

Memorandum



Date: June 8, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Chapter 15 of the Code of Miami-Dade County

GO
Agenda Item No.
1 (F) 9

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached amendments to Chapter 15 of the Miami-Dade County Code (Code) pertaining to Solid Waste Management. The Code is being amended to include updated information related to new technologies and automated services implemented for Solid Waste collection in recent years and associated enforcement fees. These amendments include solid waste disposal, facilities, commercial recycling, trash and recycling centers, garbage, trash and bulky waste collection.

Scope

This Ordinance will affect the entire Miami-Dade County Solid Waste Service Area.

Fiscal Impact/ Funding Source

The proposed amendments are intended to provide penalties for those violations under Chapter 15 of the Code that impact quality of life and the County's ability to maintain a clean, healthy and sustainable environment. These amendments are not intended to generate new revenues and will have no negative fiscal impacts. No additional enforcement costs will be incurred because the existing Department of Solid Waste Management (DSWM) staff will continue to enforce Chapter 15 of the Code. The following table lists the proposed new violations to be included in Chapter 15 and the dollar amounts of each civil penalty.

Code Section	Violation	Fine
15-2.6 (d)	Mixing of garbage or trash with recyclable or recovered material during collection and/or transportation by a permitted hauler	\$500
15-5 (b)	Garbage shall not be placed in recycling carts, bins, and/or container	\$200
15-7	Requirement to secure transported solid waste or recyclable or recovered material	\$250
15-8	Placing dangerous materials out for collection	\$250
15-17.7	Transfer of vehicle decal prohibited	\$250
15-17.8	Improper identification of equipment	\$250
15-17.13	Delivery of unacceptable material for collection or disposal	\$500
15-17.18 (2)	Removing waste tires from an unpermitted waste tire generator	\$250
15-17.18 (3)	Use, employ or hire an unpermitted general hauler	\$250
15-32 (d)(1)	Obstructing an enforcement officer	\$500

Track Record/Monitor

The Senior Division Director for Code Enforcement will monitor compliance and enforce Chapter 15 of the Miami-Dade County Code.

Background

For more than 50 years, the DSWM has managed waste collection and disposal in Miami-Dade County and is currently the largest government owned and operated waste collection and disposal system in the southeastern United States. In addition to providing waste collection and recycling services to over 300,000 households in unincorporated Miami-Dade County and nine participating municipalities, DSWM owns and operates one of the most technologically advanced waste-to-energy facilities in the world.

DSWM collects garbage and trash; contracts for the collection of recyclable materials in unincorporated Miami-Dade County and participating municipalities; provides waste transfer and disposal services countywide; contracts with municipalities and private haulers to provide disposal services; and regulates countywide waste collection, transportation, and recycling. DSWM is also charged with enforcing Chapter 15 of the Miami-Dade County Code.

During fiscal year 08-09, issued approximately 25,000 warning letters and more than 1,000 citations. The proposed amendments to Chapter 15 of the Code will improve effectiveness in the following areas of the County's solid waste management operations:

- Solid Waste collection services, container usage, condition and location.
- Duty to dispose of solid waste and prevent accumulations.
- Prohibition of commingling of yard trash and other forms of solid waste.
- Permitting, including the renewal, rejection, and revocation of permits.
- Enforcement and penalties for violation of Chapter 15.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 20, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(J)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(J)
4-20-10

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF MIAMI-DADE COUNTY SECTIONS 15-1, 15-2, 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.6, 15-2.7, 15-2.9, 15-3, 15-5, 15-5.2, 15-6, 15-7, 15-8, 15-12, 15-13, 15-14, 15-15, 15-16, 15-17, 15-17.1, 15-17.2, 15-17.3, 15-17.4, 15-17.5, 15-17.6, 15-17.7, 15-17.8, 15-17.9, 15-17.11, 15-17.13, 15-17.14, 15-17.17, 15-17.18, 15-18, 15-24, 15-25, 15-25.3, 15-28, 15-29, 15-30, 15-31, 15-32, 15-32.1 AND 15-33 OF THE CODE OF MIAMI -DADE COUNTY, FLORIDA TO PROVIDE FOR AUTOMATED GARBAGE COLLECTION, BULKY WASTE PICKUP, RECYCLING PROGRAMS, ENFORCEMENT, SOLID WASTE DISPOSAL FEES, TRASH AND RECYCLING CENTERS, PERMITTING; AND AMENDING SECTION 8-CC-10 RELATING TO SCHEDULE OF CIVIL PENALTIES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI- DADE COUNTY, FLORIDA, that:

Section 1. Section 15-1, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 15-1. Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

>>(a) Automated Garbage Collection: The process of collecting household-generated garbage, trash and yard trash by which all such solid waste is placed into carts provided by the Department and collected using automated collection vehicles.<<

>>(b) Automated Recycling Collection: The process of collecting household generated recyclables by which all such recyclables are placed into carts provided by the Department and collected using automated collection vehicles.<<

[[~~(a)~~]]>>(c)<<Board: The Miami-Dade County Board of County Commissioners.

[[~~(b)~~]]>>(d)<<Bulky waste: [[~~Less than one (1) cubic yard of e~~]]

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>C<<onstruction and demolition debris, ~~[[large]]~~ discarded items or ~~[[large]]~~ accumulations of trash. Bulky waste shall include, ~~[[without limitation]]~~ >>except as limited by the County<<, ~~[[appliances.]]~~ furniture, ~~[[yard trash,]]~~ crates, ~~[[corrugated cardboard]]~~, and other similar items. Bulky waste shall not include >>more than four (4)<< tires, >>electronics, garbage<< or other solid waste requiring special handling.

>>(c) Bulk Waste Pickup: Bulky waste and/or clean yard trash that is placed curbside for pickup by the Department. Pickup must contain less than one (1) cubic yard of construction and demolition debris.<<

~~[[e]]~~ >>(f) <<Bundled yard trash: Clean yard trash which is gathered into bundles and tied securely so that each bundle does not exceed three (3) feet in length or weigh more than fifty (50) pounds.

>>(g) Cart: The wheeled container with lid issued by the Department used by customers receiving automated garbage and recycling collection. Said cart shall remain with the real property folio to which it was originally assigned and distributed.<<

~~[[d]]~~ >>(h) <<Clean yard trash: Yard trash free of other forms of solid waste.

~~[[e]]~~ >>(i) <<Commercial establishment: Any structure used or constructed for use for business operations. For purposes of this chapter, >>schools,<< hotels and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multi-family residential establishment.

~~[[f]]~~ >>(j) <<Commingled yard trash: Yard trash mixed with other forms of solid waste >>and containing no garbage.<<

~~[[g]]~~ >>(k) <<Composting: Controlled biological decomposition of organic >>waste<< materials.

~~[[h]]~~ >>(l) <<Construction and demolition debris: Discarded material generally considered not to be water-soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project. Commingling construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.

~~[[i]]~~ >>(m) <<Containerized waste: Solid waste (other than solid waste requiring special handling) which is placed in >>carts,<< cans, plastic garbage bags or bulk containers, or in bundles, in the case of bundled yard trash.

[(+)]>>(n)<<County Solid Waste Management System: The aggregate of those solid waste management [[facilities]]>>assets<< owned by or operated under contract with Miami-Dade County.

[(k)]>>(o)<<County-wide solid waste service area: The [[entire]] geographical area of Miami-Dade County[[-]] to which the Department provides solid waste management services.

[(+)]>>(p)<<Curbside: The area between the sidewalk and the street edge, or, in areas without sidewalks, the area between the edge of the traveled portion of any public or private street and the property line, which area shall not exceed ten (10) feet.

[(m)]>>(q)<<Customer: A person who uses the solid waste or recycling collection services of a permitted hauler or the appropriate governmental agency.

[(n)]>>(r)<<Delivery: The bringing of solid waste or recyclable material to a solid waste management facility for the purpose of resource recovery, disposal, recycling, processing, transfer, or storage.

[(+)]>>(s)<<Department: The Miami-Dade County Department of Solid Waste Management.

[(p)]>>(t)<<Director: The Director of the>>Miami-Dade County<< Department of Solid Waste Management or person(s) designated by the Director.

[(+)]>>(u)<<Disposal Facility Fee: A fee imposed on private haulers operating in the Disposal Facility Fee Area, that collect, transport, or deliver solid waste for disposal, to cover >>the Miami-Dade County<<Solid Waste Management >>Department<<System Costs>>.<<[[which]]>>This<<fee does not apply to construction and demolition roll-off service, >>waste collected at government owned and operated facilities,<<recycling service or compactor leasing service.

[(+)]>>(v)<<Disposal Facility Fee Area: the unincorporated area of Miami-Dade County, as it was geographically configured on February 16, 1996, within which the Disposal Facility Fee is imposed.

[(s)]<<Dumping: Throwing, discarding, placing, depositing or burying any solid waste in an area or manner not permitted by the Code of Miami-Dade County.]]

>>(w) Electronics: Devices or equipment used for communications, data processing and entertainment and that are designed to receive broadcast or transmission signals via antennae, cables, telephone lines, or via specialized transmission or recording devices, or storage media, and which have the capability

of reproducing images or text on a screen or print or storage media, and which may have the capability of reproducing sounds on speakers. Examples of electronics are but not limited to: Televisions, DVD's, VCR's, Computer System, Telephones and Stereos.<<

[(t)]>>(x)<<*Facility:* Anything that is built or purchased to make an action or operation easier or to serve a special purpose.

[(u)]>>(y)<<*Garbage:* Any accumulation of animal, fruit or vegetable matter ~~[[that attends]]~~ >>resulting from<< the preparation, ~~[[use, cooking and dealing in,]]~~ >>handling,<< ~~[[or]]~~ storage ~~[[of]]~~ >>or serving of food<< ~~[[edibles]]~~, and any other matter, of any nature ~~[[whatsoever]]~~, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other ~~[[germ-carrying]]~~ insects.

[(v)]>>(z)<<*Garbage can:* A container made of galvanized metal, durable plastic or other similar material capable of containing garbage, with a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons and having the following characteristics: (1) at least two ~~[(2)]~~ handles upon the sides or a bail by which it may be lifted; (2) sufficient strength for ~~[[workmen]]~~ >>workers<< to empty conveniently; (3) a tight-fitting metal or plastic top with handle; (4) construction as to permit the free discharge of its contents; and (5) no inside structures such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents.

[(w)]>>(aa)<<*Hazardous waste:* Solid waste >>including but not limited to as regulated under Chapter 62-730 Florida Administrative Code and/or <<which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may, when improperly transported, disposed of, stored, treated or otherwise managed, cause, or significantly contribute to, an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment>>.<<[[~~when improperly transported, disposed of, stored, treated or otherwise managed.~~]]

>>(bb) Illegal dumping: Throwing, discarding, placing, depositing or burying any solid waste in an area or manner not permitted by the Code of Miami-Dade County.<<

[(x)]>>(cc)<<*Industrial waste:* Condemned food products, or solid waste resulting from the following activities or operations of the following facilities: (1) canneries; (2) slaughterhouses or meat packing plants; (3) brick, concrete block, roofing shingle or tile plants; and (4) land clearing, excavating, building,

rebuilding and altering of buildings, structures, roads, streets, sidewalks, or parkways. Industrial waste shall also include any solid waste materials which, because of their volume or nature, do not lend themselves to collection and incineration commingled with ordinary garbage and trash, or which, because of their nature or surrounding circumstances should be, for reasons of safety or health, disposed of more often than the County collection service schedule provided for in this chapter.

~~[(y)]~~>>(dd)<<*Landscaping business*: Any person ~~[[operating a business]]~~ in Miami-Dade County that is engaged in the business of creating or maintaining landscaped areas, including tree trimming>>, << ~~[[and]]~~ tree removal>>and grass cutting<<.

~~[(z)]~~>>(ee)<<*Litter*: Solid waste, in any amount, which is not containerized >>and has been discarded in a manner or location that is prohibited and/or unacceptable<<.

