

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 54, "SOLID WASTE" TO INCLUDE ARTICLE IV "RECYCLING PROGRAM FOR COMMERCIAL ESTABLISHMENTS AND MULTI-FAMILY RESIDENTIAL ESTABLISHMENTS" AND ARTICLE V "DISPOSAL OF CARDBOARD"; PROVIDING FOR IMMUNITY, A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is subject to the County's Recycling Ordinance, Sections 15-2.2-15-2.4 of the Miami-Dade County Code of Ordinances, which permits the City to enact a more stringent recycling ordinance; and

WHEREAS, the City Commission finds that recycling, and its positive impact on the environment, is in the best interest of the City residents as it will help decrease the carbon footprint associated with the production, use, and disposal of materials; and

WHEREAS, the City Commission desires to amend Chapter 54 to establish a City-wide recycling program for commercial and multi-family residential properties that provides standards that are equivalent to or exceed the minimum recycling requirements of Miami-Dade County and which will permit the City to enforce these important regulations within its boundaries; and

WHEREAS, the City Commission recognizes the significant impact disposal of cardboard boxes have on the City's dumpsters and recycling receptacles; and

WHEREAS, the City Commission desires to amend Chapter 54 to make it unlawful to dispose of cardboard boxes without breaking them down; and

WHEREAS, the proposed amendment is in the interest of public health, safety, order, convenience, comfort, prosperity, and general welfare.

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

SECTION 1. 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. Chapter 54 "Solid Waste" is hereby amended to include Article IV "Recycling Program for Commercial Establishments and Multi-Family Residential Establishments" and Article V "Disposal of Cardboard" as detailed in Exhibit A attached hereto.¹

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. 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 5. 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 6. If the Official Code of the City of Coral Gables Table of Contents or other reference portions is affected by these provisions, then changes are approved as part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

Passed and Adopted this ____ day of _____, A.D. 2021.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

¹ Deletions are indicated by strikethrough and insertions indicated by underline.

Exhibit A

Chapter 54

Article IV. - RECYCLING PROGRAM FOR COMMERCIAL ESTABLISHMENTS AND MULTI-FAMILY ESTABLISHMENTS

DIVISION 1. - GENERALLY

Sec. 54-179. - Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial Establishment means any structure used or constructed for use for business operations. For purposes of this chapter, hotels and motels are commercial establishments.

Multi-Family Residential Establishment means any building or structure containing more than four contiguous living units and intended exclusively for residential purposes.

Sec. 54-180. Establishment of Recycling Program for Commercial Establishments and Multi-Family Establishments

Pursuant to this article, the City is operating a recycling program that meets the minimum standards of Miami-Dade County's Code of Ordinances Sections 15-2.2-15-2.4. All provisions of this ordinance are intended to be consistent with other federal, state and local requirements.

Sec. 54-181. Recycling programs required for Commercial Establishments and Multi-Family Residential Establishments

- (a) *Commercial Establishments.* It shall be the responsibility of the owner, occupant, tenant or lessee of a Commercial Establishment within the City of Coral Gables to properly dispose of all recycle material generated by such Commercial Establishment. From the effective date of this Ordinance, every Commercial Establishment shall provide for a recycling program which shall include a minimum of three materials from this list at the Commercial Establishment's choice:

1. High grade office paper
2. Mixed Paper
3. Corrugated cardboard
4. Glass {flint, emerald, amber}
5. Aluminum (cans, scrap)
6. Steel (cans, scrap)
7. Other metals/scrap production materials
8. Plastics {PETE, HDPE-natural, HDPE-colored}
9. Textiles
10. Wood

(b) Joint and Several Liability. The failure of a Commercial Establishment to provide a recycling program pursuant to Sec. 54-181, or a modified recycling program pursuant to Sec. 54-182, shall constitute a violation of this section for which the property owners shall be liable, and the commercial business owners and operators of the Commercial Establishment shall be jointly and severally liable. Any penalties imposed pursuant to this section may include an administrative fee imposed by the City's Code Enforcement Department.

(c) Multi-Family Residential Establishments. From the effective date of this Ordinance, all Multi-Family Residential Establishments shall provide a recycling program which shall include, at a minimum, the materials listed below:

1. Newspaper
2. Glass (flint, emerald, amber)
3. Aluminum cans
4. Steel cans
5. Plastics {PETE, NDPE-natural, HDPE colored}

6. Cardboard

(d) Liability. The failure of Multi-Family Residential Establishment to provide a recycling program pursuant to this Sec. 54-181, or a modified recycling program pursuant to Sec 54-182 shall constitute a violation of this section. for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association rather than individual unit owners. shall be liable for any such violation.

Sec. 54-182. Modified recycling programs

- (a) Recycling programs which incorporate modifications, substitutions, or reductions to the requirements of Sec. 54-181 may be submitted to the City Manager for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Solid Waste Division of the Public Works Department. The Solid Waste Division of the Public Works Department shall consider the following factors in evaluating the proposed modified recycling program:
1. Whether the establishment operates a recycling program and is self-hauling materials to a recyclable vendor.
 2. Whether the establishment generates and recycles materials not covered by the City's contract with its recycling vendor.
 3. Whether the establishment is contracting with a franchisee for collection services, which provide for a post-collection separation of recyclable material.
- (b) All modified recycling programs shall be reviewed on an annual basis and applicants shall be required to confirm or revise their modified recycling program annually.
- (c) An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:
1. Supporting documentation to evidence self-hauling activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.
 2. A waste composition study of the waste generated by the applicant. which shall cover a representative time period of not less than two weeks.

3. A copy of the applicable contract with a post collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

Sec. 54-183 - RESERVED

ARTICLE V - DISPOSAL OF CARDBOARD

Sec. 54-184. - Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial Establishment means any structure used or constructed for use for business operations. For purposes of this chapter, hotels and motels are commercial establishments.

Multi-Family Residential Establishment means any building or structure containing more than four contiguous living units and intended exclusively for residential purposes.

Sec. 54-185. Unlawful disposal

- (a) It shall be unlawful for any person, Commercial Establishment or Multi-Family Residential Establishment, to dispose of cardboard boxes or paper cartons for purposes of either recycling or waste disposal without first breaking or crushing up same.
- (b) *Joint and Several Liability of Commercial Establishments.* If a Commercial Establishment violates Sec. 54-185(a), the property owners shall be liable, and the commercial business owners and operators of the Commercial Establishment shall be jointly and severally liable. Any penalties imposed pursuant to this section may include an administrative fee imposed by the City's Code Enforcement Department.
- (c) *Liability for Multi-Family Residential Establishments and other residential properties.* If a Multi-Family Residential Establishment or other residential property violates Sec. 54-185(a) the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment, having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.