

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

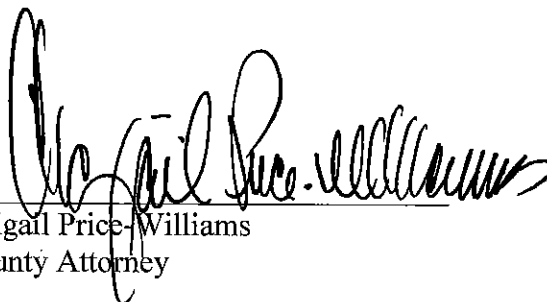
DATE: (Second Reading 2-19-20)
November 19, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to penalties
for littering and illegal dumping;
amending section 8CC-10 of the
Code; modifying penalties for
littering and dumping in violation
of chapter 15 of the Code;
modifying volume and weight
limits of discarded items relating
to penalties

Ordinance No. 20-21

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Daniella Levine Cava, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Eileen Higgins, Commissioner Barbara J. Jordan, Commissioner Dennis C. Moss, Senator Javier D. Souto and Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: February 19, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Fiscal Impact Statement for Ordinance Relating to Penalties for Littering and Illegal Dumping

The implementation of this ordinance is not anticipated to have a fiscal impact to Miami-Dade County as the proposed changes will not require additional staffing resources nor generate additional operational expenses. This item does change the structure of fines associated with violations which could increase revenue. The increased revenue would be temporary as violators become compliant.

A handwritten signature in black ink, appearing to read "Jennifer Moon".

Jennifer Moon
Deputy Mayor

FIS02620 192687

Memorandum



Date: February 19, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Social Equity Statement for Ordinance Relating to Penalties for Littering and Illegal Dumping

This ordinance modifies certain penalties, as well as volume and weight limits for illegally discarded items. If this item is approved, the increased penalties shall serve as a deterrent to illegal dumping violators. The benefits would include a cleaner and more aesthetically pleasing environment and a positive impact on the health and safety of all customers within the Waste Collection Service Area (WCSA), regardless of their demographics.

A handwritten signature in black ink, appearing to read "Jennifer Moon", written over a horizontal line.

Jennifer Moon
Deputy Mayor

02620 (192687)

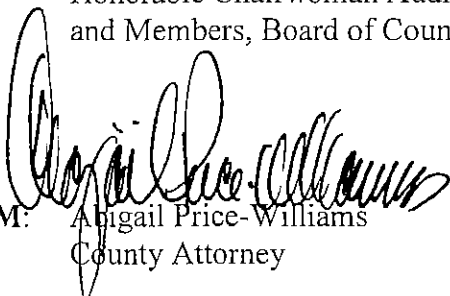


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 19, 2020

FROM: 
Abigail Price-Williams
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)
2-19-20

ORDINANCE NO. 20-21

ORDINANCE RELATING TO PENALTIES FOR LITTERING AND ILLEGAL DUMPING; AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MODIFYING PENALTIES FOR LITTERING AND DUMPING IN VIOLATION OF CHAPTER 15 OF THE CODE; MODIFYING VOLUME AND WEIGHT LIMITS OF DISCARDED ITEMS RELATING TO PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, illegal dumping in Miami-Dade County is a serious issue that creates a wide range of problems; and

WHEREAS, illegal dumping may pose serious environmental challenges and sometimes occurs on environmentally-sensitive areas, such as wetlands; and

WHEREAS, illegal dumping may also be an economic threat to the County and its residents; and

WHEREAS, illegal dumping is a problem in the County's residential areas, such as when violators illegally dump trash and waste on a resident's otherwise legal bulky waste pick-up pile, causing the pile to exceed the services included within the annual service fees; and

WHEREAS, illegal dumping is a problem in the County's rural, agricultural areas, where violators illegally dump trash and waste on the right-of-way or on another person's real property; and

WHEREAS, illegal dumping and littering are prohibited by the County Code and punishable by monetary fines or incarceration in jail, or both; and

WHEREAS, illegal dumping and littering are likewise prohibited by Florida Statutes and punishable by monetary fines or incarceration in jail or prison, or both; and

WHEREAS, both the County Code and Florida Statutes punish illegal dumping and littering based on the weight or volume of the materials discarded, and in some cases, based on the type of materials discarded; and

WHEREAS, this Board previously adopted Resolution No. R-1201-17, which directed the County Mayor or designee to create the Miami-Dade County 2017 Illegal Dumping Task Force (“the Task Force”), for the purpose of investigating the causes and effects of illegal dumping in the County; reviewing applicable laws and regulations, enforcement, and punishment relating to illegal dumping; and making recommendations to the Board and the County Mayor to better address and combat illegal dumping; and

WHEREAS, the Task Force issued its Illegal Dumping Task Force Report (“the Report”) on October 1, 2018; and

WHEREAS, at its December 4, 2018 meeting, the Board accepted the Report; and

WHEREAS, the Report recommended the enhancement of specified penalties relating to illegal dumping and littering in violation of chapter 15 of the County Code; and

WHEREAS, the Report also recommended amendment of the Code to better conform the classification of civil violations for illegal dumping and littering based on weights and volumes of discarded items to the classification of criminal offenses in the Florida statutes for illegal dumping and littering; and

WHEREAS, this Board would like to increase civil penalties to help to curb illegal dumping and littering,

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

Section 1. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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
	* * *	
15-5.2	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

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.

15-6(b)(1), (3)	General littering in an amount not exceeding [[100]] >>15<< pounds in weight or [[50]] >>27<< cubic feet in volume	250.00
15-6(b)(1), (3)	Illegal dumping in an amount exceeding [[100]] >>15<< but less than 500 pounds in weight or [[50]] >>exceeding 27 but less than 100<< cubic feet in volume	[[400.00]] >>1,000.00<<
15-6(b)(1), (3)	Illegal dumping in an amount [[exceeding]] >>of<< 500 pounds >>or more<< in weight or 100 cubic feet >>or more<< in volume, or from a commercial vehicle, or for commercial purposes	[[1,000.00]] >>2,500.00<<
* * *		

Section 2. 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 3. 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 4. 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:

February 19, 2020

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

David Sherman

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Prime Sponsors: Commissioner Daniella Levine Cava
Chairwoman Audrey M. Edmonson
Commissioner Sally A. Heyman
Commissioner Eileen Higgins
Commissioner Barbara J. Jordan
Commissioner Dennis C. Moss
Senator Javier D. Souto
Commissioner Xavier L. Suarez