~~[(aa)]~~>>(ff)<<*Mixed paper*: Paper material free of any solid waste. Mixed paper shall include, without limitation, white ledger, colored ledger, discarded letters and envelopes, computer paper, >>paper board<< and office paper. For purposes of this chapter, the term "mixed paper" shall not include newspaper and cardboard. Commingling of mixed paper with newspaper, cardboard or solid waste shall cause it to be classified as other than mixed paper.

~~[(bb)]~~>>(gg)<<*Modified recycling program*: An operation, approved by the Department, which provides for the recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3.

~~[(cc)]~~>>(hh)<<*Multi-family residential establishment*: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility>>with (4) or more units<<. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

~~[(dd)]~~ *Neighborhood trash and recycling center*: ~~A neighborhood site, maintained by the Department, for use by residents of unincorporated Miami-Dade County, and municipalities served by Miami-Dade County for solid waste collection and landscaping businesses that have a current permit issued in accordance with Section 15-17.1 of this Code, to deposit household-generated bulky waste such as clean yard trash; white goods; construction and demolition debris; and other household items; and, where collection of such items is provided for, recyclable items. Bulky waste shall be presumed to be other than household-generated, and shall be rejected, if delivery to a neighborhood trash and recycling~~

center is attempted by means other than the following: (1) hand; (2) automobile; (3) van; (4) pick-up truck.]]

[[~~(ee)~~]]>>(ii)<<*Noncombustible solid waste*: Solid waste that is not burnable at ordinary incinerator temperature which shall include, without limitation, metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material not usual to housekeeping or to operation of commercial establishments.

[[~~(ff)~~]]>>(jj)<<*Ordinary incinerator temperature*: Eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit.

[[~~(gg)~~]]>>(kk)<<*Permittee*: Any person who obtains a permit from the Department.

[[~~(hh)~~]]>>(ll)<<*Person*: Any ~~[[natural person,]]~~ individual, public or private corporation, firm, partnership, association, joint venture, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

[[~~(ii)~~]]>>(mm)<<*Pick-up truck*: A light truck having a gross vehicle weight (GVW) of not more than fifteen thousands (15,000) pounds, manufactured with a fixed open cargo bed, which bed does not exceed the width nor the height of the cab and is no longer than eight (8) feet.

[[~~(jj)~~]]>>(nn)<<*Plastic garbage bag*: A polyethylene or other heavy-duty plastic bag which meets the National Sanitation Foundation standard for thickness of one and five-tenths (1.5) mils, has a capacity not to exceed thirty-two (32) gallons, and has a securing mechanism.

[[~~(kk)~~]]>>(oo)<<*Portable container*: A dumpster, rollaway or other similar container designed for mechanized collection.

[[~~(H)~~]]>>(pp)<<*Private solid waste hauler (collector); Private hauler; Hauler* >>*Solid Waste Hauler*<<: Any person, entity, corporation, or partnership having a current permit issued in accordance with Section 15-17.1 of this Code that removes, collects or transports for hire any solid waste, >>or recovered materials<< over the streets or public rights-of-way within any ~~[[unincorporated]]~~ area of the County.

>>(qq) Recovered materials : Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require

subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.<<

~~[(mm)]>>(rr)~~~~<<Recyclable material: Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include~~ any glass food or beverage container<<; aluminum and steel cans and scrap metal;>>narrow neck<< plastic containers, mixed paper, newspaper, corrugated cardboard, office paper, and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.

~~[(nn)]>>(ss)~~~~<<Recycling container: Receptacle~~ issued or authorized by the authorized governmental agency or permitted hauler used for the storage and collection of << recyclable >>or recovered <<material.

~~[(oo)]>>(tt)~~~~<<Recycling program: An operation >>or activity<< which provides for the separate~~ collection<<, storage, ~~[[collection]]~~ and marketing of recyclable material.

~~[(pp)]>>(uu)~~~~<<Recycling services: Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable >>or recovered<< material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.~~

~~[(qq)]>>(vv)~~~~<<Residential unit: Any structure which is used, or constructed for use, as a single-family dwelling, duplex, cluster house, or townhouse, and which is located on a single lot, parcel or tract of land. For the purposes of this chapter, any condominium structure composed of privately owned, single-family housing units with separate means of ingress and egress~~ shall be considered a residential unit. The term residential unit shall not include any multi-family residential establishment.

~~[(rr)]>>(ww)~~~~<<Resource recovery: The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.~~

~~[(ss)]>>(xx)~~~~<<Resource recovery and management facility: Any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of >>recycling recovered materials<< solid or liquid waste; but for the purpose of permitting does not include sewage treatment, industrial waste treatment, or facilities exclusively within state or federal jurisdiction.~~

[[~~(tt)~~]]>>(yy)<<*Service unit*: An area located in any commercial establishment which provides four (4) sleeping rooms or a fraction thereof, where no cooking facilities are provided.

>>(zz) Sludge: Shall have the meaning as stated in Chapter 62-701 Florida Administrative Code as amended from time to time.<<

[[~~(uu)~~]]>>(aaa)<<*Solid waste*: Garbage, trash, litter, yard trash, hazardous waste, construction and demolition debris, industrial waste, or other discarded material, including solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

[[~~(vv)~~]]>>(bbb)<<*Solid waste collection service area*: That portion or entirety of the county-wide solid waste service area to which the [[~~(d)~~]]>>D<<partment provides curbside garbage >>, recycling or <<[[~~and~~]] trash collection service.

[[~~(ww)~~]]>>(ccc)<<*Solid waste disposal*: Disposition of solid waste by means of combustion, landfilling or other final method of discard.

[[~~(xx)~~]]>>(ddd)<<*Solid waste management facility*: Any solid waste disposal area, volume reduction plant, transfer station or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, transfer or storage of solid waste.

[[~~(yy)~~]]>>(eee)<<*Solid waste management master plan*: A document which shall set forth (a) goal(s), objectives and policies for solid waste management in Miami-Dade County, and shall include a comprehensive evaluation of solid waste management alternatives and recommended actions.

[[~~(zz)~~]]>>(fff)<< *Solid Waste Management System Costs*: Costs incurred to provide solid waste management services, including, without limitation, (a) costs for construction, reconstruction, or completion, of any facility, (b) the costs of acquisition or purchase of any facility, (c) the cost of labor, materials, machinery and equipment. (d) the cost of fuel, parts, supplies, maintenance, repairs and utilities, (e) the cost of computer services, data processing and communications, (f) the cost of all lands and interest therein, leases, property rights, easements and franchises of any nature whatsoever, (g) the cost of any indemnity or surety bonds and premiums for insurance, (h) the cost of salaries, workers compensation insurance or other employment benefits, (i) the cost of uniforms, training, travel and per diem, (j) amounts necessary to pay redemption premiums or other costs associated with the early retirement of obligations, (k) the creation of reserve or debt service funds, (l) costs and expenses related to the issuance of obligations, all financing charges and any expenses related to the issuance of obligations, all financing charges and any expenses related to any liquidity facility or credit

facility, (m) the cost of construction plans and specifications, surveys and estimates of costs, (n) the cost of engineering, financial, legal and other professional services and, (o) all other costs and expenses properly attributable to providing solid waste management capacity by the County.

[[~~(aaa)~~]]>>(ggg)<<*Solid waste requiring special handling*: Solid waste materials which, because of their quantity, concentration, composition or physical, chemical or infectious characteristics require transportation or disposal in a manner not typical of other solid waste.>>This includes sludge and biomedical waste as defined in Chapter 64E-16 of the Florida Administrative Code.<<

[[~~(bbb)~~]]>>(hhh)<<*Tire*: A continuous covering for the wheel of a motor vehicle usually made of rubber reinforced with cords of nylon, fiberglass or other material and filled with compressed air.

[[~~(ccc)~~]]~~*Trailer*: An accessory vehicle that is towed by the permitted vehicle. Trailer bed shall not be larger than 6 feet high, 6 feet wide by 10 feet long. Any trailer which does not exceed 6 cubic yards carrying capacity shall be charged for disposal at neighborhood trash and recycling centers at the same rate as pickup trucks and vans~~]].

[[~~(ddd)~~]]>>(iii)<<*Trash*: Any accumulation of paper, packing material, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of commercial establishments.

>>(jjj) *Trash and recycling center*: Center for use by residents of Miami-Dade County who pay for the trash and recycling center service through the County's waste fees to deposit household-generated bulky waste; clean yard trash; white goods; up to one (1) cubic yard of construction and demolition debris; and other household items; and for landscaping businesses that have a current permit issued in accordance with Section 15-17.1 of this Code, and who have provided payment in accordance with the department policies to dispose of clean yard trash.<<

[[~~(eee)~~]]>>(kkk)<<*Unincorporated Miami-Dade County*: Any part of Miami-Dade County not lying within the boundaries of a duly incorporated village, town, or municipality.

[[~~(fff)~~]]>>(lll)<<*Used tire*: A tire that is suitable for vehicular use or is suitable for retreading and is intended by the holder thereof to be for vehicular use or retreading.

[[~~(ggg)~~]]>>(mmm)<<*Van*: A fully enclosed vehicle which is manufactured and marketed by a major automobile manufacturer as a van and which has a gross

vehicle weight of not more than 11,000 pounds.

[(hhh)]>>(nnn)<<Vegetative food waste: Discarded [[edible]] fruit and vegetable matter which is capable of biological decomposition.

[(iii)]>>(ooo)<<Waste tire: A tire from a motorized vehicle, that is no longer suitable for its originally intended purpose because of wear, damage or defect, or which is no longer intended by the holder thereof for vehicular use.

[(jjj)]>>(ppp)<<Waste tire generator: Any person >>in accordance with Section 15-17 of this Code<<that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration.

[(kkk)]>>(qqq)<<Waste tire transporter [[:]] >>Waste tire hauler:<<Any person transporting >>hauling or picking up<< five (5) or more waste tires for hire.

>>(rrr) White Goods: inoperative or discarded refrigerators, ranges, washers, water heaters, freezers, and other similar domestic appliances.<<

[(HH)]>>(sss)<<Yard trash: Vegetative matter resulting from landscaping and land clearing operations. >>Yard trash includes lawn and garden debris, leaves, bushes, cuttings, grass clippings and branches.<<

Section 2. Section 15-2, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2. Solid waste collection services, container usage, condition and location.

Every >>residential unit, every<< commercial and >>every<<multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services or that of a [[licensed]]>>permitted<<solid waste hauler authorized to perform such services by the Director of the Department. Each residential unit, multi-family residential establishment or commercial establishment located in any area where Miami-Dade County solid waste collection and disposal service is provided shall have a sufficient number of >>carts, bins,<<garbage cans, >>recycling container<<plastic garbage bags or portable containers to accommodate all garbage, >>recyclable material, recovered material<<[[bundled]] yard trash or other trash to be removed by Miami-Dade County or other approved contractors. All solid waste to be removed by Miami-Dade County shall be placed at curbside in front of property in such a manner as not to obstruct pedestrian passage, except that

collections will be made from alleyways where there is clear and safe access for passage of heavy equipment. An exception to this rule is a handicapped person, per determination of the Director.

It shall be unlawful for any person to set out for collection any waste containers which do not conform to the provisions of this chapter or which contain other defects likely to hamper the collection of or injure the person collecting the contents hereof ~~[[are illegal]]~~. Such containers ~~>>are illegal and<<~~ shall be promptly replaced by the owner or user of the container upon the receipt of written notice of said defect. At no time will the Department service any such illegal containers. Portable containers declared a public nuisance or to be unserviceable with no identifying marks visible to enforcement officers shall be removed at the discretion of the Director.

It shall be unlawful for any person to place or cause, let, allow, permit or suffer the placement of any uncontainerized waste at curbside, right-of-way or street edge at any time except as otherwise provided in this chapter.

