

//Miami - Dade County, Florida/CODE of MIAMI-DADE COUNTY, FLORIDA Codified through Ord. No. 07-180, enacted December 18, 2007. (Supplement No. 56)/Chapter 15 SOLID WASTE MANAGEMENT*

Chapter 15 SOLID WASTE MANAGEMENT*

***Editor's note:** Chapter 15 is derived from Ord. No. 59-12, adopted June 9, 1959. Ord. No. 60-1 declared Ord. No. 59-12 to be amendatory to this Code.

Cross references: Dumps and landfill sites, Ch. 11B; lot, junk, garbage and trash clearing, Ch. 19; environmental protection, Ch. 24; sanitary nuisance, Ch. 26A.

State law references: Solid waste, F.S. § 403.701 et seq.

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) *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.
- (c) *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.
- (d) *Clean yard trash:* Yard trash free of other forms of solid waste.
- (e) *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) *Commingled yard trash:* Yard trash mixed with other forms of solid waste.
- (g) *Composting:* Controlled biological decomposition of organic materials.
- (h) *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) *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) *County Solid Waste Management System*: The aggregate of those solid waste management facilities owned by or operated under contract with Miami-Dade County.
- (k) *County-wide solid waste service area*: The entire geographical area of Miami-Dade County, to which the department provides solid waste management services.
- (l) *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) *Customer*: A person who uses the solid waste or recycling collection services of a permitted hauler or the appropriate governmental agency.
- (n) *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) *Department*: The Miami-Dade County Department of Solid Waste Management.
- (p) *Director*: The Director of the Department of Solid Waste Management or person(s) designated by the Director.
- (q) *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) *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.
- (t) *Facility*: Anything that is built or purchased to make an action or operation easier or to serve a special purpose.
- (u) *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) *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) *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) *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) *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) *Litter*: Solid waste, in any amount, which is not containerized.

(aa) *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) *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) *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) *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) *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) *Ordinary incinerator temperature*: Eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit.

(gg) *Permittee*: Any person who obtains a permit from the Department.

(hh) *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) *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) *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) *Portable container*: A dumpster, rollaway or other similar container designed for mechanized collection.

(ll) *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) *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) *Recycling container*: Receptacle used for recyclable material.

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

(pp) *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) *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.

(rr) *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) *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) *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) *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) *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) *Solid waste disposal*: Disposition of solid waste by means of combustion, landfilling or other final method of discard.

(xx) *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) *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) *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) *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) *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) *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) *Unincorporated Miami-Dade County*: Any part of Miami-Dade County not lying within the boundaries of a duly incorporated village, town, or municipality.

(fff) *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) *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) *Vegetative food waste*: Discarded edible fruit and vegetable matter which is capable of biological decomposition.

(iii) *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) *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) *Waste tire transporter*: Any person transporting five (5) or more waste tires for hire.

(lll) *Yard trash*: Vegetative matter resulting from landscaping and land clearing operations.

(Ord. No. 59-12, §§ 1.01--1.12, 6-9-59; Ord. No. 72-6, § 1, 2-1-72; Ord. No. 77-56, § 1, 7-19-77; Ord. No. 77-72, § 1, 9-20-77; Ord. No. 79-115, § 1, 12-18-79; Ord. No. 80-143, § 2, 12-16-80; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 83-109, § 3, 11-15-83; Ord. No. 85-8, § 3, 2-5-85; Ord. No. 89-5, § 1, 1-17-89; Ord. No. 90-11, § 1, 2-20-90; Ord. No. 91-95, § 1, 9-16-91; Ord. No. 91-123, § 2, 10-15-91; Ord. No. 92-20, § 2, 3-17-92; Ord. No. 92-28, § 1, 4-21-92; Ord. No. 92-43, § 1, 5-19-92; Ord. No. 92-155, § 1, 12-15-92; Ord. No. 94-198, § 1, 11-1-94; Ord. No. 95-174, § 9(Att. C, § 1), § 10(Att. D), 9-20-95; Ord. No. 99-91, § 1, 7-27-99; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 1, 7-22-03; Ord. No. 06-172, § 1, 11-28-06)

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

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. 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. 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 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.

(Ord. No. 59-12, § 2.03, 6-9-59; Ord. No. 72-6, § 2, 2-1-72; Ord. No. 77-56, § 2, 7-19-77; Ord. No. 81-

108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 91-95, § 2, 9-16-91; Ord. No. 92-43, § 2, 5-19-92; Ord. No. 99-91, § 2, 7-27-99)

Sec. 15-2.1. Scavenging of recyclable materials prohibited; theft of recycling 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 container placed at any property, without first obtaining the written consent of the owner of said recycling 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.

(Ord. No. 90-11, § 2, 2-20-90; Ord. No. 91-123, § 3, 10-15-91)

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, every 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, NDPE-natural, HDPE colored)

(b) 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.

(Ord. No. 91-123, § 4, 10-15-91)

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, 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.

(Ord. No. 91-123, § 5, 10-15-91)

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.
- (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 with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

(Ord. No. 91-123, § 6, 10-15-91)

Sec. 15-2.5. Applicability.

The provisions of Sections 15-2.2, 15-2.3 and 15-2.4 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.

(Ord. No. 91-123, § 7, 10-15-91)

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 with the collection program provided at that location, to separate, from all other solid waste collected 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 collected 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/scrap 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.

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.

(Ord. No. 92-78, § 1, 7-21-92)

Sec. 15-2.7. Enforcement.

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.

(Ord. No. 92-78, § 2, 7-21-92)

Sec. 15-2.8. Severability.

If any provision of this ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable on its face or as applied, the remaining provisions shall remain in full force and effect.

(Ord. No. 92-78, § 3, 7-21-92)

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 board of county commissioners to demonstrate this. The county 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.

(Ord. No. 92-78, § 4, 7-21-92)

Sec. 15-2.9.1. Effective date.

This law shall take effect on August 10, 1992.

(Ord. No. 92-78, § 5, 7-21-92)

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 Department of 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.

(Ord. No. 59-12, § 2.04, 6-9-59; Ord. No. 60-22, § 1, 7-26-60; Ord. No. 61-4, § 1, 1-31-61; Ord. No. 77-72, § 2, 9-20-77; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 3, 9-16-91; Ord. No. 95-215, § 1, 12-5-95)