

## MEMORANDUM

Amended  
Agenda Item No. 7(F)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance amending section 15-2 of the Code adding subsections; amending section 15-2 of the Code, prohibiting the placement of mattresses at curbside for disposal without encasement of mattresses in sealed plastic bags; amending section 8CC-10 of the Code providing penalties for failure to comply with section 15-2 of the Code

Ordinance No. 16-63

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Abigail Price-Williams  
County Attorney



APW/smm

# Memorandum



**Date:** June 7, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style with a large, looping initial "C".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Solid Waste Collection Service

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The proposed ordinance pertaining to solid waste collection services amends Section 15-2 of the Code of Miami-Dade County adding subsections, amending section prohibiting the placement of mattresses at curbside for disposal without encasement of mattresses in sealed bags and amending Section 8CC-10 of the Code, providing penalties for failure to comply with Section 15-2 of the Code.

Adoption of the proposed ordinance will not have an impact on the enforcement activities that will be conducted by the Enforcement Officers as it is a part of their scope of work. Therefore, the implementation of this ordinance will not have a fiscal impact on Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alina J. Hudak". The signature is written in a cursive style with a large, looping initial "A".

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Alina J. Hudak  
Deputy Mayor

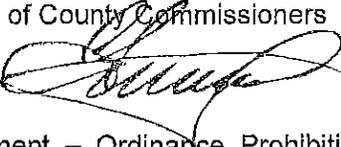
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# Memorandum



**Date:** June 7, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Social Equity Statement – Ordinance Prohibiting the Placement of Mattresses at Curbside Without Encasement

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The Ordinance amending Section 15-2 of the Miami-Dade County Code (Code) will cause placement of mattresses curbside for collection without first fully encasing the mattress in a sealed plastic covering to be a violation of the Code.

In recent years, there has been a resurgence of bed bug infestations throughout the United States. Bed bugs do not transmit disease to humans, however, bed bug bites cause red, raised, itchy reactions on the skin that can lead to secondary skin infections.

This ordinance has the potential to protect the public health and safety of the community, and to provide a means for residents to actively participate in the alleviation of bed bug infestations.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Amended  
Agenda Item No. 7(F)

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 \_\_\_\_, 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 \_\_\_\_\_

Amended  
Agenda Item No. 7(F)  
6-7-16

ORDINANCE NO. 16-63

ORDINANCE AMENDING SECTION 15-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ADDING SUBSECTIONS; AMENDING SECTION 15-2 OF THE CODE, PROHIBITING THE PLACEMENT OF MATTRESSES AT CURBSIDE FOR DISPOSAL WITHOUT ENCASEMENT OF MATTRESSES IN SEALED PLASTIC BAGS; AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING PENALTIES FOR FAILURE TO COMPLY WITH SECTION 15-2 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

**Section 1.** Section 15-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**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.

<sup>1</sup> 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.

- >>(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 ~~[[a handicapped person]]~~>>an individual with a disability<<, per determination of the Director.
- >>(d)<< 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 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.
- >>(e)<< 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) 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. 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 2.** 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 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 may carry different civil penalties. For each Code section listed in the schedule of civil penalties, 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 |
|--------------|--|---------------|
| * * *        |  |               |
| 15-2>>(a)<<  | Utilizing the waste collection services of an unauthorized waste collection agency by a commercial establishment | 600.00        |