>>Where automated garbage and/or recycling collection is provided, the cart shall be placed at curbside with the front of the cart facing the street and no more than three (3) feet from the edge of the pavement and no less than five (5) feet from any other cart or object. The cart's lid shall remain closed for collection purposes. All garbage, recycling, trash and yard trash must be completely contained within the cart. No pick up will be provided for carts that have anything protruding from the top of the cart. All solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days no later than 7:00 a.m. and shall be removed on the day of collection.<<

Section 3. Section 15-2.1, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2.1. Scavenging of recyclable materials prohibited; theft of recycling >>and garbage<< containers.

(a) ~~[[Intent.]]~~ It is the intent of the Board of County Commissioners of Miami-Dade County, Florida to facilitate the establishment of recycling programs through protection of recyclable material stored for collection. To this end, this section is hereby created to encourage recycling activities throughout the County.

(b) Recyclable materials placed by any person in the prescribed manner in a designated collection area is the property of the generator's authorized collection agent, or, if a local government is administering or operating its own recycling program, of said local government. No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recyclable material which has been placed in the prescribed manner in a designated collection area, without first obtaining the written consent of the generator's

authorized collection agent, or, if a local government is administering its own recycling program, of said local government.

(c) No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recycling ~~>>~~and garbage~~<<~~ container ~~>>~~s~~<<~~ placed at any property, without first obtaining the written consent of the owner of said recycling ~~>>~~and garbage~~<<~~ container or the owner's agent.

(d) Any and each collection in violation of subsections (b) or (c) above with the use of a motorized vehicle shall constitute a separate and distinct offense punishable as hereinafter provided.

(e) This section shall apply to the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by Miami-Dade County, and in the incorporated areas shall be enforced by the municipalities, unless the County and municipality agree, in writing, that the County will enforce this section within the municipality. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this section.

Section 4. Section 15-2.2, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2.2. Recycling programs required for multi-family residential establishments.

(a) ~~[[No later than nine (9) months from the effective date of Ordinance Number 91-123,e]] >>~~E~~<<~~very multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE >>- polyethylene terephthalate<<, [[N]]>>I<<DPE>>-high-density polyethylene<<-natural, HDPE colored)

>>(b) For multifamily properties with multiple buildings with the same folio number, must provide recycling containers at every site on the property where a garbage container is located.<<

[[~~(b)~~]] >>(c)<< The failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof 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.

Section 5. Section 15-2.3, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2.3. Recycling programs required for commercial establishments; joint and several liability.

(a) [[~~No later than nine (9) months from the effective date of Ordinance Number 91-123, e~~]] >>E<< every commercial establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include a minimum of three (3) materials of its choice selected from the list provided in Section 15-2.3 below.

Recyclable Materials: Commercial Establishments

- (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) The failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

Section 6. Section 15-2.4, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2.4. Modified recycling programs allowed.

(a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 15-2.2 and 15-2.3 may be submitted to the Department for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Department. The 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 the materials to a recyclable material vendor. >>Self-hauling establishments must possess a current general hauler permit in accordance with Section 17 of this Code.<<

(2) Whether the establishment generates a lesser number of recyclable materials than the required minimum.

(3) Whether the establishment generates and recycles materials not listed in Section 15-2.2 or Section 15-2.3 hereof, as applicable.

~~[[(4) Whether the establishment is contracting with a permitted private hauler for collection services, which services provide for a post-collection separation of recyclable material, and which:]]~~

~~[[(i) Generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 15-2.2 or Section 15-2.3 hereof, as applicable; and]]~~

~~[[(ii) Utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.]]~~

(b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the Department. All modified recycling

programs shall be reviewed on a semiannual basis and applicants shall be required to confirm or revise the information contained in their applications at that time.

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-haul 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 no shorter than one (1) week.
- (3) A copy of the applicable contract >>between the hauler and<< ~~[[with]]~~ a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

Section 7. Section 15-2.6, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2.6. Mandatory separation of recyclable materials from solid waste stream.

(a) All occupants of every multi-family residential establishment and every residential unit are required, in accord>>ance<< with the collection program provided at that location, to separate, from all other solid waste>>, all recyclable material<< collected >>as part of its collection program.<< ~~[[or received by Miami Dade County or any other collector, the following materials:]]~~

~~[[(1) Newspaper;~~

~~(2) Glass;~~

~~(3) Aluminum cans;~~

~~(4) Steel cans;~~

~~(5) Plastics.]]~~

(b) All occupants of every commercial establishment are required to separate, from all other solid waste >>, all recyclable material<< collected >>as part of its collection program.<<~~[[or received by Miami Dade County or any other collector, those three selected materials from the following list that are included in the program established at that location in compliance with Section 15-2.3:]]~~

- ~~[(1) High grade office paper;~~
- ~~(2) Mixed paper;~~
- ~~(3) Corrugated cardboard;~~
- ~~(4) Glass;~~
- ~~(5) Aluminum;~~
- ~~(6) Steel;~~
- ~~(7) Other metals/scraps/production materials;~~
- ~~(8) Plastics;~~
- ~~(9) Textiles;~~
- ~~(10) Wood.]]~~

(c) Occupants of multi-family residential establishments and commercial establishments may, as an alternative to the requirements of this section, separate recyclable materials in accordance with the modified recycling program established at their place of business or residence in compliance with Section 15-2.4. Modified recycling programs shall include those providing for:

- (1) A lesser number of recyclable materials than the required minimum.
- (2) Substitution of recyclable materials not listed in Section 15-2.6.

~~[(3) Post-collection separation of recyclable material for commercial establishments, and for those multi-family residential establishments for which separation of recyclable material on the premises is wholly, physically impractical, provided, however, that those modified recycling programs providing for post-collection separation of recyclable material for either commercial or multi-family residential establishments shall be allowed which have been established in compliance with Section 15-2.4 pursuant to contracts in existence as of July 21, 1992.]]~~

>>(d) All permitted haulers providing recycling services to commercial and multifamily establishments in compliance with the code requirements of Sections 15-2.2, 15-2.3 and 15-2.4 are required to collect and transport the separated recyclable or recovered material separately from the solid waste stream to an authorized materials recovery facility.

Mixing of garbage or trash with recyclable or recovered material during collection and/or transportation is a violation of this section and the permitted hauler is liable for each incident found on any given route.<<

>>The provisions of Section 15-2.6 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the county and the city agree, in writing; that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.<<

~~[[The county manager shall, within six (6) months of the effective date of this Ordinance Number 92-78, adopt and implement regulations establishing procedures requiring commercial and multi-family residential establishments and residential units to place these materials in specialized receptacles, or to handle them in any other manner which the county manager determines shall facilitate the recycling of such materials.]]~~

Section 8. Section 15-2.7, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2.7. ~~[[**Enforcement.**]]~~ >>**Reserved.** <<

~~[[The provisions of Ordinance Number 92-78 shall be enforced by the county manager pursuant to the final promulgated regulations of this ordinance. Such regulations shall provide that, during the initial twelve-month period of intense education efforts (which shall begin on August 10, 1992, regardless of whether final regulations have been promulgated at that time), Miami Dade County shall not prosecute individuals who unknowingly fail to separate from all other solid waste the materials required to be separated by this ordinance. The regulations shall provide that during the subsequent six-month period warning tickets shall be issued to all persons who fail to separate the required materials regardless of knowledge or intent. Prior to February 10, 1994, the county manager shall propose for the approval of the board of county commissioners regulations for enforcement of this ordinance to be implemented beginning on February 10, 1994. If such regulations propose an amendment to Chapter 8CC of the Code of Miami Dade County, a public hearing before the board of county commissioners shall be required prior to implementation.]]~~

~~[[The provisions of Section 15-2.6 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the county and the city agree, in writing; that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.]]~~

Section 9. Section 15-2.9, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-2.9. Relation to state and federal law.

All provisions of this ordinance are intended to be consistent with other federal, state and local requirements. To the extent that compliance with any of the requirements is a physical impossibility while concurrently complying with other federal or state requirements, the affected person may request a hearing before the ~~[[b]]~~ >>B<<oard of ~~[[c]]~~ >>C<<ounty ~~[[e]]~~>>C<<ommissioners to demonstrate this. The ~~[[e]]~~>>C<<ounty >>Mayor or his or her designee<<[[manager]] shall amend these requirements to the extent that such physical impossibility is shown. However, to the extent that requirements specified herein are more stringent than federal or state requirements, the person shall comply with both such requirements.

Section 10. Section 15-3, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-3. Prima facie evidence of accumulation of solid waste.

The fact that any residential unit or any commercial or multi-family residential establishment located in any County solid waste collection service area is occupied shall be prima facie evidence that solid waste is being produced or accumulated upon such premises. However, temporary residential vacancy, regardless of duration, shall not authorize a refund or excuse the nonpayment of any solid waste fee. Solid waste fees shall be chargeable on new residential units immediately following the >>issuance of a Certificate of Occupancy by the<< Department ~~[[of]]~~ >>authorized to do so,<< ~~[[Planning, Development and Regulation's final inspection]]~~ thereof, or installation of permanent electric utility service, or whenever the first solid waste is picked up from such unit by the County, whichever shall occur first.

>>In the event, any single family residential unit is found to have been serviced without assessment of the corresponding waste fees, the Department of Solid Waste Management will assess waste fees for the services provided by the Department on said property. These fees will be billed in accordance with the fee schedule for single family residential units approved by the Board of County Commissioners and will be assessed for each prior year of service up to three (3) preceding years.<<

>>In any prosecution charging a violation of a provision of this chapter, proof that the solid waste offense described in the complaint occurred on the property, including adjoining right-of-way, identified by the address thereon, together with proof that the owner, manager, occupant, resident, lessee or other responsible person identified in the complaint was notified of the violation as prescribed in this chapter, shall constitute in evidence a rebuttable presumption that such person was responsible for the violation.<<

Section 11. Section 15-5, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-5. Duty to dispose of solid waste and prevent accumulations.

(a) *Prohibited acts.* It shall be unlawful for the owner, manager, occupant, lessee, or other person responsible for any lot, parcel or tract of land ~~[[in any unincorporated area of the County]]~~ >>in all areas where County solid waste collection service is provided in accordance with section 15-13 of this code<<, to deposit, store, keep, or maintain, or let, allow, cause, permit or suffer to be deposited, stored, kept or maintained, solid waste which is not ~~[[containerized]]~~, >>fully within an appropriate authorized container<< upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter. ~~[[All solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days no later than 7:00 a.m. and shall be removed on the day of collection.]]~~ Yard trash or vegetative food waste which is being maintained for the purpose of composting may be kept uncontainerized on any lot, parcel or tract of land in the unincorporated area of the county, provided that the yard trash or vegetative food waste is not located on any right-of-way, alley or front yard area >>and does not create a sanitary nuisance or noxious odor conditions at adjacent properties<<.

>>(b) Garbage shall not be placed in recycling carts, bins, and/or containers.<<

~~[[*(b) Enforcement.* Failure to comply with the provisions of this [[section]] shall constitute a violation of this chapter. Whenever it is evident that there is a violation of this [[section]], the enforcement officer shall do one (1) or more of the following:]]~~

~~[[*(1)*—Serve a notice of violation, in a form prescribed by the Director and approved by the Board of Miami Dade County Commissioners, upon the owner, manager, occupant, resident, lessee or other responsible person by personal service, by certified mail or by posting a copy in a conspicuous place on the premises on which the violation exists. The notice shall specify a reasonable time, not to exceed fourteen (14) days, in which the violation shall be rectified or stopped, commensurate with the circumstances. In the event said notice is not complied with in the specified time, the enforcement officer shall proceed with the issuance of a uniform civil violation notice or direct removal as outlined below.]]~~

~~[[*(2)*—Cause a uniform civil violation notice to be issued, in a form prescribed by the Director and approved by the Board of Miami Dade County Commissioners, upon the owner, manager, occupant, resident, lessee or other responsible person as~~

~~prescribed in Section 8CC-3, Code of Miami-Dade County, Florida, as may be amended from time to time. This uniform civil violation notice may be issued each day until the violation is rectified.]]~~

~~[(3) Direct the Department of Solid Waste Management to remove the Violation and charge the property owner for a special collection service in accordance with Section 15-14 of this chapter.]]~~

~~[(e) *Prima facie* evidence. In any prosecution charging a violation of a provision of this chapter, proof that the solid waste offense described in the complaint occurred on the property, including adjoining right-of-way, identified by the address thereon, together with proof that the owner, manager, occupant, resident, lessee or other responsible person identified in the complaint was notified of the violation as prescribed in this chapter, shall constitute in evidence a rebuttable presumption that such person was responsible for the violation.]]~~

Section 12. Section 15-5.2, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-5.2. Prohibition of commingling of yard trash and other forms of solid waste; joint and several liability.

