

MEMORANDUM

Agenda Item No. 7(D)


TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 4-4-23)
February 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to solid waste management; amending sections 15-1, 15-2, and 15-5 of the Code; providing definitions; establishing guidelines and standards for the disposal and collection of recyclable materials for the curbside collection program; prohibiting unauthorized removal and improper use of recycling carts and unauthorized use of additional carts; amending section 8CC-10 of the Code; providing for enforcement by civil penalty

The accompanying ordinance was prepared by the Solid Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/gh


MDC001

Memorandum



Date: April 4, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Ordinance Amending Sections 15-1, 15-2, 15-5, and 8CC of the Code of Miami-Dade County, Florida; Establishing Guidelines and Standards for the Disposal and Collection of Recyclable Materials for the Curbside Collection Program; Providing Definitions, Solid Waste Collection Services, and Duty to Dispose of Solid Waste and Prevent Accumulations, and Amending the Schedule of Civil Penalties

Executive Summary

In 2008, Miami-Dade County's Curbside Recycling Program was transitioned to a single-stream program that allowed residents to co-mingle their recyclable items and put them into one cart as opposed to having to segregate them. Throughout the years, the Department of Solid Waste Management has been educating citizens on the proper way to recycle via various outreach initiatives, including mailings to residents' homes, community events, website information, advertisements, social media, tagging of carts, etc.

The purpose of this item is to amend Sections 15-1, 15-2, and 15-5, and 8CC of the Code of Miami-Dade County. The revisions clarify definitions stipulated in the Code and provides guidelines and standards for the disposal and collection of recyclable materials for Miami-Dade County's Curbside Collection Program. In addition, the item amends the Schedule of Civil Penalties to include a fee for the unauthorized removal of a cart, bin and/or container, as well as prohibited/vandalism of such cart, bin and/or container. It also adds a civil penalty for the unauthorized use of an additional cart or failing to pay for an additional cart as stipulated in Implementing Order 4-68.

Approval of this amendment will allow the Department to provide a one-year educational period for customers in the waste collection service area. Thereafter, any carts tagged on the fourth and subsequent event, shall be subject to a fee in accordance with this amendment.

Recommendation

It is recommended that the Board of County Commissioners (the "Board") approve the attached ordinance amending Chapter 15 of the Code of Miami-Dade County, Florida (the "Code"), and corresponding amendments to Chapter 8CC of the Code. The proposed ordinance amendment adds (i) recycling-related definitions, (ii) language that establishes proper standards for setting out recycling carts, and (iii) authorizes the enforcement of improper materials placed in such carts used for the Curbside Recycling Program to reduce contamination levels that have been negatively impacting the program.

Scope

The proposed ordinance applies to all Department of Solid Waste Management ("DSWM") residential curbside recycling customers.

Delegation of Authority

The proposed ordinance does not confer any delegated authority.

Fiscal Impact/Funding Source

The proposed ordinance establishes violations for placing contaminated recycling carts at the curb that would be the responsibility of the violator. However, since the number of carts that will not be in compliance after the implementation of the amended ordinance is unknown, fiscal impact cannot be determined. Further, if the County's objective to reduce contamination in the curbside program is successfully achieved, there is the potential for the (cleaner) collected materials to realize higher pricing (and higher program revenues) in the materials markets. During the fiscal year 2022-2023 budget process, a \$144 fee was added to the Department's Implementing Order 4-68 to address the fourth and subsequent curbside recycling violations.

Track Record/Monitor

Olga Espinosa-Anderson, Assistant Director, Disposal Operations, DSWM will be responsible for monitoring this ordinance. DSWM maintains data on all enforcement activities, including the tagging of carts and posting of door hanger material advising the violator of the contaminants found. A copy of all materials left at the property will also be mailed to the address of record if the mailing address is different than the property address.

Social Equity Statement

The proposed ordinance amendment applies equally to all residents receiving the curbside recycling collection service; therefore, there is no impact on social equity.

Background

In March 2020, DSWM and its contracted recyclables processing partner, WM, formerly Waste Management, Inc. (WMI), secured the services of HDR Engineering to conduct a follow-up Recyclables Composition Study to determine if there has been improvement in the contamination rate. The study was conducted during a two-week period in early March 2020 using the same routes as those used in previous studies for the purposes of continuity. The study's results indicated that the contamination rate increased to nearly 49% by weight. Another study conducted in 2018 showed a contamination rate of 40%, while a previous 2015 study indicated a contamination rate of 28% - illustrating a continued increase in the recycling contamination rate. While disappointing, the results were not completely surprising given the contaminants routinely spotted by recyclable collection vendors on their routes, and during the ongoing recycling blitz activities conducted by DSWM's Waste Enforcement Officers. The study revealed that participants continue to place the following contaminants in the blue recycling cart:

- *Non-Hazardous materials* - recyclables in plastic bags, bagged household garbage, CDs/DVDs and VHS tapes, electronics, Christmas lights, hoses, food contaminated items, excessively wet/soiled items, loose-plastic caps and lids, polystyrene, plastic films, aluminum foil, yard waste, construction debris, clothing and fabric/textiles, and miscellaneous scrap metals.
- *Hazardous materials* – batteries, oil-based paints, thinners, poisons, corrosives, solvents, medical waste, fuel, motor oil, other automobile fluids, and the like, including containers that once contained such materials.

