

ORDINANCE NO. 2014-3886

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING ARTICLE V, ENTITLED "CITYWIDE RECYCLING PROGRAM FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS," BY AMENDING SECTION 90-340, ENTITLED "RECYCLING PROGRAM AND SEPARATION OF RECYCLABLE MATERIALS FROM SOLID WASTE STREAM REQUIRED FOR MULTIFAMILY RESIDENCES OF NINE (9) DWELLING UNITS OR MORE; OWNER/ASSOCIATION LIABILITY; RECYCLING CONTRACTORS' ASSISTANCE," TO APPLY RECYCLING REQUIREMENTS TO MULTIFAMILY RESIDENCES OF TWO (2) TO EIGHT (8) DWELLING UNITS AS OF NOVEMBER 1, 2014; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the recycling of recyclable materials is in the best interest of the environment, City residents, and in maintaining the City's prominence as a world class resort destination; and

WHEREAS, by managing solid waste and conserving material resources through reduction, reuse, and recycling, the City will help minimize impacts to the quality and safety of the local environment, reduce costs of waste disposal, and decrease the carbon footprint associated with the production use, and disposal of materials; and

WHEREAS, pursuant to the adoption Ordinance No. 2012-3768 (the "Ordinance"), the City established a Citywide Recycling Program for multifamily residences with nine (9) dwelling units or more and commercial establishments that provides standards that are equivalent to or exceed the minimum recycling requirements of Miami-Dade County; and

WHEREAS, multifamily residences between two (2) and eight (8) dwelling units are not currently required to provide a recycling program or to use a single stream recycling process under the Ordinance; and,

WHEREAS, at the July 19, 2013 City Commission meeting, it was requested that the Commission consider the Sustainability Committee's recommendation to include residences that are between two (2) and eight (8) units within the requirements of the Ordinance.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Article V, entitled "Citywide Recycling Program for Multifamily Residences and Commercial Establishments," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE V.

CITYWIDE RECYCLING PROGRAM FOR
MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS

* * *

Sec. 90-340. Recycling program and separation of recyclable materials from solid waste stream required for multifamily residences of ~~nine (9) dwelling units or more~~; owner/association liability; recycling contractors' assistance.

(a) As of January 1, 2013, every multi-family residence of nine (9) dwelling units or more and as of August 2 November 1, 2014, every multi-family residence of two (2) to eight (8) dwelling units shall provide a recycling program pursuant to this section or a City approved modified recycling program pursuant to section 90-344. The property owner shall be liable for the failure to provide a recycling program or a modified recycling program approved by the City, provided, however that a condominium or cooperative apartment having a condominium association or a cooperative apartment association shall be liable, rather than the individual unit owner(s), for a violation of this subsection. Further, recycling contractors shall assist and provide written notice to the director of public works in identifying multifamily residences subject to this article which do not have a recycling program or, in the alternative, which have allowed a recycling program to lapse or expire.

(b) As of January 1, 2013, every multi-family residence of nine (9) dwelling units or more and as of August 2 November 1, 2014, every multi-family residence of two (2) to eight (8) dwelling units shall be required to use a single stream recycling process to separate, from all other solid waste, the five (5) following recyclable materials:

- 1) *Newspaper*. Used or discarded newsprint, including any glossy inserts;
- 2) *Glass*. Glass jars, bottles, and containers of clear, green or amber (brown) color of any size or shape used to store and/or package food and beverage products for human or animal consumption, and/or used to package other products, which must be empty and rinsed clean of residue. This term excludes ceramics, window or automobile glass, mirrors, and lightbulbs;
- 3) *Metal food and beverage containers*. All ferrous and nonferrous (i.e., including, but not limited to, steel, tin-plated steel, aluminum and bimetal) food and beverage containers (i.e., including, but not limited to, cans, plates, and trays) of any size or shape used to store and/or package food and beverage products suitable for human or animal consumption, which must be empty and rinsed clean of residue;

- 4) *Other metal containers.* All other ferrous and non ferrous containers used to package household products including, but not limited to, paint cans and aerosol cans, which must be empty and rinsed clean of residue;
- 5) *Plastics.* All high density polyethylene (HDPE) and/or polyethylene terephthalate (PET) bottles, jugs, jars, cartons, tubs, and/or other containers, and lids, of any size or shape used to package food, beverages, and/or other household products, or crankcase oil, which must be empty and rinsed clean of residue. This term excludes all plastic film, plastic bags, vinyl, rigid plastic (i.e., toys), and plastic foam materials; and

(c) Every multi-family residence of ~~nine (9) dwelling units or more~~ shall be serviced by a recycling contractor licensed by the city and state.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.


It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.


This Ordinance shall take effect the 1st day of November, 2014.

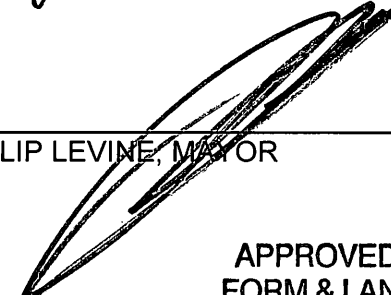
PASSED and ADOPTED this 23 day of July, 2014.

ATTEST:



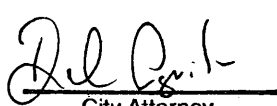
 RAFAEL E. GRANADO, CITY CLERK
 (Sponsored by Commissioner Michael Grieco)
 Underline denotes additions
 Strike through denotes deletions





 PHILIP LEVINE, MAYOR

**APPROVED AS TO
 FORM & LANGUAGE
 & FOR EXECUTION**



 City Attorney

6/27/14

 Date

Condensed Title:

Second Reading to consider an Ordinance Amendment to the recycling program requirements to apply to multifamily units with two (2) units or more.

Key Intended Outcome Supported:

Enhance the Environmental Sustainability of the Community.

Supporting Data (Surveys, Environmental Scan, etc) The solid waste haulers operating in the City have reported that approximately 50% of the multifamily and commercial establishments within the City do not have a Recycling Program.

Item Summary/Recommendation:

At the June 6, 2012 City Commission meeting, the City Commission adopted Ordinance No. 2012-3768 mandating that multi-family residences with 9 units or more, as well as commercial establishments implement a single-stream recycling program by July 1, 2013. In the September 11, 2013 Commission meeting, this deadline was extended to July 1, 2014.

Over the last year staff has conducted targeted outreach to the condominium and business community and has launched a public education campaign through various local media outlets. Since January 1, 2013, multifamily and commercial establishments that do not have a recycling program serviced by a licensed recycling contractor or that fail to separate recyclable material from the solid waste stream have been subject to warnings. During this warning period, a number of multifamily residences with between 2 and 8 units questioned whether the law required multifamily residences with 8 units or less to have a single-stream recycling program. The ordinance requires that all multifamily residences with 9 units or more contract with a private hauler for single-stream recycling service. Multifamily residences with 8 units or less have the option to contract with a private solid waste and recycling provider or contract with the City for solid waste disposal and single-stream recycling service. Customers that chose to contract with a private company have more flexibility regarding the service provided, including the number of pickups, bin size and collection location. Currently, if multifamily residences with 8 units or less are not contracted with the City for solid waste disposal and recycling service the City Code does not require these buildings to provide a recycling program.


At the July 19, 2013 City Commission meeting, it was requested that the Commission consider the Sustainability Committee's recommendation to require multifamily residences that are between 2 and 8 units provide a single-stream recycling program. On September 30, 2013, the NCAC recommended that the City Commission approve the ordinance on First Reading. On June 11, 2014, this Ordinance, which is sponsored by Commissioner Grieco, was approved by the City Commission on First Reading.

THE ADMINISTRATION RECOMMENDS APPROVING THE ORDINANCE ON SECOND READING.

Advisory Board Recommendation:

On July 16, 2013, the Sustainability Committee recommended requiring multifamily residences that are between 2 and 8 units provide a single-stream recycling program. On September 30, 2013, the NCAC recommended the amendment on First Reading, and include potential incentives.

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Elizabeth Wheaton x6121

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2014\July\Recycling Ordinance Multifamily - SUM Second Reading.doc





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 23, 2014

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING ARTICLE V, ENTITLED "CITYWIDE RECYCLING PROGRAM FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS," BY AMENDING SECTION 90-340, ENTITLED "RECYCLING PROGRAM AND SEPARATION OF RECYCLABLE MATERIALS FROM SOLID WASTE STREAM REQUIRED FOR MULTIFAMILY RESIDENCES OF NINE (9) DWELLING UNITS OR MORE; OWNER/ASSOCIATION LIABILITY; RECYCLING CONTRACTORS' ASSISTANCE," TO APPLY RECYCLING REQUIREMENTS TO MULTIFAMILY RESIDENCES OF TWO (2) TO EIGHT (8) DWELLING UNITS; PROVIDING FOR REPEALER SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

SECOND READING – PUBLIC HEARING

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the Ordinance on Second Reading.

BACKGROUND

At the June 6, 2012 City Commission meeting, the City Commission adopted Ordinance No. 2012-3768 mandating that multi-family residences with nine (9) units or more, as well as commercial establishments implement a single-stream recycling program by July 1, 2013. In the September 11, 2013 Commission meeting, this deadline was extended to July 1, 2014.

Over the last year staff has conducted targeted outreach to the condominium and business community and has launched a public education campaign through various local media outlets. Since January 1, 2013, multifamily and commercial establishments that do not have a recycling program serviced by a licensed recycling contractor or that fail to separate recyclable material from the solid waste stream have been subject to warnings.

During this warning period, a number of multifamily residences with between two (2) and eight (8) units questioned whether the law required multifamily residences with eight (8) units or less have a single-stream recycling program. The ordinance requires that all multifamily residences with nine (9) units or more contract with a private hauler for single-stream recycling service. Multifamily residences with eight (8) units or less have the option to contract with a private solid waste and recycling provider or contract with the City for solid waste disposal and single-stream recycling

service. Customers that chose to contract with a private company have more flexibility regarding the service provided, including the number of pick-ups, bin size and collection location (i.e., curbside or back of house). Currently, if multifamily residences with eight (8) units or less are not contracted with the City for solid waste disposal and recycling service the City Code does not require these buildings to provide a recycling program.


At the July 19, 2013 City Commission meeting, it was requested that the Commission consider the Sustainability Committee's recommendation to require multifamily residences that are between two (2) and eight (8) units provide a single-stream recycling program. At the September 11, 2013 Commission meeting, the item was referred to the Neighborhood / Community Affairs Committee (NCAC). On September 30, 2013, the NCAC recommended that the City Commission approve the ordinance on First Reading. On June 11, 2014, this Ordinance, which is being sponsored by Commissioner Grieco, was approved by the City Commission on First Reading as amended to extend the grace period to November 1, 2014 and to include an educational component.

FIVE YEAR FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. As the Amendment to the Ordinance is only intended to clarify the definition of multifamily residences, there is no financial impact.

CONCLUSION

The Administration recommends that the City Commission approve the ordinance on Second Reading.


JMJ/MVF/ESW

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 23, 2014**, to consider the following:

10:05 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-67, Entitled "Prohibited Activities," To Prohibit Motorized Devices Defined As A Vehicle In Section 316.003, Fla. Stat., And Motorized Means Of Transportation On Any Street Or Road Closed To Motor Vehicles By The Police Department For Events During High Impact Periods; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists, Skaters, And Persons Operating Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein; By Amending Section 70-71, Entitled "Enforcement; Penalties," To Amend And Provide Additional Penalties For Violations Of Sections 70-69(d)-(e) And 70-70, And Amending The Time To Appeal Violations; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

10:10 a.m.
An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; Commercial Handbill Regulations, Fines, And Rebuttable Presumptions; Seizure And Removal Of Litter By The City; Enforcement; Appeals; Liens" To Amend The Definition Of Litter In Subsection (a) By Substituting The Word "Polystyrene" For The Word "Styrofoam" And To Amend Subsection (c) To Prohibit Any Person From Carrying Any Expanded Polystyrene Product Into Any Park Within The City; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General," By Creating Section 82-7 Thereof, Entitled "Prohibitions Regarding Sale Or Use Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees," To Prohibit The Sale, Use, And Offering Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees In City Facilities And On City Property; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Division IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cates," By Amending Subdivision II, Entitled "Permit," By Amending Section 82-385 Thereof, Entitled "Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cates," To Provide Prohibitions Regarding Expanded Polystyrene Food Service Articles On The Right-Of-Way, And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

10:15 a.m.
An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article I, Entitled "In General," By Repealing Section 82-5, Entitled "City Signs To Be Obeyed"; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the City Attorney's Office at 305.673.7470.*

10:20 a.m.
An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," By Amending Section 90-340, Entitled "Recycling Program And Separation Of Recyclable Materials From Solid Waste Stream Required For Multifamily Residences Of Nine (9) Dwelling Units Or More; Owner/Association Liability; Recycling Contractors' Assistance," To Apply Recycling Requirements To Multifamily Residences Of Two (2) To Eight (8) Dwelling Units As Of November 1, 2014; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Environmental Division 305.673.7010.*

10:25 a.m.
Concurrency Exemptions
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Add Temporary Uses In The Public Rights Of Way As An Additional Exemption From Concurrency Requirements, Providing A Procedure To Determine Eligibility For Such Exemption; Providing For Repealer, Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.
Board Member Removal Criteria
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-52, "Meetings And Procedures," Division 3, "Design Review Board," Section 118-74, "Removal," Division 4, "Historic Preservation Board," Section 105, "Removal," Division 5, "Board Of Adjustment," Section 118-133, "Removal," By Modifying And Expanding The Removal Criteria Of The Planning Board, Historic Preservation Board, Design Review Board, Historic Preservation Board, And Board Of Adjustment, Providing For Repealer, Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:35 a.m.
Time Frame Limitations For Deferrals, Continuances, And Withdrawals
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals," Section 118-352, "Procedure," Article IV, "Conditional Use Procedure," Section 118-193, "Applications For Conditional Uses," Amending The Procedures For The Board Of Adjustment And For The Planning Board By Placing Timeframe Limitations On Applications For Purposes Of Deferrals, Continuances, Withdrawals And Submittals Of Applications And Exhibits; Providing For Repealer, Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

5:01 p.m.
RM-3 Accessory Uses:
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article IV "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902, "Permitted Accessory Uses," Amending Criteria For Accessory Uses In Apartment Buildings; Providing For Repealer, Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - The times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m. and 1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum. INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant information, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at 305.673.7411(voice) or TTY users may also call the Florida Relay Service at 711.

Rafael E. Granado, City Clerk
City of Miami Beach