(a) *Commingling of yard trash and other forms of solid waste prohibited.* After December 31, 1991, the following acts shall be a violation of this section:

~~[(1) The placement of yard trash at the curbside or other designated garbage collection area, by any person, for collection and disposal as garbage.]]~~

~~[(2) The placement of commingled yard trash at the curbside or other designated trash collection area, by any person, for collection and disposal.]]~~

~~[(3) Delivery of commingled yard trash, by any person, to a County neighborhood trash and recycling center.]]~~

~~[(4) Delivery, by any person, of yard trash commingled with garbage to a solid waste management facility.]]~~

~~[(5)]>>(1)<<~~ Failure, of any person, to deliver a ~~[[surecharged]]~~ load of commingled yard trash and garbage to a designated solid waste management facility after having been rerouted from another solid waste management facility.

~~[(6)]>>(2)<<~~ Failure, by any person utilizing a ~~[[neighborhood]]~~ trash and recycling center for disposal of clean yard trash, to place clean yard trash in

designated containers or areas for clean yard trash at ~~[[neighborhood]]~~ trash and recycling centers.

~~[[7]]~~ (3) Delivery, by any person, of yard trash, clean yard trash, or commingled yard trash to a Class I lined landfill for disposal.

(b) *Joint and several liability.* When a violation of this section involves a vehicle which is registered to a permittee, with regard to said violation, the driver of the vehicle shall be jointly and severally liable with the owner(s) and operator(s) of the permittee to whom the vehicle is registered, as applicable.

Section 13. Section 15-6, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-6. Littering, ~~>>illegal<<dumping and unauthorized delivery prohibited;~~ ~~>>illegal<<dumping or burying solid waste without proper authorization; unauthorized delivery of solid waste at ~~[[neighborhood]]~~ trash and recycling centers; declared public nuisance; presumption.~~

(a) *Intent.* It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to prevent, in whatever way possible, the abuse of the environment of Miami-Dade County through acts of any persons that are generally classified under the headings of "~~>>illegal<<dumping~~" and "littering," which acts severely burden the taxpayers of Miami-Dade County and adversely affect the attractiveness, public health, safety and welfare of the community for its residents and visitors. To this end, this section is hereby created and shall be known as the "Dade Clean County Ordinance."

(b) *Prohibited act(s).* The following shall be unlawful:

(1) It shall be unlawful for any person to cause, let, allow, permit or suffer the ~~>>illegal<<dumping~~ ~~[[of]]~~ ~~>>or<<litter>>ing<<~~ on any public or private highway, road, street, alley, bridge, drain, gutter, lane, sidewalk, vacant lot, or thoroughfare, except in areas lawfully provided therefor~~>>e<<~~.

(2) It shall be unlawful for any person to cause, let, allow, permit or suffer the ~~>>illegal<<dumping~~ ~~[[of]]~~ ~~>>or<<litter>>ing<<~~ in or on any freshwater lakes, canals, rivers or streams or tidal or coastal waters of Miami-Dade County.

(3) It shall be unlawful for any person to cause, let, allow, permit or suffer the ~~>>illegal<<dumping~~ ~~[[of]]~~ ~~>>or<<litter>>ing<<~~ on any public or private property not listed in Subsection (1) above, unless prior written consent of the owner has been given, and such disposal has been authorized by permit from all

governmental authorities having jurisdiction, and provided that said litter will not cause a public nuisance or be in violation of any other State or local laws, rules or regulations.

(4) Causing, maintaining, permitting or allowing the accumulation of any litter on any construction or building site before, during or after completion of said construction or building. It shall be the duty of the owner ~~[[, or his agent,]]~~ of the property in question to make adequate provision for the disposing of litter and to have on the construction or building site adequate facilities for the disposing of said litter and solid waste and to make appropriate arrangements for the collection thereof.

(5) Disposing of the carcass of any dead animal, domestic or otherwise, by the throwing, discarding, placing or depositing of said carcass in or on any of the locations noted in ~~[[§]]>>§~~ subsections (1) through (3) of this section.

~~>>(6) Delivery of solid waste at a trash and recycling center without presenting the proper identification. Proper identification shall include a valid driver's license or state identification issued by the State of Florida.<<~~

~~[[{(6)}]] >>(7)<< Delivery, by any person, of garbage at ~~[[neighborhood]]~~ trash and recycling centers.~~

~~[[{(7)}]] >>(8)<< Delivery, by any person, of solid waste at any ~~[[neighborhood]]~~ trash and recycling center that is not generated from a residential unit located in unincorporated Miami-Dade County or from a residential unit located in a municipality which is served by the Department for solid waste collection. ~~[[Bulky waste shall be presumed to be other than household generated if it is delivered by any person that is other than a resident of the unincorporated service area or a resident of a municipality served by the Department for solid waste collection or a landscaping business having a current permit in accordance with Section 15-17.1 of this Code]].~~~~

~~[[{(8)}]] >>(9)<<Obstructing the use of >>, and/ or interfering with the operation of, and/or not following the direction of staff of any County-owned disposal or collection facility.<< ~~[[a neighborhood trash and recycling center.]]~~~~

~~[[{(9)}]] >>(10)<< Vandalizing a >>County owned disposal or collection facility.<< ~~[[neighborhood trash and recycling center.]]~~~~

~~[[{(10)}]] >>(11)<< Delivery by a permitted landscaping business of any materials other than clean yard trash at a ~~[[neighborhood]]~~ trash and recycling center.~~

~~[(11)]~~ >>(12)<< Salvaging or scavenging at any Department of Solid Waste Management facility by any person is a violation of this Chapter, and may be enforced as described in Section 15-32 herein.

~~[(12)]~~ >>(13)<< It shall be unlawful for any permitted landscaping business to cause, let, allow, permit or suffer the delivery of clean yard trash to any ~~neighborhood~~ trash and recycling center or County-owned disposal facility in a vehicle that does not have a permit.

~~[(13)]~~ >>(14)<< It shall be unlawful for any permitted landscaping business to cause, let, allow, permit or suffer the modification of a permitted vehicle to increase the capacity of the vehicle after the vehicle has been permitted >>without the modifications first being certified by the Department's Enforcement Division<<.

~~[(14)]~~ >>(15)<< It shall be unlawful for any permitted landscap~~er~~ing business to cause, let, allow, permit or suffer the delivery of clean yard trash with a trailer and a van or pick-up truck simultaneously.

>>(16) It shall be unlawful for delivery, of solid waste, to a trash and recycling center by commercial vehicle or means other than the following: (1) hand; (2) automobile; (3) van; (4) pick-up truck; (5) trailer not larger than 6 feet high, 6 feet wide by 10 feet long. Any trailer which exceeds 13.33 cubic yards carrying capacity shall be denied access for disposal at trash and recycling centers.<<

(c) *Declared public nuisance.* In addition to, and not in limitation upon, any enforcement action for violation of this section, it is the intent of the Board of County Commissioners to declare the >>illegal<<dumping ~~of~~ >>or<< litter>>ing<< in Miami-Dade County to be a public nuisance, and to subject violators of this section to the provisions of Chapter 19 of the Code of Miami-Dade County calling for removal of such a public nuisance through notice, hearing and a lien enforcement procedure if the County so chooses to remedy the prohibited condition. To that end, the provisions of Chapter 19 of the Code of Miami-Dade County are hereby incorporated by reference and made a part of this section. Any action taken pursuant to this section utilizing the provisions of Chapter 19 shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code.

(d) *Applicability of State laws.* In addition to, and not in limitation of the provisions of this section, the provisions of Section 403.413, Florida Statutes, also known as the "Florida Litter Law," as amended from time to time, are hereby added to this Code of Ordinances and incorporated by reference herein. The Board of County Commissioners would also respectfully suggest to the judges of those courts trying persons for violations of the "Florida Litter Law" that the provisions of Chapter 948, Florida Statutes,

"Probation," be utilized liberally in order to require such persons to expend appropriate amounts to time and effort gathering up litter at places within the County designated by the court.

(e) *Presumption where motor vehicle is source of litter.* In the prosecution charging a violation of Section 15-6(b) of the Code by the >>illegal<< dumping [[øf]] >>or<< litter>>ing<< in any manner or amount whatsoever in or on any public highway, road, street, alley, thoroughfare or any other public lands or waters, by, through or from a motor vehicle, proof that the particular vehicle described in the complaint was the source of the litter so discarded, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such a vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who committed the violation of the ordinance above-noted. Said presumption may be rebutted by substantial evidence on the part of said owner.

Section 14. Section 15-7, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-7. Requirement to secure transported solid waste [[øf]] >>,<<recyclable >>and recoverable<<material.

It shall be unlawful for any person to haul, convey, or cause to be hauled or conveyed, any solid waste[[øf]] >>,<<recyclable >>and recoverable<<material upon or along public streets, roads or alleys except when the material transported is adequately secured in such manner as to prevent the material from falling or being blown from the transporting vehicles.

Section 15. Section 15-8, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-8. Placing dangerous materials in >>cars, bins,<<garbage cans, plastic garbage bags, portable containers or recycling containers prohibited.

It shall be a violation of this chapter to place or cause to be placed in any >>cart, bin,<< garbage can, plastic bag, portable container, or recycling container for collection, any acid, explosive material, inflammable liquids, hazardous, infectious or any other >>material deemed by the Director to be<< dangerous or >>any<< highly corrosive material of any kind.

Section 16. Section 15-12, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-12. Emergency powers of the Director.

The Director, with the concurrence of the County ~~[[Manager]]~~ >>Mayor or his or her designee<<, shall have the authority to suspend, modify or expand services provided by the Department, as enumerated herein, in such emergency circumstances as national disasters, civil disorders or other circumstances as directed by the County ~~[[Manager]]~~ >>Mayor or his or her designee<<.

Section 17. Section 15-13, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-13. County collection of solid waste.

The Director shall have the power to establish the type of solid waste collection service to be rendered to all areas where County solid waste collection service is provided, and to promulgate rules and regulations not inconsistent herewith. The frequency and quantity of solid waste collection service to be rendered shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. The Director, with the concurrence of the County ~~[[Manager]]~~ >>Mayor or his or her designee<<, shall have the authority to expand the limits of those service areas served by the Department. All residential waste collection within said areas shall, at the discretion of the Director, be serviced only by the Department. The Department reserves the right to collect solid waste from any Miami-Dade County governmental facility, regardless of location.

The Department shall continue to collect and dispose of all residential waste from any part of the unincorporated municipal service area that is incorporated subsequent to ~~[[the effective date of this ordinance]]~~ >>February 6, 1996<<.

The Department shall either continue to collect and dispose of all residential waste from any part of the unincorporated municipal service area that is annexed to existing municipalities subsequent to the effective date of this ordinance, or delegate to the governing body of the existing municipality the authority to collect the residential waste through ~~[[a]]~~ twenty (20) year inter local agreement >>of at least 20 years<<which provides for collection services, and ~~[[a]]~~ twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution R-1198-95. >>The term of the two contracts need not be concurrent however, the disposal contract shall be no less than 20 years.<<

The Director and his >>or her<< designated representatives are assigned the responsibility for enforcement of solid waste collection procedures enumerated herein.

Section 18. Section 15-14, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-14. Special collections, fees, extra charges.