- *Residue items* - shredded paper, sand, soil, grit, crushed glass, and mixed fines measuring less than ½ inch in diameter.

DSWM continues to work aggressively with its recycling partners to identify solutions to reduce contamination. These efforts include:

- Continued curbside recycling education and outreach efforts that promote the placement of only the **Simple 5** recyclables (i.e., paper, cardboard, cans, cartons, and bottles) in the blue cart. Specifically, campaign materials emphasize that plastic bags and recyclables in plastic bags are unacceptable and are an impediment to the program. Other non-recyclable materials are also highlighted as items that are harmful to the success of the program.
- Development and implementation of an internal Service Request (“SR”) [using the Department’s Solid Waste Accounts and Billing System \(SWABS\)](#) that will be used by Waste Enforcement Officers to track tagged recycling carts and advise residents and homeowners at households with visible contamination in the recycling carts or contaminates that are identified as a result of opening a recycling cart. The [SWABS contamination SR](#) will require residents to remove the contamination and to request a re-inspection by DSWM’s Code Enforcement Division. Until the re-inspection is completed, the property address will appear on the vendors’ no-service report as a location that should not be serviced for recycling collection. This places the responsibility directly on the resident to take corrective action to remove any unacceptable and non-recyclable materials considered to be contaminants.
- Implementation of a pilot outreach and education program utilizing 18-gallon or smaller-sized bins that can be used to collect recyclables in the home to ensure that plastic bags and other non-recyclable items are kept out of the recycling cart. The program would be implemented with a select number of households on a specific route or a specific number of randomly selected homes throughout the recycling service area to determine if the in-home separation containers help residents to better prepare their recyclables for collection and result in a reduction in recycling contamination.
- Continuing to address the challenge of recycling contamination head-on through outreach, enforcement, and working collaboratively with our recycling partners and the recycling industry for emerging solutions that might be implemented to facilitate reduced contamination.

Therefore, it is respectfully recommended that the Board approve the proposed amendments to the Code in an effort to reduce contamination levels.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 4, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(D)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 7(D)
4-4-23

ORDINANCE NO. _____

ORDINANCE RELATING TO SOLID WASTE MANAGEMENT; AMENDING SECTIONS 15-1, 15-2, AND 15-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING DEFINITIONS; ESTABLISHING GUIDELINES AND STANDARDS FOR THE DISPOSAL AND COLLECTION OF RECYCLABLE MATERIALS FOR THE CURBSIDE COLLECTION PROGRAM; PROHIBITING UNAUTHORIZED REMOVAL AND IMPROPER USE OF RECYCLING CARTS AND UNAUTHORIZED USE OF ADDITIONAL CARTS; AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is the goal of the Miami-Dade County (the “County”) Department of Solid Waste Management (“DSWM”) to optimize the County’s recycling efforts; and

WHEREAS, in 2008, DSWM implemented a single-stream curbside recycling program (the “Curbside Collection Program”), which replaced a dual-stream program operated in the County since 1989; and

WHEREAS, since implementation, the Curbside Collection Program was initially very successful, collecting more than double the amount of recyclable material under the old program in the first year; and

WHEREAS, since 2015, there has been an increase in non-recyclable materials (“Contamination”), included with the allowable materials to be collected in the Curbside Collection Program; and

WHEREAS, since 2016, DSWM has performed additional public education, outreach, and enforcement, to (i) educate the residents in the Curbside Collection Program recycling improperly, and (ii) reduce the amount of Contamination; and

WHEREAS, despite these efforts by DSWM, the amount of Contamination has increased; and

WHEREAS, DSWM recognizes the value of having, communicating, and enforcing clear cut standards for the disposal and collection of recyclable materials for the Curbside Collection Program,

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

Section 1. Section 15-1 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) *Board*: The Miami-Dade County Board of County Commissioners.

