

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 54 - SOLID WASTE, OF THE CITY CODE TO PREVENT UNCOLLECTED GARBAGE IN THE CITY AND SECTION 1-7 ENTITLED "PENALTIES" TO INCLUDE ADDITIONAL PENALTIES FOR VIOLATIONS OF SECTION 54-19; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in the City of Coral Gables there are private waste contractors, also known as private collectors, that engage in the business of collecting and disposing of solid waste for properties and businesses that are not services by the City's Public Works Department; and

WHEREAS, a significant portion of work performed by private collectors is to service the commercial businesses located throughout the City; and

WHEREAS, given the fluidity of commercial businesses, there have been issues in the City where businesses close down and fail to close active waste collection accounts, or simply fail to pay for ongoing solid waste collection; and

WHEREAS, under the current City Code, and end-user contracts with private waste contractors, defaults for non-payment or failure to maintain a current waste collection account results in the City absorbing the ongoing waste collection responsibility, which then leads to the City acting in the place of a debt collector in order to get reimbursed for the waste collection expeditors which are the responsibility of commercial property owners; and

WHEREAS, the City does not have the man power or resources to continue to perform these functions, specifically of debt collectors, and desires to amend the code in order to shift the responsibility back to the appropriate parties, provide for additional enforcement mechanisms, and ensure that no uncollected garbage accumulates in the areas not services by the City; and

WHEREAS, the City Commission finds that this Ordinance is necessary for the preservation of our environment and the public health, safety, and welfare of City residents and visitors;

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

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 upon adoption hereof.

SECTION 2. That Chapter 54 “Solid Waste,” and Section 1-7 of the Code of the City of Coral Gables, Florida are amended as follows (deletions indicated in ~~striketrough~~ and additions indicated in underline):

CHAPTER 54

ARTICLE II. – LITTER

DIVISION 1. GENERALLY

Sec. 54-18. – Definitions.

Private waste contractor, also known as Private collectors, means any person, other than employees of the city, engaged in the business of collection and disposal of solid waste within the city limits that has been approved and permitted by the city to perform such service including, without limitation, issued a current business tax receipt by the city to conduct such activity (or perform such service).

Sec. 54-19. - Garbage collection services.

(a) Each dwelling or commercial establishment in the city is required to have a solid waste collection service and garbage facilities approved by the city manager. Failure to maintain a current garbage service provider may result in the denial of the issuance or renewal of business tax receipts, the revocation of certificate of use, and is punishable under section 1-7.

(b) All solid waste generated by commercial establishments, industrial uses, hotels, and multifamily areas shall be collected, conveyed and disposed of by private waste contractors.

Sec. 54-1920. - Violations.

Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the city may take the necessary action to ensure compliance and place a special assessment lien on the property for the cost of the work performed to benefit the property and bring it into compliance. In addition to all other remedies, violations may result in the denial of the issuance or renewal of business tax receipts, the revocation of certificate of use, and is punishable under section 1-7.

Sec. 54-2021. - Nuisance declared.

All acts forbidden in this article are hereby declared to be a public nuisance, and the proper city officers and employees are hereby authorized and directed to proceed in accordance with the ordinances which are applicable to the city.

ARTICLE III. – COLLECTION AND DISPOSAL

Sec. 54-117. - Application.

Before issuing a license and/or permit to remove and dispose of trash and garbage, the finance director shall require the execution of an application form, to be furnished by him or her, showing the name of the person to receive the license and/or permit, or, in the case of a corporation, the names of the principal officers and the name of the person who is actually to perform such services for the corporation, together with the business and home address of each such person; the description of the equipment to be used in such removal, transportation and disposal; the exact location of and the method of disposal; ~~and~~ the type of service which will be rendered; and a sample end-user contract which must contain a required 2-month deposit and language that compliance with 54-19(b) is the responsibility of the end-user and failure to maintain the garbage collection service and/or account shall be punishable as per section 1-7. The execution of a new agreement with the updated provisions and the required 2-month deposit is not applicable to existing private waste collector accounts which are not delinquent and are in existence prior to April 1, 2021.

Sec. 54-168. - Liability of property owners; 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 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.

(c) All businesses within the City shall maintain a current and up to date account with a private waste collector, failure to maintain an active and current account may result in the denial of the issuance or renewal of business tax receipts, the revocation of certificate of use, and is punishable as provided for in section 1-7.

Sec. 54-177. – Fee Debt to city; property lien.

(a) *City staff provided services.* The amount of collection fee imposed by this division is hereby declared to be a debt due to the city, and any person required under the terms of this article 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 or a private waste collector, is not paid for services rendered and a waste collection account becomes delinquent, the service provider will contact the City who will immediately begin code enforcement proceedings against that individual and/or business. ~~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~~ The City code enforcement proceedings may result in 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 lien

CHAPTER 1

Sec. 1-7. - Penalties.

Chapter 54. Solid Waste

<i>City Code §</i>	<i>Description of Violation</i>	<i>Penalty</i>
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<u>CC 54-19</u>	<u>Failure to maintain a current account with garbage service provider</u>	<u>Civil penalty of \$500.00 per day</u>
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SECTION 3. Enforcement of the amended code section 54-19 and its corresponding penalties under 1-7 will begin on the date of adoption of this ordinance. Enforcement of the remaining changes above will not commence until April 1, 2021 or the renewal of the existing private waste contractor contract and/or the awarding of a new contract for private waste collection, whichever occurs first

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. 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 part of the City of Coral Gables Code of Ordinances and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

PASSED AND ADOPTED THIS NINTH DAY OF MARCH, A.D., 2021.
(Moved: Keon / Seconded: Lago)
(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-1)

APPROVED:

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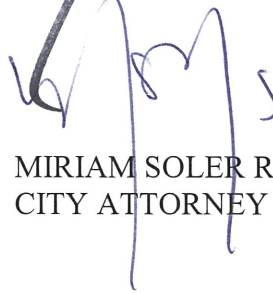
RAUL VALDES-EAULI
MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read 'B. Urquia'.

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, appearing to read 'M. Ramos'.

MIRIAM SOLER RAMOS
CITY ATTORNEY