Any special collections or waste services not covered by this chapter which are performed by the ~~[[d]]>>D<<e~~partment shall be performed pursuant to such conditions as may be specified by the Director. The ~~[[d]]>>D<<e~~partment shall charge and collect fees for such special collections or waste services as approved by the Board of County Commissioners.

Whenever a violation of this chapter involving unlawful placement or disposal of materials occurs, and the ~~[[d]]>>D<<e~~partment undertakes removal and disposal of such materials, the ~~[[d]]>>D<<e~~partment shall charge and collect fees for such services at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

Refusal or delay in rendering payment for any special collection performed as outlined in this chapter shall constitute the basis for adding such unpaid charges to regular waste fee assessment accruing against the property where such special collections are made, and are hereby imposed as special assessment liens against the real property aforesaid, and until fully paid and discharged, or barred by law, shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved, and when delinquent, shall bear interest and may be enforced and collected pursuant to the provisions of Section 15-28(a) of this chapter when applicable.

Section 19. Section 15-15, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-15. ~~[[Private disposal of waste.]] >>Reserved<<~~
~~[[Any person may be issued a permit by the Health Department to dispose of garbage or solid waste materials accumulated upon his own premises by burial, provided that such method meets all specifications of the Director of the Health Department and evidence is presented of compliance with zoning regulations, but such permit and the disposal thereby authorized shall not relieve the owner or occupant of the premises from payment of regular waste fees. No fee shall be charged for such permit and the same may be renewed each year provided all specifications of the Health Department are observed.]~~

Section 20. Section 15-16, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-16. Responsibility for removal of industrial ~~[[waste]], hazardous~~ ~~[[waste]]>>,biomedical<< and noncombustible solid waste, collection and disposal of bulky~~

waste.

Industrial ~~[[waste]]~~, hazardous ~~[[waste]]~~, biomedical and noncombustible solid waste shall be disposed of in the manner and at such locations as are consistent with all federal, state and local laws, rules, regulations, and ordinances. Removal of industrial ~~[[waste]]~~, hazardous ~~[[waste]]~~, biomedical and noncombustible solid waste shall be the responsibility of the owner, occupant, operator or contractor creating or causing the accumulation of such material. The Department shall not be responsible for collecting or hauling discarded building material, construction and demolition debris, dirt or rock, nor shall it be responsible for collecting or hauling trees, bushes or other vegetation cut on private property before a certificate of occupancy is issued.

Bulky waste and/or yard trash shall not be permitted at curbside until advance arrangements have been made with the Department for its removal.

Section 21. Section 15-17, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17. Permits required by the Department of Solid Waste Management.

- (1) It shall be unlawful for any person to remove, collect or transport for hire or salvage any solid waste ~~>>[[or]]~~ recyclable ~~>>or recoverable~~ material over the streets or public right-of-way within any unincorporated area of the County, any unincorporated area that is incorporated subsequent to February 6, 1996 ~~<<the effective date of this ordinance~~, and any unincorporated area that is annexed to an existing municipality subsequent to February 6, 1996 ~~<<[[the effective date of this ordinance]]~~, without first applying for and receiving the appropriate solid waste permit from the Department to carry on such a business.
- (2) It shall be unlawful for any person to remove, collect or transport within Miami-Dade County five (5) or more waste tires for hire without a Waste Tire Transporter Permit from the Department of Solid Waste Management.
- (3) It shall be unlawful for any person to sell, trade or otherwise transfer new, used, or waste tires within Miami-Dade County without a Waste Tire Generator Permit from the Department of Solid Waste Management.

Permits issued by the Department are as follows:

- (a) *General* hauler permit: Applies to any person engaged in the business of solid waste collection, removal, recovery, or transport for hire or salvage, or any person engaged in the business of recyclable or recovered materials collection, removal or transport for hire or salvage.

(b) *Landscaping business >>permit<<*: Applies to landscaping businesses as a requirement to ~~[[enable them to]]~~ use ~~[[neighborhood]]~~ trash and recycling centers, and ~~[[a]]~~ use County-owned solid waste management facility(ies) designated by the Director, ~~>>only<<~~for disposal of clean yard trash ~~[[only]]~~.

(c) *Waste tire generator>>permit<<*: Applies to any person that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration.

(d) *Waste tire transporter>>/hauler permit<<*: Applies to any person transporting >>, hauling or collecting<<five (5) or more waste tires for hire.

Permits required by this section shall be in addition to any other permits, registration or occupational license which may be required by Federal, State or Local law.

(4) Exemptions. The provisions of this section shall not apply to:

(a) ~~[[Commercial or m]]~~ >>M<<ulti-family residential establishments >>located within the solid waste collection service area<< for the sole purpose of hauling the trash or recyclable material of its own tenants or occupants.

(b) Persons who use entity owned or leased vehicles to transport tires for the purpose of retreading between entity owned or franchised retail tire outlets and retread facilities owned or franchised by the same entity.

(c) The provisions of this section shall not apply to organized events to clean up improperly disposed waste tires or other organized environmental cleanup activities.

Section 22. Section 15-17.1, Solid Waste Management, of the Code of Miami-Dade

County, Florida, is hereby amended to read as follows:

Sec. 15-17.1. Application for permit.

Applications for a permit shall be made to the Department upon such form and in such manner as shall be prescribed by the Director, said form to elicit the following information and to be accompanied by supporting documents and such other information as may be required by the Department from time to time:

(a) *Name of applicant.* If the applicant is a partnership or corporation, the name(s) and business address(es) of the principal officers and stockholders and other persons having any financial or controlling interest in the partnership or corporation. Provided, however, that if the corporation is a publicly owned corporation having more than twenty-five (25) shareholders, then only the names and business addresses of the local managing officers shall be required.

(b) *Character of applicant.* The applicant for a permit under this section, if an individual, or in the case of a firm, corporation, partnership, association or organization, any person having any financial, controlling or managerial interest therein, shall be of good moral character. In making such determination the following information, which shall be submitted by applicant, shall be considered:

(1) *Penal history.* If the applicant is an individual, a record of all convictions and the reasons therefor shall be provided by the applicant. If the applicant is other than an individual, then the record of all convictions and the reason therefor of the principal controlling officers of applicant shall be provided. Provided, however, that in the case of a publicly held corporation having twenty-five (25) or more shareholders, then only the aforementioned information applicable to its local managing officers shall be required.

(2) *Type of Business.* The description of the type of business primarily operated by the applicant. Type can include but is not limited to construction, roofing, general waste removal, maintenance, land clearing or landscaping.

(3) *Fingerprints.* The fingerprints of the persons mentioned in this subsection, a full set of which, for each of such persons shall accompany the application. Such service may be obtained from the Miami-Dade Police Department or other incorporated Miami-Dade County municipal law enforcement agency approved by the Department. Fingerprints can only be accepted on fingerprint cards provided by the Department.

(4) *Business history.* Whether such applicant has operated a solid waste collection-removal business, waste tire transporting business or tire business in this or another state under a franchise, permit or license and if so, where and whether such franchise, permit or license has ever been revoked or suspended and the reasons therefor.

(5) *Existence of business entity.* If applicant is a corporation, applicant shall submit proof of incorporation in good standing in the state

of incorporation and, if a foreign corporation, applicant shall provide information certifying that applicant is qualified to do business in the State of Florida. If applicant is other than a corporation and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant.

(c) *Equipment and method of operation.* The applicant for a permit shall possess equipment capable of providing safe and efficient service. In making such a determination and approving the method of operation for each applicant, the Department shall require the following information:

(1) The ~~[[type, number and complete description of all equipment]]~~ current vehicle registrations for all vehicles to be used by the applicant for providing service pursuant to this chapter.

(2) A statement that the applicant will use County-owned facilities for disposing of all solid waste which the applicant collects and removes, or those facilities not owned by the County which have been approved by the ~~[[State]]~~ Florida Department of Environmental ~~[[Protection]]~~ Protection ~~[[Regulation]]~~.

(3) The names of customers and the addresses of each location served. Permittees applying for permit renewals ~~[[shall not be]]~~ are required to submit the information specified in Section 15-17.1(c)(3) above, ~~[[but shall instead]]~~ as well as be required to submit the information specified in Section 15-17.9.

(d) Landscaping businesses applying for permits to use ~~[[neighborhood]]~~ trash and recycling centers and/or County-owned solid waste management facility(ies) for disposal of clean yard trash shall be exempt from (c)(3) above, and shall instead supply the information specified in Section 15-17.9(d).

>>(c) Persons applying for a General Hauler permit who provide services that include the removal and/or disposal of recyclable materials must adhere to all specifications and provide all information as indicated in sections 15-2.2 and 15-2.4.<<

~~[[e]]~~ >>(f) Persons applying for a Waste Tire Generator or Waste Tire Transporter permit shall be exempt from (b)(1)-(3) and (c)(1), (2) above and shall instead supply the information specified in Section 15-17.9 >>(e)(1-3) and (f)(1-3) ~~<<~~.

~~[[f]]~~ >>(g) *Insurance requirements.* The applicant for a permit shall maintain insurance as specified herein and shall furnish a public liability policy to the

Department and also file with the Department a certificate of insurance for all policies written in the applicant's name. This certificate shall provide that the policies contain an endorsement requiring that the Department shall be furnished with ten (10) days' written notice by registered mail prior to cancellation or material changes in the policies.

(1) *Comprehensive general liability.* The applicant shall carry in his own name a policy covering his operations in an amount not less than three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury and fifty thousand dollars (\$50,000.00) per occurrence for property damage liability. Landscaping businesses applying to use (a) ~~[[neighborhood]]~~ trash and recycling center(s) and/or County-owned solid waste management facilities for the disposal of clean yard trash shall not, as a condition of the permit to use a ~~[[neighborhood]]~~ trash and recycling center(s) and/or County-owned solid waste management facilities be required to maintain comprehensive general liability insurance. Persons applying for a Waste Tire Generator permit or Waste Tire Transporter permit shall not, as a condition of the permit be required to maintain comprehensive general liability insurance.

(2) *Vehicle liability insurance.* Applicants for a General >>hauler<< permit shall maintain vehicle liability insurance covering each vehicle utilized in the business of solid waste collection and disposal in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence. All other permittees are required to maintain vehicle liability insurance covering each vehicle in an amount not less than the minimum required by Florida law for the type of vehicle insured.

(3) *Liability of the County and the Department.* The above insurance requirements shall not be construed as imposing upon the County or the Department or any official or employee thereof any liability or responsibility for injury to any person or property by the insured, his agents or employees.

>>(h) Persons applying for a General hauler permit who are certified recovered materials dealers, as defined by § 403.7046, Fla. Stat., and who are doing business solely as recovered materials dealers, are exempt from providing the information requested in 15-17.1 (c)(3), but shall comply with the remainder of the requirements in 15-17.1, which are necessary for the protection of the health, safety, and welfare of the citizens of Miami-Dade County, and shall additionally provide the following information:<<

>>(1) The locations of all recovered material facilities owned or operated by the applicant;<<

>>(2) The amount and type of recovered material that are handled, purchased, received, recovered, or sold by the applicant;<<

>>(3) The amount and disposal site, or the name of the person with whom such disposal was arranged in the event that the applicant cannot reasonably determine amount or disposal site, of any solid waste generated by the applicant's facilities, which shall be provide on an ongoing quarterly basis, with the information from the proceeding quarter provided not later than 90 days after the end of the quarter;<<

>>(4) The total amount of recovered material received at the facility from both certified and non-certified persons.<<

>>(5) The information from items (h) (1)-(4) may be provided on the applicable Florida Administrative Code Forms.<<

[[~~(g)~~]]>>(i)<< *Application fee.* The [[~~(d)~~]] >>D<< epartment shall charge and collect permit application fees at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. Separate fees shall be established for permits according to the type of permit issued, as follows:

- (1) General>>hauler<<.
- (2) [[~~Small-owner operator landscaping business.~~]]>>Landscapers.<<
- (3) Waste Tire Generator.
- (4) Waste Tire Transporter>>/Hauler<<.

