

**ORDINANCE NO. 2015-12**

**AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER XVIII, CODE OF ORDINANCES ENTITLED “SOLID WASTE MANAGEMENT” BY AMENDING SECTION 18-1 “DEFINITIONS” TO CLARIFY THE DEFINITION OF GARBAGE; CREATING SECTION 18-18 “CITY AS THE EXCLUSIVE PROVIDER OF SOLID WASTE COLLECTION; PENALTIES”; AND AMENDING SECTION 18-19 “PRIVATE CONSTRUCTION AND DEMOLITION DEBRIS CONTAINER SERVICE HAULING, COMMERCIAL WASTE CONTRACTORS TRASH AND/OR GARBAGE COLLECTION, AUTHORIZED; LIMITATIONS, BUSINESS TAX RECEIPT REQUIRED; SUPERVISORY CONTROL; SUSPENSION, REVOCATION, FEE” TO REMOVE REFERENCES TO COMMERCIAL TRASH AND GARBAGE COLLECTION AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the purpose of this legislation to ensure that areas within the City are adequately provided with high-quality solid waste, construction and demolition debris collection and disposal service; and

**WHEREAS**, because of the overriding public health, safety and welfare considerations associated with the provision of these services, it is necessary that the City retains regulatory authority over the solid waste, construction and demolition debris collection and disposal service; and

**WHEREAS**, the provisions of this ordinance will also ensure that this service is efficient and responsive to public complaints and that the public convenience, aesthetic and environmental considerations, and the public investment in right-of-way property is protected; and

**WHEREAS**, the City of North Miami Beach desires to amend Chapter XVIII, Code of

Ordinances, to clarify the definition of “garbage”, to establish the City as the sole provider of solid waste collection and disposal services within the City, to amend the regulations for hauling and disposal of construction and demolition debris, and to provide penalties for violations.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida:

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Chapter XVIII of the Code of Ordinances of the City of North Miami Beach, entitled “Solid Waste Management,” is hereby amended as follows:

**18-1 DEFINITIONS.**

\* \* \*

*Garbage* shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in, or storage of, meats, fish, fowl, fruit, or vegetables, and any other matter, of any nature whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans or other containers which due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects. Any materials defined by Section 403.703, Florida Statutes, as Biomedical Waste, Biological Waste, Hazardous Substance, or Hazardous Waste shall not be considered garbage for purposes of this chapter.

**18-18 CITY AS THE EXCLUSIVE PROVIDER OF SOLID WASTE COLLECTION; PENALTIES.**

- a. The City shall be the sole and exclusive provider of solid waste collection and transportation for disposal from any premises over the streets or public rights-of-way within the incorporated area of the City.
- b. Violation.
  1. Owners/Occupant. It shall be a violation for an owner or occupant of property to allow the use of a private solid waste contractor for property located within the City limits.
  2. Private Solid Waste Collection Contractor. It shall be a

violation of this chapter for any person or entity to collect and transport solid waste for disposal from any premises over the streets or public rights-of-way within the incorporated area of the City.

Each twenty-four (24) hour period will be considered a separate violation.

Any person or entity convicted of violating any provision of section 18-18(b)(1) shall be prosecuted in the City's special magistrate system. A first violation is punishable by a per day fine not to exceed two hundred and fifty dollars (\$250.00); repeat violations are punishable by a fine not to exceed five hundred dollars (\$500.00) per day.

Any person or entity convicted of violating any provision of section 18-18(b)(2) shall be punished by imposition of a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for a period not to exceed sixty (60) days.

**18-19 PRIVATE CONSTRUCTION AND DEMOLITION DEBRIS CONTAINER SERVICE HAULING, ~~COMMERCIAL WASTE CONTRACTORS TRASH AND/OR GARBAGE COLLECTION, AUTHORIZED;~~ LIMITATIONS, BUSINESS TAX RECEIPT REQUIRED; SUPERVISORY CONTROL; SUSPENSION, REVOCATION, FEE.**

Private construction and demolition debris hauling, ~~commercial trash and/or garbage collection~~ shall be permitted within the City after first satisfying the requisites hereinafter set forth, ~~both as to conditions and obtaining the necessary business tax receipts.~~