>>(b) *Blitz Program*: Initiative to reduce the contamination rate in the Curbside Recycling Program by tagging recycling carts placed for collection with unacceptable program material.<<

[[~~(b)~~]]>>(c)<<*Bulky waste*: Less than one (1) cubic yard of construction and demolition debris, large, discarded items or large accumulations of trash. Bulky waste shall include, without limitation, appliances furniture, yard trash, crates, corrugated cardboard, and other similar items. Bulky waste shall not include tires or other solid waste requiring special handling.

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.

~~[(e)]~~>>(d)<<*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.

>>(e) Cart: The wheeled container with attached lid, branded with the County logo issued by the Department and used by customers receiving automated garbage and/or recycling collection.<<

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

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

~~[(f)]~~>>(h)<< *Commingled yard trash*: Yard trash mixed with other forms of solid waste.

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

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

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

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

~~[(l)]~~>>(n)<< *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.

>>(o) Curbside Recycling Program: The County's single-stream recycling program (the "Program"), whereby source-separated recyclable material is deposited in a recycling container for pickup by the Department or its recycling collection contractors.<<

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

[[~~(n)~~]]>>(q)<< *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.

[[~~(o)~~]]>>(r)<< *Department:* The Miami-Dade County Department of Solid Waste Management.

[[~~(p)~~]]>>(s)<< *Director:* The Director of the Department of Solid Waste Management or person(s) designated by the Director.

[[~~(q)~~]]>>(t)<< *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 Solid Waste Management System Costs, which fee does not apply to construction and demolition roll-off service, recycling service or compactor leasing service.

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

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

[[~~(u)~~]]>>(x)<< *Garbage:* Any accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, 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)~~]]>>(y)<< *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 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)]~~>>(z)<< *Hazardous waste*: Solid waste 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.

~~[(x)]~~>>(aa)<< *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)]~~>>(bb)<< *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.

~~[(z)]~~>>(cc)<< *Litter*: Solid waste, in any amount, which is not containerized.

~~[(aa)]~~>>(dd)<< *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 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)]~~>>(ee)<< *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.

~~[(ee)]~~>>(ff)<< *Multi-family residential establishment*: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. 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)]~~>>(gg)<< *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)]~~>>(hh)<< *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)]~~>>(ii)<< *Ordinary incinerator temperature*: Eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit.

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

~~[(hh)]~~>>(kk)<< *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)]~~>>(ll)<< *Pick-up truck*: A light truck having a gross vehicle weight (GVW) of not more than fifteen thousand~~[[s]]~~ (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)]~~>>(mm)<< *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)]~~>>(nn)<< *Portable container*: A dumpster, rollaway or other similar container designed for mechanized collection.

~~[(ll)]~~>>(oo)<< *Private solid waste hauler (collector); Private hauler; 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 over the streets or public rights-of-way within any unincorporated area of the County.

~~[(mm)]~~>>(pp)<< *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 green glass, brown glass, and clear glass; aluminum and steel cans and scrap metal; 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)]~~>>(qq)<< *Recycling container*: Receptacle used for recyclable material.

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

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

~~[(qq)]~~>>(tt)<< *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 and containing no more than two (2) stories shall be considered a residential unit. The term residential unit shall not include any multi-family residential establishment.

~~[(tt)]~~>>(uu)<< *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)]~~>>(vv)<< *Resource recovery and management facility*: Any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of 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)]~~>>(ww)<< *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.

~~[(uu)]~~>>(xx)<< *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)]~~>>(yy)<< *Solid waste collection service area*: That portion or entirety of the county-wide solid waste service area to which the department provides curbside garbage and trash collection service.

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

~~[(xx)]~~>>(aaa)<< *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)]~~>>(bbb)<< *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)]~~>>(ccc)<< *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)~~]]>>(ddd)<< *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.

[[~~(bbb)~~]]>>(eee)<< *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)~~]]>>(fff)<< *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)~~]]>>(ggg)<< *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.

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

[[~~(fff)~~]]>>(iii)<< *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)]>>(jjj)<< *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)]>>(kkk)<< *Vegetative food waste*: Discarded edible fruit and vegetable matter which is capable of biological decomposition.

[(iii)]>>(lll)<< *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)]>>(mmm)<< *Waste tire generator*: 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.

[(kkk)]>>(nnn)<< *Waste tire transporter*: Any person transporting five (5) or more waste tires for hire.

[(lll)]>>(ooo)<< *Yard trash*: Vegetative matter resulting from landscaping and land clearing operations.

Section 2. Section 15-2 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.