The completed application shall be submitted to the Department. Upon receipt of a completed application, the Director or his >>or her<< designated representative shall review said application and, if satisfactory in all respects, and after payment of required fees pursuant to Sections 15-17.4 and 15-17.6 shall issue the required permit.

Section 23. Section 15-17.2, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.2. Denial of permit.

Should the Director deny an application for a >>initial<<permit, >>or any renewal

thereof, << [[he]] >>the Department<< shall notify the applicant of such denial by certified mail not later than fourteen (14) days after taking such action. The notice of denial shall contain a statement of the reasons why the application was denied. >>Reasons for denial of a permit can include but are not limited to; non-payment of outstanding civil penalties and associated fees, failure to submit the required Disposal Facility Fee report, failure to pay outstanding Disposal Facility Fees or any other Departmental fees or any other violation of this Chapter.<<

Section 24. Section 15-17.3, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.3. Appeal from Departmental denial of permit; appeal from revocation of permit under Section 15-17.14.

The denial or revocation of a permit by the Department may be appealed to the County [[Manager]] >>Mayor<< or his >>or her<< designee. The notice of appeal shall be filed in writing with the Director no later than fourteen (14) days after the receipt of the certified letter advising applicant of the denial or revocation.

The Department shall fix the date and time for hearing the appeal. Said hearing shall be held not less than fourteen (14) nor more than sixty (60) days after receipt of the notice of appeal. The County [[Manager]] >>Mayor<< or his >>or her<< designee shall either affirm the decision of the Department or direct the Department to issue or reinstate the permit.

Section 25. Section 15-17.4, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.4. Vehicle registration fees.

The [[d]]>>D<<epartment shall charge and collect from each permittee, in addition to the initial application fee, an annual vehicle registration fee at the rate(s) established by separate administrative order, which shall not become effective until approved by the Board of Miami-Dade County Commissioners. The amount of such fee shall apply to each vehicle shown on the list required to be submitted as part of the application. This fee shall apply to renewal of permits as well. Failure by any permittee to pay this registration fee shall be considered a violation of this Chapter and may be enforced as described in Section 15-32 herein.

Section 26. Section 15-17.5, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.5. Term of permit.

Each and every permit >>issued<<[[~~awarded~~]] pursuant to the provisions of [[~~Chapter 15 of the Code of Miami-Dade County~~]]>>Section 17 of this Chapter<<shall be [[~~in existence~~]]>>valid<<for a period of one (1) year from the >>initial<<date of issuance >>and maybe renewable in (1) year increments<<.

Section 27. Section 15-17.6, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.6. Renewal of permit.

A permit may be renewed from year to year by the Department. Any such renewal shall be subject to the same terms and conditions applicable to the issuance of the original permit. The Department shall charge and collect renewal permit fees at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. >>The mailing of renewal applications by the Department is a courtesy reminder. Failure to receive the renewal application shall not constitute a valid reason for not renewing the permit. Permits not renewed by the expiration date shall be considered delinquent and subject to a delinquency penalty of ten (10) percent of the permit application fee for the first month of delinquency, plus an additional five (5) percent of each month thereafter until paid, provided that the total delinquency penalty shall not exceed one hundred (100) percent of the application fee for the delinquent establishment.<<

Section 28. Section 15-17.7, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.7. Transfer of permit>>and decals<< prohibited.

>>(a)<<It shall be unlawful for any person to assign>>sell<< or transfer any permit issued under the provisions of this Chapter. In the event of any change in ownership and/or name of the corporation or partnership, formal notification shall be given the Department within thirty (30) days thereof.

>>(b) It shall be unlawful for any person to assign, sell or transfer any vehicle decals issued under the provisions of the Chapter.<<

>>(c) I shall be unlawful for any person to place a decal upon any vehicle driver side windshield of the vehicle to which the decal was issued and assigned other than the vehicle to which said decal is registered.<<

Section 29. Section 15-17.8, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.8. Identification of equipment.

All equipment delivering waste to a Miami-Dade County solid waste management facility must be identified in the manner described in this section: All permit decals for any vehicle permitted under this Chapter shall be permanently affixed to the ~~[[passenger]]~~ >>driver<<side windshield of the >>assigned<<vehicle. Failure to permanently affix said decal >> to the assigned vehicle<< shall be unlawful and may be enforced as prescribed in Section 15-32 of this Chapter. All markings must be in letters and numerals at least two (2) inches in height.

(a) General hauler permittees: Equipment must be conspicuously and permanently marked ~~[[-]]~~ on both sides of the automotive unit with the name of the hauler, Miami-Dade County permit number, vehicle number, tare weight and cubic yard capacity. Identical information must also be marked on all trailer and container units.

(b) Landscaping businesses having a valid permit issued by the Department to dispose at other than ~~[[neighborhood]]~~ trash and recycling centers >> or any other Miami-Dade County Solid Waste Management facility<<: Equipment must be conspicuously and permanently marked ~~[[-]]~~ on both sides of the automotive unit with the name of the company and vehicle number.

(c) ~~[[Landscaping]]~~ >> Tire hauler businesses:<< ~~[[businesses having a valid permit issued by the Department to dispose at the neighborhood trash and recycling centers:]]~~ Equipment must be conspicuously and permanently marked ~~[[-]]~~ on both sides of the automotive unit with the name of the company.

Section 30. Section 15-17.9, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.9. Information required of permittees.

On an annual renewal basis, each permittee shall supply the following information on a form and in the manner prescribed by the Director:

(a) A listing, which is organized as prescribed by the Director, as of the reporting date, of the names and addresses of customers, and the addresses of each location served. For each customer on the list, the private hauler will indicate the following: (1) whether the customer served is (i) a multi-family residential

establishment, (ii) commercial establishment, (iii) subject to the Disposal Facility Fee pursuant to Section 15-25.2 of this Chapter; and (2) whether the service provided is solid waste collection, recycling, or a combination of both; and, if the service is recycling, (3) a listing of those materials being recycled at each customer location; and (4) the name of a customer contact person who can provide additional information regarding the recycling program.

(b) A summary of the number of tons of solid waste collected quarterly based on scheduled service, as of the reporting date.

(c) A summary of the number of tons of recyclable material collected and marketed quarterly, on a schedule and format prescribed by the Department.

(d) ~~>>Landscaping<<[[b]]>>B<<businesses that receive permits to use [[neighborhood]] trash and recycling centers and/or a County-owned solid waste management facility(ies)for disposal of clean yard trash shall be exempt from (a) and (b) above and shall instead supply the following information in a manner prescribed by the Director:~~

~~(1) Miami-Dade County [[Occupational license]]>>Current Local Business Tax Receipt<< as proof of a business location in Miami-Dade County.~~

~~>>(2) Current vehicle registration(s)<<~~

~~>>(3) Current proof of vehicle insurance for all vehicles to be permitted.<<~~

(e) Waste tire generators shall supply the following information in lieu of the information required by sections (a), (b), (c) and (d) herein, on a form and in a manner prescribed by the director:

~~[[(1) An accounting of the number of new, used and recapped tires received from suppliers.]]~~

~~[[(2)]]>>(1)<<The number of new, used and recapped tires transferred to others.~~

~~[[(3)]]>>(2)<<The number of waste tires removed from the premises[[, and corresponding removal dates.]]>>during the previous twelve (12)months.<<~~

~~[[(4)]]>>(3)<<The name and>>Department's<<permit number of the waste tire transporter(s)>>/hauler(s)<<employed to remove waste tires.~~

(f) Waste tire transporter>>(s)/hauler(s)<< ~~[[shall]]>>may be required to<< supply the following information in lieu of the information required by sections (a), (b), (c) and (d) herein, on a form and in a manner prescribed by the Director:~~

- (1) An accounting of the number of waste tires collected from each waste tire generator >>served<<[[and corresponding collection date(s).]]>>during the past twelve (12) months.<<
- (2) The name and permit number of the waste tire generator from which waste tires were collected.
- (3) Copies of the scalehouse receipts for waste tires delivered to a waste tire processing facility(ies). Receipts must show the volume in cubic yards or weight in tons of waste tires delivered, the delivery date and location in or out of Miami-Dade County.

>>(g) Annual permit renewal and record keeping for persons who are certified recovered materials dealers pursuant to § 403.7046, Fla. Stat., and who are doing business solely as recovered materials dealers, shall be limited to providing and updating the information required of recovered materials dealers in 15-17.1.<<

>>Each permittee shall maintain records as required by this section. Copies of all records that are required to be submitted under this section and all supporting documentation, including invoices or receipts, shall be subject to inspection by the Director of Solid Waste Management or his or her designee at any time and shall be retained for a period of one (1) year.<<

>>All permittees are hereby required to establish and maintain appropriate records, showing in such detail as the Director may prescribe, the amount of monthly solid waste collection, recycling and disposal service fee receipts for each account provided solid waste collection, recycling and disposal service which is located in the Disposal Facility Fee Area. All such records shall be open to inspection by the Director or his or her duly authorized agent at all reasonable times and shall be maintained for a minimum of five (5) fiscal years. The Director is hereby authorized and empowered to promulgate such rules and regulations with respect to the establishment and maintenance of such records as may be deemed necessary to carry into effect the purpose and intent of the provisions hereof.<<

Section 31. Section 15-17.11, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.11. Disposal required at County-approved facilities.

Any and all solid waste material collected by a permittee within the County shall be disposed of only at the solid waste disposal facilities provided, operated and designated or approved by the Department of Solid Waste Management [[and at no other location or facility except those which have heretofore been approved by the Department of Environmental Regulation]].

All permittees shall comply with the provisions of Section 15-9 of the Code of Miami-Dade County and implementing resolutions of the Board of County Commissioners. The County shall use the reports required in this chapter and other information available to determine compliance of permit holders and, if necessary, the allocation of available capacity at the various County solid waste management facilities.

Section 32. Section 15-17.13, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.13. Acceptability of material for >>collection or<< disposal.

Notwithstanding any other provisions of this chapter, the County reserves the right to refuse to accept >>or collect<< ~~[[at a solid waste management facility]]~~ any solid waste which has been designated by federal, State or County law, statute, ordinance, rule or regulation as a hazardous waste or as a solid waste material requiring special handling or disposal. The County also reserves the right to refuse to accept >>, collect and dispose of<< any solid waste material which, in the judgment of the Director, would prove injurious to County personnel or equipment.

Section 33. Section 15-17.14, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.14. Revocation of permit.

(a) The following shall constitute cause for revocation of a solid waste permit by the Director: (1) the violation of any of the provisions of the Code of Miami-Dade County which violation endangers the public health, safety or welfare; or >>any other violation of this chapter or<<(2) the violation of any of terms or conditions of the permit; or (3) the failure to promptly pay the fees or charges provided for in this chapter.

(b) The Director may revoke a permit for a violation or violations as aforementioned and may immediately declare such permit null and void, and upon such declaration, the permittee shall immediately cease all operations and shall be considered to have forfeited said permit and the rights acquired thereunder. Upon a determination by the Director that a permit shall be revoked, the affected person shall be provided with written notice of such revocation and the reasons therefor>>e<<. Upon receipt of such notice, the affected person may appeal said revocation to the County ~~[[Manager]]~~ >>Mayor<< or his >>or her<<designee and the appeal and hearing thereon shall be conducted in accordance with the procedures set forth in Section 15-17.3.

Section 34. Section 15-17.17, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

~~[[Sec. 15-17.17. Maintenance and inspection of records.]]~~ >> Reserved<<

~~[[Each waste tire generator and waste tire transporter shall maintain records as required by this section. Copies of all records that are required to be submitted under this section and all supporting documentation, including invoices or receipts, shall be subject to inspection by the Director of Solid Waste Management or his designee at any time and shall be retained for a period of one (1) year.]]~~

Section 35. Section 15-17.18, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17.18. Use of unpermitted waste ~~[[tire]]~~ transporter >> hauler and/or waste tire generator<<

>>(1)<< It shall be unlawful for any person to use, employ or hire a waste tire transporter >>hauler<< who fails to have >>a current permit<< and display ~~[[the]]~~>>a current<< waste tire transporter ~~[[permit]]~~>>hauler vehicle decal<< ~~[[permit]]~~ >>as<<required >>by this Chapter<<[[under this section]].