~~a. Limitations.~~

- ~~1. Private commercial trash and/or garbage collection shall be limited to commercial buildings only, such as stores, warehouses, offices, hospitals, etc., located in business or community facility zoned districts only.~~
- ~~2. Private commercial garbage collection shall be permitted from hospitals only and may include the pickup of all garbage and organic matter.~~

a. ~~ab.~~ Business Tax Receipt Required. Before a private commercial enterprise shall engage in construction and demolition debris hauling, ~~trash and/or garbage collection~~ within the City, a special construction and demolition debris hauling, ~~trash and/or garbage~~ business tax receipt shall first be

~~obtained. Such special construction debris hauling, trash and/or garbage business tax receipt shall be issued only after application to and approval by the City Council and, if issued, shall be subject to direct supervision by the City's Director of Public Works. The business tax receipt required by this chapter shall be in addition to any other permit(s), registration or license(s) which may be required by federal, state or local law.~~

b. Violation.

1. Owner/Occupant. It shall be a violation for an owner or occupant of a property located within the City limits to allow the use of a private construction and demolition debris collection contractor which has not obtained a business tax receipt for such purposes.
2. Construction Contractors. It shall be a violation for any construction contractor to allow the use of a construction and demolition debris collection contractor which has not obtained a business tax receipt for such purposes, for any project within the City.
3. Construction and Demolition Debris Contractor. It shall be a violation of this chapter for any person or entity to collect and transport construction and demolition debris for disposal from any premises over the streets or public rights-of-way within the incorporated area of the City without first obtaining the appropriate business tax receipt from the City to carry on such business.

Each twenty-four (24) hour period will be considered a separate violation. Any person or entity convicted of violating any provision of section 18-19(b)(1) shall be prosecuted in the City's special magistrate system. A first violation is punishable by a per day fine not to exceed two hundred and fifty dollars (\$250.00); repeat violations are punishable by a fine not to exceed five hundred dollars (\$500.00) per day.

Any person or entity convicted of violating any provision of section 18-19(b)(2) and/or (3) shall be punished by imposition of a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for a period not to exceed sixty (60) days.

- c. Supervisory Control. ~~Collection of commercial trash and/or garbage and hauling of construction and demolition debris shall come under the direct supervision and control of the City's Director of Public Works, who shall have the necessary police power to enforce the City Sanitary Code, not only as to commercial trash and/or garbage collection and hauling of~~

construction and demolition debris but as to all other matters relating to sanitary conditions being maintained throughout the City in accordance with health statutes and ordinances. The Director of Public Works and/or his designee shall have the authority to issue citations and summons for violations of the City's Sanitary Code as they pertain to this section ~~and to have the same heard as charged violations of the City ordinances in the County Court.~~

d. *Suspension; Revocation.* The City Manager or designee, for good cause shown, shall have the right to recommend the suspension and/or revocation of any ~~trash and/or garbage business tax receipt or~~ construction and demolition debris hauling business tax receipt issued ~~by written request and report to the City Council~~ for violation of the terms of this section or for violation of any other ordinance of the City.

e. *Fee.* ~~After hearing before the City Council and final approval by that body granting permission to obtain such a construction debris hauling, private occupational trash and/or garbage collection license, The applicant, so approved, shall apply to the City Clerk and there obtain a construction debris hauling business tax receipt, a trash collection business tax receipt or garbage collection business tax receipt and shall pay the sum designated in section 12-31 (39). of three hundred twenty five (\$325.00) dollars for a construction debris hauling business tax receipt, four hundred fifty (\$450.00) dollars for a trash business tax receipt and one thousand two hundred fifty (\$1,250.00) dollars for a garbage business tax receipt.~~

**Section 3.** All ordinances and resolutions or parts of ordinances and resolutions and all sections and parts of sections in conflict herewith shall be and hereby are repealed.

**Section 4.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 5** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be

changed to “Section,” “Article” or other appropriate word as the codifier may deem fit.

**Section 6.** This ordinance shall take effect immediately upon adoption.

**APPROVED BY TITLE ONLY** on first reading this 16<sup>th</sup> day of June, 2015.

**APPROVED AND ADOPTED** on second reading this 21<sup>st</sup> day of July, 2015.

**ATTEST:**

\_\_\_\_\_  
**PAMELA L. LATIMORE**  
**CITY CLERK**

**(CITY SEAL)**

\_\_\_\_\_  
**GEORGE VALLEJO**  
**MAYOR**

**APPROVED AS TO FORM, LANGUAGE  
AND LEGAL SUFFICIENCY**

\_\_\_\_\_  
**JOSÉ SMITH**  
**CITY ATTORNEY**

Sponsored by: Mayor George Vallejo and the City Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~striketrough~~.