- (a) Every commercial and 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 solid waste hauler authorized to perform such services by the Director of the Department.
- (b) 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 garbage cans, plastic garbage bags or portable containers to accommodate all garbage, bundled yard trash or other trash to be removed by Miami-Dade County or other approved contractors.
- (c) ~~[[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 an individual with a disability, per determination of the Director.]]>>~~
Unacceptable solid waste materials such as plastic bags, garbage, vegetative material, household trash, as determined by the Department, shall not be placed in recycling carts. The Department or other approved contractors shall have the right to conduct inspections of the recycling carts, which may entail opening and looking inside the cart for contaminants that will limit the ability to market recyclables. All recyclable material acceptable by the Curbside Recycling Program and generated by the customer of the Program must be placed in the designated recycling cart. Placement of material other than recyclable material approved by the Curbside Recycling Program is prohibited and in violation of this Chapter. The Department or its contractors reserve the right to not collect or dispose of any unacceptable materials placed in such carts as determined by the Curbside Collection Program. Recycling carts that contain non-recycling materials (i.e., contamination) will be tagged through the Blitz Program, and such carts will not be serviced until such contaminants are removed. The first year after enactment shall be deemed an educational period, and carts tagged during this period will be for informational purposes only. After the first year after enactment of this ordinance, repeat violators whose carts have been tagged more than three (3) times under this subsection shall be subject to a special collection and/or disposal fees including clean-up charges incurred by the Department that will be collected as stipulated in Section 15-14 of the Code.

(d) Carts shall remain with the real property to which they were originally distributed and may only be removed by the Department. The customer shall keep the carts in good condition to maximize their useful life. Improper use of carts, including vandalism as determined by the Department, is a violation of this Chapter. Smaller or larger carts may be available from the Department upon request. Additional cart service may also be available for an additional annual fee at the rate established by separate Implementing Order. Unauthorized use of an additional cart is a violation of this Chapter and punishable under Section 8CC-10 of the Code.<<

~~[(d)]>>~~(e)<< It shall be unlawful for any person to set out for collection any
~~[[waste containers which]]>>~~carts not issued by the Department that<< 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]]>>~~carts<< shall be promptly
~~[[replaced by the owner or user of the container]]>>~~removed by the
Department at the owner or user's expense<< upon the receipt of written
 notice of said defect. At no time will the Department service any such
 illegal ~~[[containers]]>>~~carts<<. Portable [[containers]]>>carts<< 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.

~~[(e)]~~ >> (f) << 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.

~~[(f)]~~ >> (g) << It shall be unlawful for any person to place or cause, let, allow, permit, or suffer the placement of any mattress at curbside without first bagging the mattress in a plastic mattress bag or plastic mattress sleeve capable of fully encasing all sides of the entire mattress. The bag shall be taped closed with packing, shipping or duct tape, or other similar weather resistant adhesive tape. Each mattress in violation shall be considered a separate violation, punishable as set forth in Chapter 8CC >>of the Code<<. For the first year after enactment, which shall be deemed an educational period, violators shall be issued a warning by the department. Thereafter, each violation of this subsection shall be subject to enforcement in accordance with section 8CC-10.

Section 3. Section 15-5 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, 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, upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter. All ~~[[solid waste containers]]~~ >> carts << 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. >>The cart shall be placed at the curbside adjacent to the property 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, mailbox, utility-guy wire, or other objects to allow maneuverability of collection equipment. All efforts shall be made not to place the cart under a tree. The cart's lid shall remain closed for collection purposes. No pick-up will be provided for carts that have anything protruding from the top of the cart or placed on top of the cart. The customer shall not compact the material or otherwise place material in any cart in a manner that does not allow the contents of the cart to fall out, by

their weight, upon the cart being lifted and turned upside down. The carts shall be placed in such a manner as not to obstruct pedestrian or vehicular passage.<<

* * *

Section 4. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. - Schedule of Civil Penalties.

The following table shows the sections of this Code as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter, and the dollar amount of the civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section listed in the schedule of civil penalties may carry different civil penalties. For each Code section listed in the schedule of, the entirety of that section may be enforced by the mechanism provided in this chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

| Code Section | Description of Violation | Civil Penalty |
|--------------|--|---------------|
| 2-8.1 | Disclosing false information | \$ 500.00 |
| | * * * | |
| 15-2(a) | Utilizing the waste collection services of an unauthorized waste collection agency by a commercial establishment | 600.00 |
| >>15-2(d) | <u>Unauthorized removal of cart, bin and/or container; prohibited/vandalism of such cart, bin and/or container</u> | <u>50.00</u> |

| | | |
|----------------|---|-----------------|
| <u>15-2(d)</u> | <u>Unauthorized use of an additional cart; failing to pay for additional cart as stipulated in Implementing Order</u> | <u>50.00</u> << |
| | * * * | |

Section 5. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, 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," "article," or other appropriate word.

Section 7. 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:

EWJ for

Prepared by:

dsh

David Stephen Hope

Prime Sponsor: Commissioner Raquel A. Regalado