>>(2) It shall be unlawful for any person to remove collect or haul waste tires from a waste tire generator which fails to have a current permit as required by this Chapter.<<

>>(3) It shall be unlawful for any person to use, employ or hire a solid waste hauler who fails to have a current general hauler permit and/or whose vehicle fails to display a current vehicle decal as required by this Chapter.<<

Section 36. Section 15-18, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-18. Resource recovery and management facility permitting.

All resource recovery and management facilities in Miami-Dade County shall be required to obtain an operating permit, pursuant to Section 24-~~[[35.1]]~~ >>18<< of the Code of Miami-Dade County.

(a) The ~~[[d]]~~>>D<<irector of the >>Miami-Dade<<Department of Solid Waste Management or his >>or her<< designee shall review all resource recovery and management operation permit applications, and shall make a recommendation to

the director of the Department of Environmental Resources Management regarding such application, subject to conditions. The Department of Solid Waste Management shall charge and collect a fee for resource recovery and management facility operating permit application review. This charge shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. In reviewing the application, the director of the Department of Solid Waste Management or his >>or her<< designee shall consider the following:

- (1) Whether operation of the facility as proposed will have an adverse impact on the county's ability to meet its financial obligations for existing county solid waste management facilities.
- (2) Whether operation of the facility as proposed will have an adverse impact on the County's ability to meet operating requirements for any solid waste management facility operated under contract with the County.
- (3) Whether operation of the facility as proposed will have an adverse impact on the County's ability to comply with all State and Federal regulations governing solid waste management activities.

The ~~[[d]]~~>>D<<irector of the ~~[[d]]~~>>D<<epartment shall, concurrently with the effective date of this ordinance, implement regulations establishing procedures for evaluating the impacts set forth above.

(b) The permittee shall charge and collect (a) fee(s) for specified county-wide solid waste management programs at the rate(s) established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. Funds collected shall be submitted to the Department of Solid Waste Management by the 15th day of the month following the month in which collection of the fee(s) occurred.

>> (c) DSWM Enforcement Officers shall be granted access to all Resource Recovery and Management Facilities Permitted to operate in Miami-Dade County during normal business hours to verify compliance with any and all operating permits and/or regulation affecting the operation of such facility. This regulation shall be a permit condition of all operating permits for all Resource Recovery facilities run and manage by the Department of Environmental Resources Management.

Section 37. Section 15-24, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-24. Schedule of solid waste collection and disposal fees, records to be kept.

Effective October 1, 1981, in any area in which solid waste collection services are provided by the Department, it shall be the responsibility of each person who is the owner of a lot, tract or parcel of land upon which a residential unit or multi-family residential establishment is located, to pay for residential solid waste collection services, on the tax bill, in accordance with the provisions of Chapter 197 of the Florida Statutes, as amended.

(a) Residential units. The ~~Department~~ shall charge and collect fees for solid waste services at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. In the event any single family residential unit is found to in fact have been illegally converted into multi-family residential units, the Department of Solid Waste Management of Miami-Dade County, upon notification and to the extent permitted by state law, will assess additional fees for the additional services provided by the Department on said property. This fee will be billed in accordance with the fee schedule for single family residential units approved by the Board of County Commissioners and will be assessed as to each of the additional units discovered for up to three (3) preceding years.

(b) Commercial or multi-family residential establishments. The ~~Department~~ shall charge and collect fees based on the type, quantity and frequency of service, as approved by the Board of County Commissioners.

(c) Residential and multi-family residential units receiving Miami-Dade County recycling services that are not receiving garbage and trash collection from the County shall pay for ~~weekly~~ curbside recycling service according to the fee schedule established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

The Department shall maintain complete and accurate records of the costs and expenditures for providing waste collection services, and shall provide the County ~~Manager~~ Mayor or his or her designee and the County Commission with periodic statements and reports showing such costs and expenditures. The County Commission shall make periodic adjustment of the fees, assessments and charges for waste collection and disposal services in accordance with the cost analysis of providing such services.

Section 38. Section 15-25, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-25. Fees for disposal of solid waste brought to County solid waste management facilities.

(a) *Fees at solid waste management facilities.* The ~~[[d]]>>D<<~~epartment shall charge and collect fees for the disposal and transfer of solid waste brought to County solid waste management facilities at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

(b) *Waste material weight estimation.* The Director shall promulgate a schedule of estimated waste material weights to be used in determining fees during emergency periods, such as, but not limited to post-hurricane period, other post-natural disaster periods of weighing equipment malfunctions, when actual weights cannot be obtained. Such estimated weights shall be based on studies of actual waste material weights and shall be uniform for all vehicles of the same type and capacity.

(c) *Fee supplements.* A fee supplement may be added to the established disposal fee when the Director determines that a particular solid waste is solid waste requiring special handling in order to assure the safe and proper disposal of a particular solid waste. This fee supplement shall be based on the additional cost of the required special handling which shall include, but not be limited to, labor, materials, and equipment. The ~~[[d]]>>D<<~~epartment shall charge and collect fee supplements at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

(d) *Filing of schedules of estimated waste material weights.* The Director shall file with the Clerk of the Board of County Commissioners and make available upon request to all others copies of the schedules required to be promulgated by subsections 15-25(b).

(e) *Appeals from fixing of fees.* Any party aggrieved by the action of the Director, or his designated representative, in the fixing of a fee based on an estimated weight or fee supplement for special handling may appeal the action after paying the fee under protest. Such an appeal must be made in writing to the County ~~[[Manager]]>>Mayor or his or her designee<< within fifteen (15) days after the date of the decision complained of, on a form prescribed by Miami-Dade County. The decision being appealed must be set forth concisely, along with the reasons or grounds for the appeal.~~

>>The Department shall fix the date and time for hearing the appeal. Said hearing shall be held not less than fourteen (14) nor more than sixty (60) days after receipt of the notice of appeal. The County Mayor or his or her designee shall either affirm the decision of the Department or direct the Department to issue fees for disposal of solid waste brought to County solid waste management facilities.<<

~~[[The County Manager shall, within ten (10) days after receiving the written notice of appeal, appoint a three member committee made up of Departmental personnel other than the Department of Solid Waste Management which, after considering the appeal, may affirm, reverse or modify the decision appealed from, provided that the committee shall not take any action which conflicts with or nullifies any of the provisions of this section.]]~~

~~[[The decision of the committee may be appealed to the Board of County Commissioners by filing within ten (10) days after the date of the decision complained of, on a form prescribed by Miami-Dade County, a written notice of appeal with the County Manager, with a copy to the Clerk of the Board of County Commissioners, which sets forth concisely the decision appealed from and the reasons and grounds for the appeal. Reasonable notice of all hearings shall be provided by the clerk to all affected parties. The Board of County Commissioners may affirm, modify or reverse the decision appealed from. The decision of the Board of County Commissioners shall be final, and no petition for rehearing or reconsideration shall be considered.]]~~

~~[[~~(f)~~ Exemptions. Any charitable organization, as defined by the Internal Revenue Code, which reconditions used household goods or business discards, shall pay one-half of the uniform disposal fee for the disposal of solid or bulky waste; provided, however, that this partial exemption shall not apply to the payment of transfer station fees, nor shall it prohibit the Director or his designee from assessing a fee supplement for the disposal of solid waste requiring special handling.]]~~

~~[[Any person owning or leasing property which is used predominantly for agricultural purposes may apply for an exemption from fees for the disposal of solid waste which was dumped illegally on the subject property. The property owner or lessee must deliver the illegally dumped material to the solid waste disposal and resource recovery facility designated by the Department. The application form and procedure for such exemption shall be determined by the Department and shall include an affidavit by the owner or lessee attesting to the accuracy of all information contained in the application. A property will not be eligible for more than one (1) exemption unless the property owner or lessee has fenced, bermed, or taken other measures to prevent illegal dumping.]]~~

~~[[~~(g)~~]] >>~~(f)~~<< Disposal fee for permitted landscaping businesses at the ~~[[neighborhood]]~~ trash and recycling center(s) and/or County-owned solid waste management facilities shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.~~

Section 39. Section 15-25.3, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

~~[[**Sec. 15-25.3. Record keeping.**]] >>**Reserved**<<~~

~~[[All private haulers are hereby required to establish and maintain appropriate records, showing in such detail as the Director may prescribe, the amount of monthly solid waste collection and disposal service fee receipts for each account provided solid waste collection and disposal service which is located in the Disposal Facility Fee Area. All such records shall be open to inspection by the Director or his duly authorized agent at all reasonable times. The~~

~~Director is hereby authorized and empowered to promulgate from time to time such rules and regulations with respect to the establishment and maintenance of such records as he may deem necessary to carry into effect the purpose and intent of the provisions hereof.]]~~

Section 40. Section 15-28, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-28. Waste fee shall constitute special assessment liens against all improved real property.

(a) Except as otherwise provided by this chapter, all owners of improved real property in the solid waste collection service area and in municipalities served by the County are required to have accumulations of garbage, >>recyclables, << bulky waste, and solid waste removed by the Department, and for such governmental service of garbage, bulky waste and solid waste collection, or the availability of such service, all such improved real property shall be liable for the payment of the waste fees set forth in Section 15-24. All waste fees becoming due and payable on and after July 1, 1962 shall constitute, and are hereby imposed as, special assessment liens against the real property aforesaid, and until fully paid and discharged, or barred by law, shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to>>, <<or against the real property involved. Unless otherwise provided herein, such waste fees shall become delinquent if not fully paid within sixty (60) days after the due date. All delinquent waste fees billed and collected by the Department shall bear a penalty of eighteen (18) percent, and if not fully paid with all accrued penalty assessments by the due date of the next succeeding waste fee payment, an additional eighteen (18) percent penalty shall be added successively for each period until fully paid. Unpaid and delinquent waste fees, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from the due date thereof. Provided, however, that any tax certificates which include delinquent waste fees shall remain valid pursuant to the provisions of Section 197.241 of the Florida Statutes, as amended. Such special assessment liens for waste fees and penalties may be enforced by any of the methods provided in Chapter 86, Florida Statutes, or in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accompanied by any other method authorized by law. Provided that special assessments imposed under the provisions of this chapter on residential units shall be deemed due, become delinquent, receive discounts, bear interest and be collected in the same manner and subject to the same provisions of law as are ad valorem taxes.

(b) [Reserved.]

(c) The Department is authorized and directed to execute and deliver upon request written certificates certifying the amount of waste fees due upon any parcel of real property subject to payment of waste fees, or certifying that no waste fees are due, which certificates shall be binding upon the County. The Department shall make rules and regulations prescribing procedures governing the administration of the provisions of this chapter and providing procedures for the payment of waste liens in periodic installments and the cancellation of waste liens, which rules and regulations when approved by resolution of the Board of County Commissioners and filed in accordance with the requirements of this Code shall have the force and effect of law.

(d) [Reserved.]

Section 41. Section 15-29, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-29. Waste fee receipts.

Receipts evidencing the payment of waste fees, in such form as may be approved by the Director, shall be retained by the occupant of the premises covered thereby, and shall be exhibited upon demand of any employees of said ~~[[d]]~~>>D<<epartment. Failure to exhibit such receipt upon demand shall constitute a violation of this chapter. Waste fee receipts issued for one property may not be transferred to another.

Section 42. Section 15-30, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-30. ~~[[Multiple occupancy of premises]]~~>>Mixed Use Facilities<<.

~~[[a)] A commercial or multi-family establishment located in the same building or on the same property with a residential unit or with another commercial or multi-family establishment, even though under the same ownership and having one (1) collection point, shall be billed as a commercial or multi-family commercial account.]]~~

~~[[b)]~~ >>(a)<< A commercial or multi-family establishment and a residential unit under the same ownership located in one (1) building or buildings on the same parcel or property in which the owner has a separate collection point for residential, multi-family residential or commercial solid waste shall have the option of consolidating all solid waste at one (1) collection point (in which case, the billing shall be handled as a commercial or multi-family commercial account), or shall continue to have separate collection points (in which case, the solid waste service for the residential portion shall be billed as a residential account and the multi-family residential or commercial solid waste

service shall be billed as a separate commercial or multi-family commercial account). >>Carts, bins<<[[G]]>>g<<arbage cans, plastic garbage bags and portable containers must be separated on [[multiple occupancy]]>>mixed use<< properties and placed in separate locations. >>Carts, bins<<[[G]]>>g<<arbage cans, plastic garbage bags and portable containers must be marked for separate identification.

Section 43. Section 15-31, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-31. Certain exemptions from payment of solid waste fees.

~~[[a) Recipients of State or County welfare funds, when certified as such by the State welfare department or the County Director of public welfare, who would otherwise be liable for the payment of solid waste fees, may be excused from the payment of such fees for the period during which such welfare funds continue to be received.]]~~

~~[[b)]]~~>>(a)<< Commercial or multi-family residential establishments actually employing and using the services of a private solid waste ~~[[collector]]~~>>hauler<< who holds a valid permit provided for in Section 15-17 ~~[[herein]]~~ for collection of solid waste shall not be liable for the payment of solid waste fees otherwise required to be paid hereunder so long as such employment and use continues.

Section 44. Section 15-32, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-32. Enforcement and penalties for violation of this chapter.

(a) Violations of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted. Any person found guilty of a violation of any provisions of this chapter shall pay a fine in accordance with the minimum fine schedule indicated in paragraph ~~[[d)]]~~ >>(c)<<of this section or be subject to imprisonment in the County Jail not to exceed thirty (30) days, or both such fine and imprisonment, in the discretion of the appropriate court of competent jurisdiction. At the discretion of the Director, violations of this chapter may be prosecuted pursuant to Chapter 8CC of the Code of Miami-Dade County.

>> (b) Whenever it is evident that there is a violation of this chapter, the enforcement officer may do any of the following:<<

>>(1) Serve a notice of violation, in a form prescribed by the Director, upon the

owner, manager, occupant, resident, lessee or other responsible person by personal service, by certified mail or by posting a copy in a conspicuous place on the premises on which the violation exists. The notice shall specify a reasonable time, not to exceed fourteen (14) days, in which the violation shall be rectified or stopped, commensurate with the circumstances. In the event said notice is not complied with in the specified time, the enforcement officer shall proceed with the issuance of a uniform civil violation notice or direct removal as outlined below.<<

>>(2) Cause a uniform civil violation notice to be issued, in a form prescribed by the Director, upon the owner, manager, occupant, resident, lessee or other responsible person as prescribed in Section 8CC-3, Code of Miami-Dade County, Florida, as may be amended from time to time. This uniform civil violation notice may be issued each day until the violation is rectified.<<

>>(3) Direct the Department of Solid Waste Management to remove the Violation and charge the property owner for a special collection service in accordance with Section 15-14 of this chapter.<<

~~[[b]]~~ >>(c)<< Appointment of Special Enforcement Officers, qualifications of Special Enforcement Officers, powers and duties.

(1) The County ~~[[Manager]]~~ >>Mayor or his or her designee<< is hereby authorized to designate and appoint as Special Enforcement Officers, certain County employee(s), normally trained and assigned to inspection functions for the purpose of enforcing this chapter and the rules and regulations pertaining thereto.

(2) Special Enforcement Officers shall have the following qualifications:

~~[[a-]]~~ >>(a)<<Satisfactory completion of a course of at least forty (40) hours' duration pertaining to the duties of enforcement officers, which course shall be ~~[[jointly]]~~ given by the Director~~[[s of the Miami Dade Police Department and other relevant departments.]]~~ >>or designee.<<

~~[[b.]]~~ >>(b)<<[[Approval and certification by t]]>>T<<he Director of the Miami-Dade Police Department >>or designee will certify that a background check was completed as prescribed in Section 8CC-3, Code of Miami-Dade County, Florida, as may be amended from time to time << ~~[[as persons of good moral character and standing in the community suited by temperament and learning to be enforcement officers of the County]].~~

(3) Special Enforcement Officers shall while on duty:

>>(i) Conduct inspection<<

~~[[a.]]~~ >> (ii) << Cause uniform civil violation notices to be issued, issue notices of violation and perform such other acts pursuant to ~~[[Section 15-5(a)]]~~ for enforcement of this chapter >> as set forth in section (b) above <<.

~~[[b.]]~~ >> (iii) << Perform such additional duties as may be prescribed by ordinance or by administrative orders and regulations of the County >> Mayor or his or her designee << ~~[[Manager]]~~.

(4) Special Enforcement Officers shall be identified either by special uniform or badge or both. Special Enforcement Officers shall not carry firearms.

~~[[e.]]~~ >> (d) << Obstructing Special Enforcement Officer in the performance of duties:

(1) Whoever opposes, obstructs or resists the enforcement officer or other person authorized by the enforcement officer in the discharge of his duty as provided in this Section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

(2) Special Enforcement Officers shall notify the ~~[[Metro]]~~ >> Miami <<-Dade Police Department immediately when in their judgment an arrest or forcible restraint becomes the appropriate response to a situation.

~~[[d.]]~~ >> (e) << In addition to any other remedies provided in this chapter, or in Chapter 8CC of the Code of Miami-Dade County, the Director shall have the following judicial remedies available for violations of this chapter or any other lawful rule or regulation promulgated hereunder:

(1) To institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any costs incurred by the County in conjunction with the abatement of any condition prohibited by the provisions of this chapter.

(2) To institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation. However, the court may receive evidence in mitigation >> of up to \$1,000 per day <<. Each day during any portion of which such violation occurs constitutes a separate offense.

(3) To institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this chapter or any rule or regulation promulgated hereunder, to enjoin and prohibit said violation or to mandatorily compel the cessation of the violation.

>>(4) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director under any of the provisions of this chapter, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this ordinance by the Director pursuant to this chapter. Cessation of a nuisance, sanitary nuisance or of any other violation of any of the provisions of this chapter whatsoever, prior to rendition of a judgment or of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this chapter, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director for which attorneys' fees shall be awarded by the trial court as set forth hereinabove.<<

[[~~(4)~~]]>>(5)<< These remedies are cumulative and the use of any appropriate remedy shall not constitute an election of remedies by the Department. The use of one (1) remedy shall not preclude the use of any others.

Section 45. Section 15-32.1, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-32.1 ~~[[Team Miami:]]~~ >>**Building and Neighborhood Compliance** <<**Delegation of enforcement power and duties.**

Unless otherwise provided by ordinance, the Director of Solid Waste Management Department shall delegate ~~[[his]]~~ enforcement powers and duties to the Director of ~~[[Team Miami]]~~ >>**Building and Neighborhood Compliance**<<for the expressed purpose of enforcing the regulations of this chapter as specified in Section 2-969 or in an administrative order of the County >>Mayor or his or her designee<<~~[[Manager]]~~. >>This delegation shall be cumulative and in addition to the Departments power to enforce this chapter.<<

Section 46. Section 15-33, Solid Waste Management, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-33. Advance of funds for operating expenses, automotive vehicles of the Department, establishment of a reserve fund.

(a) Upon the recommendation of the County >>Mayor or his or her

designee<<[[Manager]], and subject to appropriate budget transfer approved by the County Commission, funds for payment of operating expenses of the Department may be advanced, allocated and transferred from the general contingency fund on a temporary basis, provided adequate provision is made for the reimbursement of such advances within the budget year in which such funds are advanced, and provided further that the aggregate amount of such funds advanced shall not at any time exceed sixty (60) percent of the accounts receivable of the Department.

(b) Funds for the purchase of trucks, truck bodies and other automotive vehicles and equipment for use by the Department may be budgeted in the general fund automotive equipment account, provided adequate provisions are made for reimbursement of such advances in the current budget of the Department, and provided further that no such advances shall be made except upon approval of the County >>Mayor or his or her designee<< [[Manager]].

(c) Funds may be allocated in a reserve fund entitled "reserve for maintenance and purchase of new equipment that is in excess of expenditures utilized by the Department for revenue collection in a given fiscal year." This specific fund shall be established to provide for the unanticipated increases in the maintenance and purchase of mobile equipment.

Section 47 Section 8CC-10 of the Miami Dade County Code is hereby amended to read as follows:

Sec. 8CC -10 Schedule of Civil Penalties.

Code Section	Description of Violation	Civil Penalty
15-2	Having [[waste]] containers at curbside, right of way, or street edge before or after specified hours of normal collection day.	\$100.00
>>15-2.6 (d)<<	>>Mixing of garbage or trash with recyclable or recovered material during collection and/or transportation by a permitted hauler.<<	>>500.00<<
>>15-5(b)<<	>>Garbage shall not be placed in recycling carts, bins, and/or container.<<	>>\$200.00<<
15-5.2	Failure, by any person utilizing a [[Neighborhood]] trash and recycling center, to place clean yard trash in areas designated for clean yard trash.	\$50.00

15-6 (b) [(6)] >>(7)<<	Delivery, by any person, of garbage at a [[Neighborhood]] Trash and Recycling Center.	\$250.00
15-6 (b) [(7)] >>(8)<<	Unauthorized delivery of solid waste at any [[Neighborhood]] Trash and Recycling Center.	\$500.00
15-6(b) [(8)] >>(9)<<	Obstructing the use of [[Neighborhood]] Trash and Recycling Center.	\$500.00
15-6(b) [(9)] >>(10)<<	Vandalism at a [[Neighborhood]] Trash and Recycling Center.	\$500.00
15-6(b) [(10)] >>(11)<<	Delivery by a permitted landscaping business of any materials other than clean yard trash at a County-owned solid waste management facility and/or	\$250.00
15-6(b) [(12)] >>(13)<<	Deliveries of clean yard trash by a permitted landscaping business to a [[neighborhood]] trash and recycling center or Miami-Dade County-owned facilities in a vehicle that does not have a permit.	\$250.00
15-6(b) [(13)] >>(14)<<	Modification of a permitted vehicle to increase the capacity of the vehicle after the vehicle has been permitted.	\$250.00
15-6(b) [(14)] >>(15)<<	Unlawful use of trailer	\$250.00
>>15-7<<	<u>Requirement to secure transported solid waste, recyclable and recoverable material.</u>	>>\$250.00<<
>>15-8<<	>> <u>Placing dangerous materials out for collection.</u> <<	>>\$250.00<<
15-17 (2)	Engaging in the [[waste tire transporter]] >> <u>removal, collection or transportation of five (5) or more tires without a waste tire hauler/transporter</u> << permit.	\$500.00

15-[[74.4]] >>(17.4)<<	Failure to register vehicle	\$500.00
>> <u>15-17.7</u> <<	>> <u>Transfer of vehicle decal prohibited.</u> <<	>> <u>\$250.00</u> <<
>> <u>15-17.8</u> <<	>> <u>Improper identification of equipment.</u> <<	>> <u>\$250.00</u> <<
>> <u>15-17.13</u> <<	>> <u>Delivery of unacceptable material for collection or disposal.</u> <<	>> <u>\$500.00</u> <<
>> <u>15-17.18 (2)</u> <<	>> <u>Removing waste tires from an unpermitted waste tire generator.</u> <<	>> <u>\$250.00</u> <<
>> <u>15-17.18 (3)</u> <<	>> <u>Use, employ or hire an unpermitted general hauler.</u> <<	>> <u>\$250.00</u> <<
>> <u>15-32 (d)(1)</u> <<	>> <u>Obstructing an enforcement officer.</u> <<	>> <u>\$500.00</u> <<

Section 48. If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 49. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

Section 50. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board

PASSED AND ADOPTED:

Approved by County Attorney ^{as} 
to form and legal sufficiency:

Prepared by: 

Thomas Robertson