DAY OF JANUARY, A.D., 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY