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CITY OF MIRAMAR
MIRAMAR, FLORIDA

ORDINANCE NO. 24-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CITY'S CODE OF ORDINANCES CHAPTER 18 "SOLID WASTE," ARTICLE I "IN GENERAL," SECTIONS 18-1 THROUGH 18-8; SECTIONS 18-9 THROUGH 18-25 "RESERVED," ARTICLE II "CONTAINERS," SECTIONS 18-26 THROUGH 18-32, SECTIONS 18-33 THROUGH 18-50 "RESERVED," ARTICLE III "FEES AND CHARGES," SECTIONS 18-51 THROUGH 18-56, SECTIONS 18-57 THROUGH 18-75 "RESERVED," ARTICLE IV "RECYCLING PROGRAM," SECTIONS 18-76 THROUGH 18-78, SECTIONS 18-79 THROUGH 18-80 "RESERVED," SECTIONS 18-81 THROUGH 18-83, SECTIONS 18-84 THROUGH 18-91 "RESERVED," ARTICLE V "SOLID WASTE FLOW CONTROL," SECTIONS 18-91 THROUGH 18-92, SECTIONS 18-93 THROUGH 18-99 "RESERVED," ARTICLE VI "COMMERCIAL SOLID WASTE RECYCLING SERVICES," SECTIONS 18-100 THROUGH 18-105, SECTIONS 18-106 THROUGH 18-125 "RESERVED," ARTICLE VII "DEBRIS REMOVAL FROM PRIVATE STREETS, ROADS, ROADWAYS, AND PRIVATE PROPERTY," SECTIONS 18-126 THROUGH 18-132, SECTIONS 18-133 THROUGH 18-150 "RESERVED;" AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 18 of the City Code is not aligned with the City's current method of providing solid waste services to its stakeholders; and

WHEREAS, The City Code needs to be amended to reflect the City's current methodology and updated definitions of conducting solid waste services; and

WHEREAS, The City Manager recommends amendment to Chapter 18 of the City Code to reflect the City's current method and updated definitions of conducting solid waste services; and

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WHEREAS, The City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to amend the City Code to reflect the City's current method and updated definitions for solid waste services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That Chapter 18 SOLID WASTE, Sections 18-1 through 18-132 of the Code of Ordinances are amended to read as follows²:

ARTICLE 1, IN GENERAL

Sec. 18-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, words in the singular include the plural and the word "shall" is always mandatory and not merely directory.

Biological Waste shall mean solid waste(s) that cause or has the capacity of causing disease or infection and includes but is not limited to, bio-medical waste, diseased or dead animals, and other waste capable of transmitting pathogens to humans or animals, as defined by Florida State Statute Chapter 403.703, as may be amended from time to time.

Bulk Trash shall mean waste that requires special handling and/or management
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²Proposed additions to existing City Code text are shown by underlining; proposed deletions from existing City Code text are shown by ~~strike through~~.

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including, but not limited to, major appliances (without freon), household goods and furniture (without glass or mirrors), mattresses, box-springs, rolled-up carpet, small wood scraps, other miscellaneous materials (not defined as household hazardous or electronic waste) found within a home which are customary to ordinary housekeeping operations, concrete, rubble, mixed roofing materials, rock, gravel and other earthen materials, equipment, wire, cable resulting from home minor improvements. Bulk Trash shall also include Yard Waste including all types of limbs, branches and stumps not exceeding six feet in length, or being greater than 12 inches in diameter. To be considered Bulk Trash, yard trash must be a part of normal and regular yard maintenance, not tree removal. Bulk Trash must be generated by the Curbside Customer at the Residential Unit wherein the Bulk Trash is collected. Bulk Trash shall not include Contractor Generated Waste, or Exempt Waste. The following items (though not a complete list) shall not be considered Bulk Waste; unsecured glass panels and mirrors, food waste, animal carcasses, tires, old paint, car or cooking oil, containers holding liquids, household hazardous waste and electronic waste.

Certified Recovered Materials Dealer means a dealer certified under § 403.704, Florida Statutes.

Commercial eEstablishments shall mean any hotel, motel, apartment house, rooming house or tourist court which contains three (3) or more service units, and any other building, business or establishment of any nature or kind whatsoever other than a residential unit, a property or properties zoned or used for commercial or industrial uses or used by an entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, and excludes property or properties zoned for Single-Family Residential or Multi-Family Residential uses.

Compactor shall mean any container, regardless of size, which has a compaction mechanism, whether stationary or mobile. All such equipment must be clearly marked to prohibit use for illegal dumping or the disposal of Hazardous Waste, bio-hazardous, biological or bio-medical waste or sludge.

Construction and Demolition Debris shall mean those materials defined by Florida Statute Solid Waste 403.703, as may be amended from time to time.

Container shall mean any roll-cart, dumpster, roll-off or compactor used for the collection and disposal of Municipal Solid Waste or Recyclables.

Contractor shall mean a Person or Company, hired by a Curbside Customer either temporarily or permanently, to perform or provide services which result in the

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generation of solid waste, bulk or yard trash, and or Construction and Demolition Debris. Contractor shall not be considered a designee of a customer, nor entitled to such privileges of a solid waste Customer who receives curbside collection services.

Contractor Generated Waste shall mean Solid Waste, Bulk Trash or Construction and Demolition Debris generated on behalf of the Curbside customer by a Contractor, builder, sub-contractors, handyman service, tree trimmers, tree surgeons, landscapers, landscape services, or lawn and yard maintenance services or nurseries. Contractor Generated Waste is not eligible for residential bulk collection service. Contractor Generated Waste can include, but not be limited to tree trimmings, roots, cut up tree debris, drywall, toilets, tubs, tile, bricks, roofing materials, lumber, fence and posts, pipes, concrete blocks, dirt or soil, which can be reasonably determined to be produced by a person other than the customer based on amount, size and type of materials.

Curbside Collection Service shall mean those services, rules, and regulations, provided to a Residential and/or Multi-family Unit which receives waste collection service via a Roll Cart, and is typically billed for sanitation service by the City.

Customer shall mean any Person whose Municipal Solid Waste, Bulk Trash, Construction and Demolition Debris, Commercial, Multi-family, and Industrial Waste and/or Recycling Material(s) are collected by the Franchise Hauler or city-approved Registrant.

Dumpster shall mean any metal or hard plastic container with a capacity of one cubic yard up to and including eight cubic yards, designed or intended to be mechanically dumped into a loader-packer type truck.

Exempt Waste shall mean tires, sewage, sludge, automobile, automobile parts, boats, boat parts, internal combustion engines, lead-acid batteries, used oil, bio-medical waste, biological waste, and hazardous waste, as defined in Florida State Statute Chapter 403.703, as amended from time to time.

Fiscal Year means October 1 to September 30 of each calendar year.

Franchise Agreement shall mean the agreement between the City and its Franchise Hauler for the collection of Municipal Solid Waste, Bulk Trash, Construction and Demolition Debris, Industrial Waste, and/or Recycling Materials.

Franchise Hauler shall mean the Person authorized by the city pursuant to the Franchise Agreement to provide collection services for the city.

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Garbage shall mean every refuse 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, putrifaction 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.

~~*Garbage can* shall mean a galvanized metal or durable plastic container of the type commonly sold as a garbage can, of a capacity not less than twenty (20) gallons and not to exceed thirty (30) gallons, having two (2) handles upon the sides thereof, or a bail by which it may be lifted, and a tight fitting metal or plastic top with handle, and so constructed as to permit the free discharge of its contents.~~

~~*Garbage receptacle or container* shall mean a garbage can or plastic bag.~~

Garbage receptacle or container shall mean a a garbage can or plastic bag. City issued Roll Cart container for collection at a Residential Unit, Commercial or multi-family establishment.

Garden trash shall mean all accumulation of leaves, grass, palm fronds, limbs, branches or shrubbery cuttings, and other refuse resulting from customers attending the care of lawns, shrubbery, vines, ground cover, foliage and trees.

Hazardous Waste shall mean solid waste or a combination of solid wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to, 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. Including, but not limited to, any flammable, toxic corrosive and or reactive waste or product containing such waste, oil, water-based paint, paint thinners and strippers, used automobile oil or fluids, gasoline, solvents, pesticides, insecticides, fertilizers, pool chemicals, spot removers, oven and drain cleaners, mercury and any mercury containing devices, batteries, fluorescent bulbs, as well as any Hazardous Waste define by Florida State Statute Chapter 403.703, as may be amended from time.

Industrial wWastes shall mean the waste products of canneries, slaughterhouses or packing plants, condemned food products, agricultural waste products, wastes and debris from brick, concrete block, roofing shingle or tile plants, debris and wastes

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accumulated from land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks or parkways, and any waste materials which, because of their volume or nature, do not lend themselves to collection and incineration co-mingled 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 city collection service schedule provided for in this chapter.

Multi-Family Curbside Collection Service shall mean any Multi-family property which receives waste collection service via a Roll Cart.

Multi-Family Residential Establishment shall mean any structure other than a Multi-Family Residential Unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-Family Residential Establishments shall include, without limitation, rooming houses, tourist courts, trailer parks, bungalow courts, apartment buildings with rental or cooperative apartments, or multiple-story condominiums with common means of ingress and egress.

Multi-Family Residential Unit shall mean any individual living unit in a Multi-Family Residential Establishment.

Municipal Solid Waste, or Solid Waste as defined in Chapter 403, Florida Statutes, as may be amended from time to time, shall mean sludge not regulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. Recyclable Materials are not considered Solid Waste.

Noncombustible refuse shall mean refuse materials that are unburnable at ordinary incinerator temperature (eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit) such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to the operation of stores or offices.

Person means any and all persons, natural or artificial, including any individual, firm or association, partnership, joint venture or other entity of any kind, any municipal or private corporation organized or existing under the laws of this state or any other state; any county of this state; and any governmental agency of this state or the Federal Government.

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Plastic bag shall mean a ~~two~~ (2) mil thick bag or liner of plastic material not exceeding fifty (50) pounds gross weight.

Recovered materials, as defined in Florida Statute 403.703 means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.

Recyclable Materials or Recycling Materials shall mean those materials which are capable of being recycled and would otherwise be processed or disposed of as Solid Waste.

Recycling, defined under Florida Statute 403.703, means any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products. Such raw materials or intermediate or final products include, but are not limited to, crude oil, fuels, and fuel substitutes.

Recycling Bin shall mean a rigid rectangular container made of plastic or other suitable substance of no less than 14 gallons, distributed by the city or its Franchise Hauler to designated Customers for use in connection with the collection of Recyclable Materials.

Recycling Contaminates shall mean any material not recognized as a common Recyclable Material as defined in Florida Statute 403.703, and/or those materials not identified as acceptable under the City's residential curbside recycling program.

Registrant means a Certified Recovered Materials Dealer who has registered with the city in accordance with the requirements of Article VI herein.

Residential unit shall mean any structure or shelter or any part thereof used, or constructed for use, as a residence for one (1) family.

Roll Cart shall mean a City issued container that is made with heavy-duty hard plastic or other impervious material, mounted on two wheels, equipped with a tight-fitting

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hinged lid, not less than 30 gallons nor more than 100 gallons in rated capacity, and designed or intended to be used for automated or semi-automated collection service for Solid Waste or Recycling Services.

Roll-off shall mean an industry standard container with the capacity of ten (10) to forty (40) cubic yards. These containers are typically loaded onto a collection vehicle and covered for transportation to a disposal or processing facility.

Rubbish shall mean refuse accumulation of paper, excelsior, 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 stores, offices and other business places, and also any bottles, cans or other containers which, due to their ability to retain water may serve as breeding places for mosquitoes or other water-breeding insects; rubbish shall not include noncombustible refuse.

Sanitation Needs shall mean the sufficient size, frequency of collections and number of containers required to prevent the accumulation of waste outside of the designated containers during regular scheduled collection service.

Single-Family Residential Unit shall mean any structure or shelter constructed for use as a residence for one (1) family.

Solid waste disposal facility as defined in Florida Statute S403.703 shall mean any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

Solid waste management facility as defined in Florida Statute 403.703 shall mean any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities or pyrolysis facilities that meet the requirements of s. 403.7046, except the portion of such facilities, if any, which is used for the management of solid waste.

Source-Separated means the Recyclable Materials that are separated from Solid Waste where the Recyclable Materials and Solid Waste are generated. The term does not require that various types of Recyclable Materials be separated from each other and recognizes that *de minimis* Solid Waste, in accordance with industry standards and practices, may be included with Recyclable Materials. Materials are not considered

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Source-Separated when two or more types of Recyclable Materials are deposited in combination with each other in a container located where the materials are generated, and such materials contain more than 10 percent Solid Waste by volume or weight.

Special Collection Service shall mean any collection of Bulk Trash, Construction and Demolition Debris, Industrial Waste, Recyclable Material or Solid Waste on a day other than a scheduled collection day, which shall be subject to an additional charge by the Franchise Hauler, as dictated in the Franchise Agreement.

Special waste shall mean solid wastes that can require special handling and management, including, but not limited to, white goods, tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard waste and biological wastes.

Transfer station as defined in Florida Statute 403.703, shall mean, a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

Unacceptable waste. That portion of solid waste which is not defined as acceptable waste and includes but is not limited to sewage and its derivatives, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, hazardous waste, medical waste and dead animals.

Waste shall mean and include garbage, rubbish, garden trash, noncombustible refuse and industrial wastes.

White goods, as defined in Florida Statute 403.703, includes discarded air conditioners, heaters, refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard Trash or Waste shall mean vegetative debris, including but not limited to, limbs, branches, palm fronds, not exceeding six feet in its longest length, nor exceeding 12 inches in diameter. To be considered Bulk Trash, yard trash must be a part of normal and routine yard maintenance. Yard Trash or Waste shall not include Contractor Generated Waste.

Sec. 18-2. Prima facie evidence of accumulation of waste and fees due.

The fact that any Single or Multi-Family Residential Unit, or any Commercial Establishment, or improved property, located in the city is occupied shall be prima facie

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evidence that garbage or other refuse is being produced or accumulated upon such premises, and that fees for collection and disposal thereof are due the city.

Sec. 18-3. Plans for waste storage on certain premises to be approved before issuance of building permit.

If not already incorporated within the site plan approved by the Development Review Committee and Franchise Hauler, plans for storage of refuse, location, accessibility and adequacy must be approved by the Community Development Department and Franchise Hauler prior to the issuance of a~~Before~~ building permits may be issued for construction of shopping centers, multiple-family dwellings of three (3) or more dwelling units, and supermarkets, four (4) or more Single Family Residential Units, Commercial Establishments or Multi-Family Units, plans for storage of refuse must be approved by the building department as to location, accessibility and adequacy. The placement of Container(s) and storage enclosures shall be planned, and the construction of the enclosures shall be in a manner that allows unobstructed and direct (drive-in) service access to the Container(s) by service vehicles. Plans should provide sufficient clear space to properly service the Container(s). The slab floor or ground within the enclosure shall be level with the adjoining area, so as to allow for the easy removal and servicing of containers by rolling, when necessary. Plans for enclosure areas shall include sufficient room for the collection of Recyclable Materials and Solid Waste containers. The area required for recycling and solid waste containers shall be of sufficient size to meet industry standards based on the amount of solid waste and recyclables expected to be produced by, permitted type of use, size and occupancy of the proposed property.

Sec. 18-4. Duty to dispose of trash and prevent accumulation. Municipal Solid Waste, and prevent accumulation and pay waste fees for waste collection.

It shall be the duty of each person ~~all owners~~ of improved real property in the city to prevent the continued, excessive and or unsightly accumulation of garbage, garden trash and other types of trash, waste, rubbish, or refuse upon the Property. occupied by such person. Any failure to comply with the provisions of this section shall constitute a violation of this chapter. All owners of real property within the city are required to have accumulations of Municipal Solid Waste removed within five (5) days of notice, and to pay any associated fees.

Sec. 18-5. Method of transporting waste.

It shall be unlawful for any p~~Person~~, including the Franchise Hauler or Registrants, to collect, transport or haul, convey, or cause to be hauled or conveyed, any waste

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~~including discarded building material(s) or discarded furniture upon or along public streets, roads or alleys except when the material transported is adequately secured in such manner as to prevent the material from falling or being blown from transporting vehicles.~~

Sec. 18-6. City collection and disposal of waste.

The ~~e~~City ~~m~~Manager, ~~upon approval of the city commission,~~ Public Works Director or designee shall have the power to establish the type, frequency and amount of waste collections and disposal service(s) needed for a customer, and to be provided in the ~~e~~City, and to promulgate rules and regulations not inconsistent herewith.

Sec. 18-7. Solid wWaste franchise.

- (a) The city has granted a solid waste franchise to Waste Pro of Florida, Inc. (“Waste Pro”) and has entered into a ~~s~~Solid wWaste and ~~r~~Recycling eCollection ~~s~~Services aAgreement with Waste Pro (the “agreement”). Waste Pro shall pay a franchise fee ~~equal to a set percentage of gross revenues,~~ as set forth in the agreement, derived from the ~~r~~Residential and ~~e~~Commercial sSolid wWaste and residential recycling collection and disposal services it performs within the ~~e~~City.
- (b) Any ~~p~~Person or entity who collects, transports and or disposes of, or causes the collection, transportation, and or disposal of, ~~garbage, construction debris, rubbish and refuse~~ Municipal Solid Waste, Recycling Materials, or Construction and Demolition Debris, accumulated in the city in contravention of the agreement and without having first received authorization from the city, if required, shall be deemed to have violated this subchapter and shall be subject to code enforcement activities that may result in fines, costs or other penalties being imposed, as provided in Chapter 2, Article XI of this Code. If there is a continuing violation, each day’s violation shall be a separate offense. The provisions of this subchapter may also be enforced by injunction or other civil court action when appropriate.

Sec. 18-8. Responsibility for removal of certain wastes.

Where the source of an accumulation of waste cannot be easily ascertained, such waste shall be disposed of in the manner and at such location as is prescribed by the City Manager or designee. Removal shall be the responsibility of the property owner, tenant, occupant, operator or contractor where the accumulation of such material occurred. Upon approval of the City Manager or designee, collection and disposal of the waste may be undertaken by the city at the expense of the property owner, tenant, occupant, operator or contractor, provided that such collection and

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and disposal does not interfere with other waste collection operations. The city shall not be responsible for collecting or hauling discarded waste from private property, nor shall it be responsible for collecting waste before a certificate of occupancy is issued.

Secs. 18-89—18-25. Reserved.

ARTICLE II. RECEPTACLES CONTAINERS

Sec. 18-26. Residential garbage. Municipal Solid Waste at Single Family Residential Units.

- (a) All residential garbage Municipal Solid Waste shall be placed in a City issued garbage receptacle which shall be a garbage can or plastic bag Solid Waste Roll Cart.
- (b) All ~~garbage cans~~ Solid Waste Roll Carts placed out for collection shall be tightly covered with a lid at all times and all plastic bags shall be securely tied ~~at the top.~~
- (c) No ~~garbage cans~~ Solid Waste Roll Cart or any other containers ~~or garden trash~~ shall be placed outside for pickup prior to 4:00 p.m. the ~~night~~ day before the day on which garbage pickup is scheduled.
- (d) Following collections, the Solid Waste Roll Carts shall be returned to the residential unit by the end of that collection day.

Sec. 18-27. Standards for refuse bins; unstable refuse bins prohibited. Bulk Trash

- (a) ~~Title 16, chapter II, subchapter B, part 1301, Code of Federal Regulations, as amended, is hereby adopted as an ordinance of the city as if more fully rewritten herein.~~
- (b) ~~"Unstable refuse bins," as defined in title 16, chapter II, subchapter B, part 1301, Code of Federal Regulations, are hereby prohibited within the city limits.~~

Bulk Trash shall not be placed curbside for pick up prior to 72 hours days before the property's scheduled pickup day.

Bulk Trash may include up to 3 cubic yards of Building, Planning and Zoning permitted Contractor Generated Waste of Construction and Demolition Debris.

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Bulk Trash shall be generated by the customer as part of ordinary household activity and shall not include **unpermitted** Contractor Generated Waste or Exempt Waste

Bulk Trash shall not **remain or** be placed out for **curbside** collection when the City is in a Hurricane Warning or Watch, severe flooding or other natural disaster notice has been issued. Customer shall be responsible to relocate Bulk Trash back to their home and secure materials following a suspension of services notification by the City.

Bulk Trash shall be placed neatly curbside allowing for efficient collection. Bulk Trash placed in a hazardous or disorderly manner will not be collected. Bulk Trash placed within 3 feet of damageable property including not limited to vehicles, mailboxes, utility poles, on top of landscaping pavers, blocks or storm drains, under tree limbs or utility lines, leaning on a tree or fence, will not be collected.

Sec. 18-28. Enclosure of dumpsters and trash bins. Municipal Solid Waste at Commercial Establishments and Multi-Family Residential Establishments.

~~Refuse bins and dumpsters~~ All Container(s) shall be screened from view by an enclosure in a design approved by the eEngineering dDepartment. Such enclosure screening shall be throughout as high or higher than the highest portion of the refuse bin or dumpster container(s). Permissible containers for Commercial Establishments and Multi-Family Residential Establishments shall include Solid Waste Roll Carts, Dumpsters, Roll-offs and Compactors, and shall be placed and stored in an approved enclosure. It shall be the responsibility of the owner to ensure that the gates to enclosures are closed at all times, when not in use by a hauler. All such containers must be clearly marked to prohibit the container's use for the disposal of impermissible materials, hazardous or electronic waste, bio-hazardous waste, biological or bio-medical waste or sludge.

Sec. 18-29. Placing dangerous materials in waste containers prohibited.

It shall be a violation of this article to place or cause to be placed in any regulation garbage or refuse container for collection any household hazardous or electronics waste, including but not limited to acids, explosive material, inflammable liquids, biohazards or any dangerous or highly corrosive material of any kind.

Sec. 18-30. Provision of refuse waste containers.

(a) All eCommercial eEstablishments within the city are required to provide for garbage collection and disposal and shall arrange for garbage collection and disposal

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Commercial Solid Waste Collection Service solely through the city or its designee Franchise Hauler. Each owner of a Commercial business Establishment, or the tenant in the Commercial building Establishment within the city shall provide refuse dumpsters on-site of a containers of adequate size, collection frequency, and in an amount, adequate to meet the its Sanitation Needs of the Commercial Establishment located on the site.

- (b) ~~The city or its designee shall make the determination as to the number and size of the dumpsters that are needed to collect the refuse generated at commercial establishments.~~ Should the Commercial Establishment and Franchise Hauler not agree on the collection service necessary to meet the customers Sanitation Needs, the City Manager or designee shall make the final determination. The size, and collection frequency and number of containers required may be adjusted if it is deemed as necessary by the City Manager or its designee.
- (c) Each property owner, occupant or tenant shall advise the city in writing whether the property owner, occupant or tenant shall be responsible for establishing and paying the garbage collection fees.
- (d) In those cases where the tenant property owner shall be responsible for providing for the dumpster and there is more than one (1) tenant, has several tenants or occupants, the tenants or occupants may share a refuse dumpster, or dumpsters, the container(s) and the cost of service. Such dumpsters containers shall be of an adequate size, collection frequency and number to meet the Sanitation Needs of these tenants or occupants. The property owner or tenants shall advise the city, in writing, as to who shall be sharing the dumpster containers and who shall be paying the garbage collection fees.
- (e) No Person or business shall place refuse Municipal Solid Waste or other waste(s) in a dumpster container without the consent of the person or business leasing or owning such dumpster container Commercial Establishment.

Sec. 18-31. Responsibility for removal of certain waste.

Industrial wWaste and noncombustible waste shall be disposed of in the manner and at such location as is described by the City Manager or designee. Removal of Industrial wWaste and noncombustible waste shall be the responsibility of the property owner, occupant, tenant, operator or contractor, creating or causing the accumulation of such material. Upon approval of the City Manager or designee, collection and disposal of the waste may be undertaken by the city at the expense of the property owner, occupant, tenant, operator or contractor, provided that such collection and

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disposal does not interfere with other waste collection operations. The city shall not be responsible for collecting or hauling discarded building material, dirt, rock or discarded furniture from private property, nor shall it be responsible for collecting or hauling trees, bushes, or other vegetation cut on private property before a certificate of occupancy is issued.

Sec. 18-32. Disposal of waste on commercial property.

It shall be unlawful for the owner of any property containing a eCommercial eEstablishment to fail to provide adequate receptacles-containers for the removal of all waste from such property. Receptacles-Containers shall be of sufficient size, collection frequency and number to prevent the accumulation of trash outside the receptacles container(s), and meet the Sanitation Needs of the property. The owner shall also make sufficient provisions and remedies for the collection of sanitation in order to prevent and remove the accumulation of waste on such property.

Secs. 18-33—18-50. Reserved.

ARTICLE III. FEES AND CHARGES

Sec. 18-51. Fee for ~~bulk collection of trash and waste, not including garbage~~ Municipal Solid Waste collection service.

The service charge to all ~~residential eCustomers~~ where waste collection and disposal service is provided by the city or its Franchise Hauler, ~~for bulk collection of trash and waste not including garbage,~~ shall be twenty-five cents (\$0.25) per month. shall be at the rates set forth in the Franchise Agreement which are subject to change from time to time. Cost estimates for fees due to Special Collection Services shall be provided to the Customer and shall be at the rates set forth in the Franchise Agreement, which may change from time to time.

It shall be the duty of the owner of each property in the city where Municipal Solid Waste collection services are provided to pay or cause to be paid the fees due for such collection services. Failure on the part of such owner to make payment shall constitute a violation of this article. Waste collection services may be suspended or discontinued, and containers removed from premises for which the fee has not been paid.

Sec. 18-52. ~~Fees and rules for use of transfer station.~~ Customer guarantee deposit.

(a) ~~Each person depositing material at the transfer station shall pay the following fees:~~

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- ~~(1) Car\$ 1.00~~
 - ~~(2) Station wagon2.50~~
 - ~~(3) Utility trailer3.00 to 4.50~~
 - ~~(4) Van4.50 to 7.50~~
 - ~~(5) Large trailer4.50 to 7.50~~
 - ~~(6) Pickup4.50 to 7.50~~
 - ~~(7) Boat4.50 to 7.50~~
 - ~~(8) Pickup w/s7.50~~
 - ~~(9) Large truck20.00~~
 - ~~(10) Alternate fees, bags0.60~~
 - ~~(11) Thirty-gallon cans0.60~~
- ~~(b) The following rules are hereby established for use of the transfer station:~~
- ~~(1) All leaves must be placed in bags.~~
 - ~~(2) Only residents of the city may use the transfer station.~~
 - ~~(3) Commercial dumping shall not be permitted.~~

The city shall collect a deposit equal to two months of solid waste service charges from any Customer securing city collection services to guarantee payment of fees and shall be in addition to any other deposit required for water and sewer services or any other appropriate deposit due the city, or any other appropriate Governmental agency.

Sec. 18-53. Special assessment liens against improved real property.

~~Except as otherwise provided by this article, all owners of improved real property in the city are required to have accumulations of garbage, trash and waste removed and disposed of by the city, and for such governmental service of garbage, trash and waste collection and disposal, or the availability of such service, all such improved real property shall be liable for the payment of the waste fees. All waste fees becoming due and payable shall constitute and are hereby imposed as liens against the real property aforesaid, and until fully paid and discharged, or barred by law, shall remain liens superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Such waste fees shall become delinquent if not fully paid within ninety (90) days after by the invoice(s) due date. All delinquent waste fees shall bear a penalty of twelve (12) percent per annum from the due date and shall also bear a lien fee of twenty dollars (\$20.00) to cover the city's administrative and recording costs for the lien. Such liens for waste fees and penalties may be enforced by any of the methods provided in Florida Statutes.~~

~~State law reference(s)—Restriction on liens, F.S. § 180.135.~~

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Sec. 18-54. Waste fee receipts.

~~It shall be the responsibility of the Customer to retain Rreceipts evidencing the payment of waste fees, in such form as may be approved by the city manager, shall be retained by the occupant of the premises covered thereby, and which shall be exhibited upon demand of any within a reasonable time frame of a request by an appropriate employee of the city. Failure to exhibit such receipt upon demand within a reasonable time period, shall constitute a violation of this article. Waste fee receipts issued for one (1) property, residential or commercial, may not be transferred to another.~~

Sec. 18-55. Payment of fees; effect of failure to pay. Occupancy of premises by Residential Unit and Commercial Establishment or two or more Commercial Establishments.

~~It shall be the duty of the owner of each lot, tract or parcel of land in the city where waste collection and disposal service is provided by the city, having a residential unit or commercial establishment situated thereon, except as may otherwise be provided herein, to pay or cause to be paid the waste fee or fees due for each residential unit, or commercial establishment, as the case may be. Failure on the part of such owner to make such payment shall constitute a violation of this article. Waste collection may be discontinued from premises for which waste fee has not been paid and the owners or occupants thereof may be subject to the provisions of section 18-53.~~

~~A eCommercial eEstablishment located in the same building with a rResidential uUnit or with another eCommercial eEstablishment, even though under the same ownership, shall not be considered a part of such rResidential uUnit or other eCommercial eEstablishment, but shall be treated as a separate eCommercial eEstablishment upon which a separate waste fee shall be due. Failure on the part of such owner to make such payment shall constitute a violation of this article. Waste collection may be discontinued from premises for which waste fee has not been paid and the owners or occupants thereof may be subject to the provisions of section 18-53.~~

~~Sec. 18-56. Multiple occupancy of premises. Reserved~~

~~A commercial establishment located in the same building with a residential unit or with another commercial establishment, even though under the same ownership, shall not be considered a part of such residential unit or other commercial establishment, but shall be treated as a separate commercial establishment upon which a separate waste fee shall be due.~~

Secs. 18-57 - 18-75. Reserved.

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ARTICLE IV. RECYCLING PROGRAM³

Sec. 18-76. Collection of ~~r~~Recyclable waste~~Materials~~.

(a) *Definitions.*

Recyclable waste shall consist of newspapers; clear, brown and green glass; aluminum beverage containers; tin cans; plastics 1,2,3 (two liter beverage containers, plastic milk jugs, PVC plastic shampoo and laundry detergent bottles) and non-waxed cardboard boxes generated by single-family homes and multi-family buildings consisting of more than 50 units receiving curbside collection service.

Recycling containers shall mean containers provided by the city to individual residents or multi-family dwelling units for the purpose of collecting Recyclable Waste.

- (b) *Recyclable waste~~Materials~~ shall be segregated from other waste and placed in ~~r~~Recycling ~~containers~~. Recycling containersBins and Roll Carts and shall be placed at curbside or in designated areas on collection days as scheduled by the city or as agreed upon with the Franchise Hauler.*
- (c) It shall be a violation of this article for any Person, firm or corporation, not authorized by the City to collect or remove ~~r~~Recyclable ~~m~~Material which has been specifically placed for collection ~~in the recycling program in residential areas of the city.~~
- (d) Penalties for unauthorized collection of ~~recycling~~ Recyclable ~~m~~Materials or the lack of compliance in the recycling program shall be to the extent permitted by law.

Sec. 18-77. Recycling containers for Single-Family Residential Units or Multi-Family Units using recycling bins or carts.

- (a) All acceptable program Recyclable Materials shall be placed together in an approved Container.
- (b) Recycling roll cart lids shall be closed at all times to prevent litter and spillage during collection.

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³Editor's note(s)—Former Art. IV, §§ 18-76—18-80, was repealed by § 2 of Ord. No. 92-08, § 3 of which enacted a new Art. IV in lieu thereof to read as herein set out. The repealed provisions pertained to the disposition of salvageable paper and derived from Code 1964, §§ 11-40—11-44.

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- (c) Recycling containers overloaded to the point where servicing the container will result in spilled materials, will not be collected.
- (d) No recycle Roll Cart Container(s) shall be placed outside for pickup prior to 4:00 p.m. the night before the scheduled collection day.
- (e) Following collection, Containers shall be returned to the home prior to the end of the collection day.

Sec. 18-78. Recycling containers for Commercial Establishments or Multi-Family Residential Establishments.

Recyclables for Commercial Establishments or Multi-Family Residential Establishments (not using wheeled carts) shall be placed in a city approved container and stored in an enclosure or other acceptable location as approved for by the City.

Secs. 18-79 – 18-80. Reserved

Sec. 18-81. Scavenging of Recyclable Materials prohibited.

- (a) 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.
- (b) No Person shall be permitted to collect, pick up, or haul or cause to be collected or picked up, or transported, 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.
- (c) Any and each collection in violation of subsections (a) or (b) above shall constitute a separate and distinct offense punishable as hereinafter provided.

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Sec. 18-82. Enforcement.

The provisions of Sections 18-81 shall apply within the city limits and shall be enforced by the appropriate city department.

Sec. 18-83. Powers of the Public Works Director.

Acting as the City Manager's designee, the Public Works Director, or their designee, shall have the authority to suspend, modify or expand services provided by the City, as enumerated herein, in emergency circumstances such as natural or manmade disasters, pandemic, civil disorders, or other circumstances that are in the city's best interest.

Secs. 18-7784 - 18-901. Reserved.

ARTICLE V. SOLID WASTE FLOW CONTROL⁴

Sec. 18-91. Definitions.

For the purpose of this article, the definitions contained herein the ~~i~~nterlocal ~~a~~greement shall apply unless otherwise specifically stated in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Contract communities. The term "contract communities" shall refer to the municipal corporation or corporations existing under the laws of the State of Florida located within the county that from time to time enter into the ~~i~~nterlocal ~~a~~greement.

County. The term "~~e~~County" shall refer to Broward County, Florida, a political subdivision of the State of Florida.

~~*District.* The term "district" shall refer to the Broward Solid Waste Disposal District created by the county and approved by the governing bodies of the contract communities pursuant to the interlocal agreement.~~

⁴Editor's note(s)—Ord. No. 87-13, §§ 2, 3, adopted March 23, 1987, has been included herein as Art. V at the request of the city. See the Code Comparative Table.

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Hauler. The term "hauler" shall refer to those persons, firms or corporations or governmental agencies approved by the City as responsible (under either oral or written contract, ~~or otherwise~~) for the collection of solid waste within the geographical boundaries of the ~~contract communities~~ City and shall remain responsible for transportation to the resource recovery system Designated Disposal or processing Facility(ies) as identified by the City, in compliance with existing Interlocal Agreement where the City is a participating member.

Interlocal aAgreement. The term "~~i~~Interlocal aAgreement" shall refer to that ~~certain~~ ~~i~~Interlocal aAgreement, dated ~~November 25, 1986~~ July 3, 2018, by and among the Broward eCounty and the contract communities, as amended or supplemented from time to time pursuant to the provisions of the ~~i~~Interlocal aAgreement for Solid Waste Disposal Support Services.

Resource recovery system. ~~The term "resource recovery system" shall refer to the resource recovery facilities which are constructed, operated and maintained or caused to be constructed, operated and maintained or caused to be constructed, operated and maintained pursuant to the interlocal agreement.~~

Solid wWaste. The term "~~s~~Solid wWaste" shall have the meaning set forth in Chapter 403, Part IV, Florida Statutes, as amended from time to time, as limited or expanded by the terms "processable waste, unprocessable waste and unacceptable waste." set forth in the ~~i~~Interlocal aAgreement.

Sec. 18-92. Waste flow control.

- (a) It is the purpose of this article to require all inhabitants, Franchise Hauler and ~~p~~Persons within the ~~C~~city of Miramar, Florida to ~~use exclusively~~ use the ~~resource recovery system designated disposal facilities~~ identified in the ~~i~~Interlocal aAgreement for the disposal of all solid waste generated within the City of Miramar, ~~for the purpose of ensuring that the resource recovery system receives an adequate quantity of solid waste from solid waste generated within its boundaries.~~
- (b) ~~The city hereby directs that a~~All Municipal sSolid wWastes generated within the city ~~shall be delivered to the resource recovery system trash transfer or disposal facility or facilities designated in the plan of operation under the interlocal agreement with Broward County for Solid Waste Disposal Support Services dated July 3, 2018, and/or by the city. and~~ The city further hereby relinquishes any and all title and interest in ~~s~~Solid wWastes collected or generated within its geographical boundaries upon delivery of such ~~s~~Solid wWaste to the ~~resource~~

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~~recovery system transfer or disposal facility or facilities designated in said plan of operations by the Interlocal Agreement and or city, which may change from time to time.~~

- (c) The city will conform the terms and conditions of any agreement that it may have with a Franchise Hauler of solid waste to meet the terms and conditions of the interlocal agreement this chapter.
- (d) Nothing herein is intended to either discourage or prohibit either voluntary or locally ordained Solid Waste segregation programs segregating scrap or new or used materials at the point of generation and held for purposes of recycling.
- (e) Waste generated within the City of Miramar which is shown to be destined for transportation to any destination outside of the State of Florida, based upon a sworn affidavit of a hauler delivered to the city reciting facts which evidence the transportation and disposal of waste outside the State of Florida, is excluded from the flow control provisions set forth herein.

Secs. 18-93-18-99. Reserved.

ARTICLE VI. COMMERCIAL SOLID WASTE RECYCLING SERVICES

Sec. 18-100. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

Certified recovered materials dealer means a dealer certified under F.S. § 403.7046.

Commercial establishments means a property or properties zoned or used for commercial or industrial uses, or used by an entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, and excludes property or properties zoned for single-family residential or multi-family residential uses.

Fiscal year means October 1 to September 30 of each calendar year.

Person means any and all persons, natural or artificial, including any individual, firm or association, partnership, joint venture or other entity of any kind, type or description engaging in the conduct or activity with which this article is concerned.

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Recovered Materials means metal, paper, glass, plastic, textile or rubber materials, that have known recycling potential, and that can be feasibly recycled and have been diverted and source-separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Registrant means a certified recovered materials dealer who has registered with the city in accordance with the requirements of this article.

Source-separated means the recovered materials that are separated from solid waste where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes that de minimis solid waste, in accordance with industry standards and practices, may be included with recovered materials. Materials are not considered source-separated when two or more types of recovered materials are deposited in combination with each other in a commercial collection container located where the materials are generated and such materials contain more than ten (10) percent solid waste by volume or weight. For purposes of this article the term "various types of-recovered materials" means metals, paper, glass, and plastic, ~~textiles and rubber.~~

Sec. 18-101. Registration and application.

Registration and Application. Any ~~p~~Person who engages in the collection, purchasing, transporting and or processing of recovered materials ~~Recyclable Materials at e~~Commercial eEstablishments shall register with the city in accordance with the requirements of this article. The ~~r~~Registrant shall submit an original ~~and plus~~ one (1) copy of all required information to the city's Public Works ~~d~~Department of ~~operational services, public works division.~~ The registration required by this section shall be in addition to and not satisfied by any other local, county or state business tax receipt that may be required for the performance of similar services. Applications for registration required by this section shall be made to the city upon such form and in such manner as prescribed by the city. The application shall ~~be in such form to~~ elicit the following information and such other information as may be required from time to time:

- (1) Registration fee. To be acceptable for filing, an application for registration shall be accompanied by a registration fee in the following amount, as appropriate:

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Initial registration application ~~or re-application~~ ... \$200
Annual renewal of registration\$200
Transfer of registration100

- (2) Name and address of the registrant, including the identification of the owner or operator for the dealer; and, if the applicant is a business entity, its general partner or limited partners, its corporate officers and directors. Any applicant that operates under a fictitious name shall submit ~~information documentation~~ demonstrating that such fictitious name is registered with the State of Florida and rightfully held by the applicant.
- (3) Registrant's permanent place of business, and mailing address, if different.
- (4) A copy of the registrant's ~~Recovered~~ Recyclable ~~m~~Materials certification under F.S. § 403.7046, Florida Statutes.
- (5) Certification that the ~~recovered~~ Recyclable ~~m~~Materials will be processed at a ~~recovered materials~~ processing facility satisfying the requirements of F.S. § 403.7046, Florida Statutes, as amended from time to time.

(b) *Signatures and submission.*

- (1) The registration and application for hauling ~~recovered~~Recyclable ~~m~~Materials shall be signed by the individual submitting the application or, in the case of a corporation, by an authorized corporate officer thereof or, in the case of a partnership or other association, by an authorized member of the partnership or association. ~~Provided, however, that f~~For a publicly held corporation which has ~~twenty-five (25)~~ or more shareholders, the signatures of the local managing officer shall be sufficient. The completed registration shall be submitted to the ~~p~~Public ~~w~~Works administrator Director or designee. ~~of the operational services department.~~
- (2) An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the application meets all federal, state, and local law requirements.
- (3) A signed statement by the registrant ~~as part of the process~~ stating that it ~~the applicant is understood~~ understands that the mixing of ~~recovered~~ Recyclable

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~~mMaterials with garbage or trash~~ Recycling ~~eContaminates the product and renders it garbage or trash. Thus, garbage and trash shall not be mixed with recovered materials and is prohibited, and the Recyclable Materials shall be~~ sSource-sSeparated.

- (c) Once it has been determined by the ~~pPublic wWorks~~ administrator-Director or designee, that the registration application is complete, and upon approval of the registration, ~~rRegistrants~~ shall be entitled to operate for a period of up to one (1) year from the date of issuance; provided, however, the registration shall be for the period of October 1st through September 30th of each ~~fFiscal yYear~~.
- (d) In addition to the above, the ~~rRegistrant~~ shall meet the following requirements:
- (1) Registrant must provide to the city a copy of the ~~rRecovered mMaterials~~ reporting forms, as submitted to the State of Florida Department of Environmental Protection ("FDEP").
 - (2) The reporting format, and reporting frequency shall be established by the city pursuant to F.S. § 403.7046, which shall, at a minimum, include requiring the dealer to identify the types and approximate amount of recovered materials collected, recycled or reused during the reporting period; the approximate percentage of recovered materials reused, stored or delivered to a ~~rRecovered mMaterials~~ processing facility or disposed of in a solid waste disposal facility; and the locations where any recovered materials were disposed of as solid waste. Information reported under this section that, if disclosed, would reveal a trade secret, as defined in F.S. § 812.081(1)(c), is confidential and exempt from the provisions of Section 24(a), Article 1 of the State Constitution and F.S. § 119.07(1). The above notwithstanding, any and all required reports shall be in accordance with Chapter 62-722, Florida Administrative Code, as amended from time to time. Nevertheless, such reports shall occur no less than quarterly and include all information required to be reported to the State of Florida.
 - (3) ~~Source-sSeparate~~ all recovered material. Containers of mixed types of ~~rRecovered mMaterials~~ that contain more than ten (10) percent solid waste shall not be deemed to be ~~sSource-sSeparated~~.
 - (4) Vehicles used to transport ~~rRecovered mMaterials~~ shall meet all applicable regulations of the Florida Department of Transportation ("FDOT") and shall be capable of preventing spillage or accidental release of ~~rRecovered mMaterials~~ during transport.

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- (5) The rRegistrant shall provide service to any commercial property between the hours of 7:00 a.m. and 7:00 p.m.
 - (6) The rRegistrant shall comply with all applicable federal, state and local laws, regulations and ordinances.
 - (7) Registrant shall conduct all collection, handling and processing of rRecovered mMaterials in accordance with the requirements of this section and the certification issued pursuant to Chapter 62-722, Florida Administrative Code, as amended from time to time.
 - (8) In no event shall the rRegistrant perform commercial solid waste services under the guise of collecting, transporting, processing or disposing of rRecovered mMaterials.
 - (9) Registrant shall not deliver rRecovered mMaterials to a facility that is permitted as a solid waste management facility unless the rRegistrant has given prior notification to the city's pPublic wWorks administrator Director or designee, and rRegistrant has received authorization to utilize such facility.
 - (10) Registrant shall provide a copy of its certification and registration to any commercial generator of rRecovered mMaterials, the rRegistrant's agents and contractors, or to customers who request such proof of registration.
- (e) If any of the registration information submitted by the rRegistrant changes during the term of the registration, the rRegistrant shall report those changes to the city within thirty (30) calendar days of the change.
- (f) The rRegistrant shall pay the city the required annual renewal of the registration fee between September 1 and September 30 of each fiscal yYear.

Sec. 18-102. Transferability.

No registration issued pursuant to this article may be assigned or transferred without the prior written approval of the city.

Sec. 18-103. Inspection of books and records.

The city shall have the right at all times upon reasonable notice to inspect the relevant books and records of registrant. The inspection shall be for the purpose of verifying that

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the registrant is in compliance with the requirements of this article. The books and records of the registrant shall be maintained at a location within Broward County, Florida, or produced at such location upon request of the city.

Sec. 18-104. Violation and penalty.

- (a) Each violation of this article is deemed a separate and distinct infraction of this Code; however, for the first violation of operating without a registration, the hauler or dealer shall be given a written warning and allowed ten (10) calendar days to apply for and receive the required registration.
- (b) Any ~~p~~Person who violates any provision of this article shall be punishable as provided herein:
 - (1) *Fine.* Each violation of this article shall be punishable by a minimum civil penalty of two hundred fifty dollars (\$250). A maximum civil penalty of five hundred dollars (\$500) per violation may be assessed plus the costs associated with investigation and prosecution together with any equitable remedies deemed reasonable and property by the special magistrate or court.

Revocation. The ~~occasion~~occurrence of three—(3) violations by a ~~hauler~~Registrant of the terms and conditions of this article in any given calendar year shall be cause for revocation of the registration. A registration shall be revoked and shall be immediately and automatically declared null and void and upon such declaration, the ~~hauler~~Registrant issued the registration shall immediately cease all operations within the city and shall be considered to have forfeited such registration and the rights acquired thereunder. Should a registration be so revoked, the city shall provide the ~~hauler~~Registrant with notice of such revocation and the reason(s) therefore. Such notice shall be sent certified mail, return receipt requested. Upon receipt of such notice, the ~~hauler~~Registrant may appeal such revocation to the ~~eCity eCommission~~, and, the appeal and hearing thereon shall be conducted in accordance with the following procedures:

- a. Should a ~~hauler~~Registrant seek appeal from the revocation of the registration, the ~~applicant~~Registrant shall furnish notice of such request for appeal to the ~~eCity eClerk~~ no later than ~~twenty~~(20) calendar days after the date of receipt of the certified letter advising ~~applicant~~ Registrant of revocation of the registration.

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- b. Upon receipt of a request for appeal, the eCity eClerk shall thereupon fix the date and time at which the city commission shall hear the appeal, such hearing to be held not less than ~~ten (10)~~ nor more than sixty (60) calendar days subsequent to the date upon which such request for appeal was filed with the eCity eClerk. Upon setting the matter for hearing, the eCity eClerk shall notify the applicant of the date and time of such hearing. ~~at~~At the conclusion of the hearing, the eCity eCommission shall either sustain the decision of the eCity mManager or direct the eCity mManager to issue a registration.

(3) *Other enforcement.* Nothing in this section shall prohibit the city from enforcing this article by other means.

Sec. 18-105. Exemptions.

The registration requirements required of this article shall not be required by pPersons exempt under Chapter 62-722, Florida Administrative Code, as amended from time to time.

Secs. 18-106—18-125. Reserved.

ARTICLE VII. DEBRIS REMOVAL FROM PRIVATE STREETS, ROADS, ROADWAYS, AND PRIVATE PROPERTY⁵

Sec. 18-126. Intent and purpose.

After declaration of a disaster in accordance with Code sSection 22-86, the primary mission of the city will be to protect lives and property, restore governmental services and clear public streets. Depending on the magnitude of the disaster and after accomplishment of the primary mission, resources may be available to the city that may not be available to a private property owner. The intent and purpose of this part is to establish a process by which the city may evaluate and, if necessary, remove debris from along privately owned streets, roads, roadways, and other private property in the event of an immediate threat to life, public health and safety after a significant disaster. While

⁵Cross reference(s)—Health, sanitation and nuisances, Ch. 10; special hurricane provisions, § 22-86; streets and sidewalks, Ch. 23.

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the city recognizes that, as a general proposition, the removal of debris from private property is the responsibility of the property owner, there are occasions when, because of the magnitude of the disaster and the threat posed to life, health, and safety, there may be a compelling need to remove debris from private streets, roads, and roadways and other private property as described herein.

Sec. 18-127 - Definitions.

As used herein, the following terms shall have the following meanings, unless the context clearly otherwise requires:

- (a) "*Access p*Properties" means access to the properties depicted on the map entitled "Maintained Roads Map", as it may be amended from time to time, maintained by and in the custody of the City Public Works Department. Access shall be provided if: (1) the City is undertaking to clear and push debris in accordance with Section 18-131, and (2) it is reasonably possible with respect to the equipment used to provide access under the circumstances. The Maintained Roads Map represents the best efforts of the City to set forth a complete listing; however, due to the nature of the roadway system and the historical problems relating to documentation and memorialization of roadways and rights-of-way, the listing may not be all inclusive.
- (b) "*Debris*" shall include, but is not limited to, displaced, broken, or discarded building and construction materials, garbage, vegetative matter and spoiled or ruined household goods or materials.
- (c) "*Private p*Property" means all property that is not owned or controlled by a governmental entity.
- (d) "*Private s*Streets, rRoads and rRoadway" shall include the rights-of-way as well as the improved surface that provides access to residential and commercial areas as identified as "private roadways" in the Maintained Roads Map.
- (e) Storm-generated yard trash, as defined in Florida Statute 403.703 and 403.7071, shall mean vegetative matter that:
 - (1) Results from a tropical storm, a hurricane, a tornado, or any other significant weather event and is located or placed within a federally designated disaster area on public property or a public right-of-way;
 - (2) Is eligible for federal reimbursement under 42 U.S.C. ss. 5121 et seq.; and

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(3) Is placed curbside or on public property or a public right-of-way after the tropical storm, hurricane, tornado, or other significant weather event that is the subject of the federally declared disaster.

(a) The term includes storm-generated debris under s. 403.7071.

Sec. 18-128. - Private roadways.

The eCity shall remove Debris from pPrivate rRoadways when such dDebris is determined to pose an immediate threat to the health, safety and welfare of the community. Pursuant to Code sSection 22-86, the eCity mManager shall determine whether there is an immediate threat to the public health, safety, and welfare sufficient to warrant removal of dDebris in accordance with any one of the following standards:

- (1) There is a significant likelihood that rescue vehicles will be significantly hindered from rendering emergency services to residential and commercial property should the dDebris be allowed to remain in place absent eCity removal.
- (2) The type of dDebris is such that it may reasonably cause disease, illness, or sickness which could injure or adversely affect the health, safety, or general welfare of those residing and working in the area if it is allowed to remain.
- (3) The clearing is necessary to effectuate orderly and expeditious restoration of eCity-wide utility services including, but not limited to, power, water, sewer, and telephone.
- (4) The dDebris is determined by the eCity bBuilding eOfficial to be dangerous or hazardous.
- (5) The dDebris prevents garbage collection thereby creating a public health hazard.
- (6) The dDebris contains contaminants which have a reasonable likelihood of leeching into the soil and/or aquifer of the eCity.
- (7) The dDebris has a substantial negative impact in preventing or adversely affecting emergency repairs to buildings and/or property.

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- (8) The dDebris presents a reasonable danger of being transported by wind and/or water into the surrounding areas of the eCity and thereby increasing the cost of recovery and removal.
- (9) The dDebris poses a significant likelihood of, if left over time, producing mold which would be injurious to public health.
- (10) The presence of the dDebris significantly adversely impacts the eCounty's recovery efforts.
- (11) The dDebris significantly interferes with drainage or water runoff, so as to be a significant hazard in the event of significant rainfall.
- (12) The sheer volume of the dDebris is such that it is impractical and unreasonable to remove in an orderly and efficient manner absent action by the eCity.
- (13) The type, extent and nature of the dDebris is such that it would cause much greater damage if the dDebris was not removed immediately.
- (14) Commercial or other specific areas will be cleared if, in the opinion of the eCity ~~m~~Manager, the clearance will aid the eCity's recovery operations or aid the health, safety, or welfare of the residents of the eCity.

Sec. 18-129. - Waiver.

With regard to eligibility for fFederal funding, the Federal Emergency Management Administration ("FEMA") may waive the requirement for the eCity to establish the criteria listed in Code sSection 18-128 as a condition precedent to eCity action, depending on the severity of the situation.

Sec. 18-130. - Indemnification and Hold Harmless.

Prior to removal of dDebris by the eCity as contemplated herein on pPrivate rRoadways and pPrivate pProperty, or clearance by the eCounty of pPrivate pProperty as provided herein, the private property owner shall indemnify and hold harmless, to the maximum extent permitted by law, the federal, state, and local government and all employees, officers and agents of the federal, state, and local government connected with the rendering of such service.

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Sec. 18-131. - Emergency Roadway Clearance.

Nothing herein shall preclude a first response by the eCity to clear and push dDebris from all roadways (both public and private) including aAccess pProperties necessary for the movement of emergency vehicles including police, fire and ambulance within the first seventy (70) hours after a disaster declaration.

Sec. 18-132. - Private property.

Nothing herein shall require the eCity to remove dDebris from pPrivate pProperty other than the pPrivate rRoadways identified above except where the severity of the situation is of such magnitude or the dDebris is so widespread that it is determined by the eCity mManager to be a significant immediate threat to the health, safety and welfare of the eCity and in the overriding public interest of the eCity to remove dDebris from such areas.

Secs. 18-133 – 18-150. Reserved

Section 3: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miramar, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 4: If any clause, section, or other part or application of this Ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Temp. Ord. No. 1822
1/8/24
2/29/24

Section 5: All ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

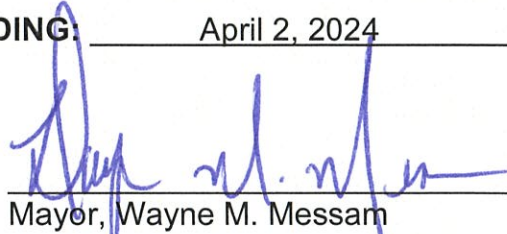
Section 6: That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Ordinance.

Temp. Ord. No. 1822
1/8/24
2/29/24


Section 7: That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED FIRST READING: _____ March 6, 2024

PASSED AND ADOPTED ON SECOND READING: _____ April 2, 2024

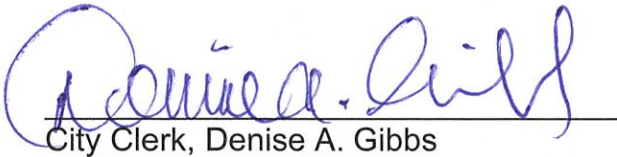


Mayor, Wayne M. Messam



Vice Mayor, Alexandra P. Davis

ATTEST:



City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved this ORDINANCE as to form:



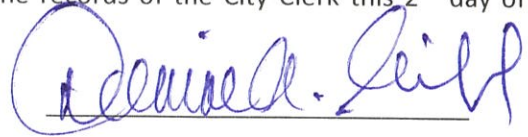
City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	Yes
Commissioner Maxwell B. Chambers	Yes
Commissioner Yvette Colbourne	Yes
Vice Mayor Alexandra P. Davis	Yes
Mayor Wayne M. Messam	Yes

Certificate of Filing for an Ordinance

CERTIFICATE OF FILING

I, Denise A. Gibbs, as City Clerk of the City of Miramar, a Florida Municipal Corporation, hereby certify that this fully executed Ordinance No. 24-08 was filed in the records of the City Clerk this 2nd day of April, 2024.



Print Name: Denise A. Gibbs

Print Title: City Clerk