

ORDINANCE NO. 2010-17-225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 4 AND 15 OF ORDINANCE 2005-13-51, THE "PROPERTY MAINTENANCE" ORDINANCE TO INCLUDE REQUIREMENTS FOR THE STORAGE OF SOLID WASTE RECEPTACLES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 9, 2005, the City Council of the City of Miami Gardens adopted Ordinance No. 2005-13-51 to establish standards for the maintenance of properties and to improve and enhance the aesthetic environment throughout the City, and

WHEREAS, enforcing proper maintenance standards serves a public purpose in creating safe, sanitary and litter-free neighborhoods within the City of Miami Gardens, and

WHEREAS, the City has encountered problems whereby property owners are leaving solid waste receptacles along public rights-of-way for extended periods of time, and

WHEREAS, the placement and abandonment of waste receptacles for extended periods of time creates blight, litter and animal scavenger problems which poses a threat to the environment and public health, and

WHEREAS, the City would like to amend the "Property Maintenance Ordinance" to include requirements for the storage of solid waste receptacles and to establish a time for the removal of receptacles from rights-of-way after scheduled solid waste collection,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. REPEAL: Section 15-5 of the Miami-Dade County Code of Ordinances, as made applicable to the City of Miami Gardens is hereby repealed.

Section 3. AMENDMENT: Section 4 of Ordinance No. 2005-13-51 as amended, is hereby amended to include the following definition:

V. *Solid waste.* Garbage, trash, yard trash (except for compost piles), litter, cuttings from vegetation, refuse, paper, bottles, rags, hazardous waste, construction and demolition debris, industrial waste, or other discarded materials, including material or containers from domestic, commercial or agricultural operations, as defined in the City Code of Ordinances.

W. *Solid waste receptacle.* A container constructed of such material and in such manner as to hold solid waste and trash and other such items without breaking or collapsing. "Receptacles" shall have handles and covers so that the contents therein are not exposed to weather, animals and vermin.

~~W~~X *Structure.* Anything constructed or erected the use of which requires rigid location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light stands, towers, tanks, etc.

~~XY~~ *Unimproved lot.* Any vacant lot or any lot without structure.

~~YZ~~ *Vacant Land.* Any parcel of land, whether divided or undivided, upon which there are no structures.

Section 4. AMENDMENT: Section 15 of Ordinance No. 2005-13-51 is amended as follows:

SECTION 15. PREMISES ENTRANCE AND EGRESS; EXTERIOR PEDESTRIAN WALKWAYS, PARKING LOTS, GREEN AREAS AND PUBLIC RIGHTS-OF-WAY.

(1) Premises entrances and egresses, including lighting, signage, and landscaping, shall be maintained so as not to cause visibility hazards to motorists or pedestrians. Entrances and egresses shall be maintained in accordance with the approved site plan.

(2) Exterior pedestrian walkways, parking lots, green areas and public rights-of-way shall remain free of obstructions, including but not limited to tables and chairs, merchandise displays, and store merchandise.

(3) Solid waste receptacles shall be stored in the rear or along the side of residential property in an inconspicuous manner, except during scheduled solid waste collection. In the event of solid waste collection, receptacles shall not be placed in any public right-of-way prior to 7:00 p.m. the day before a solid waste collection, and all solid waste receptacles shall removed by 11:59 p.m. on the date of the solid waste collection. This section shall not apply to attached properties with three (3) or more units.

Section 5. CONFLICT: All ordinances or code provisions in conflict herewith are hereby repealed.

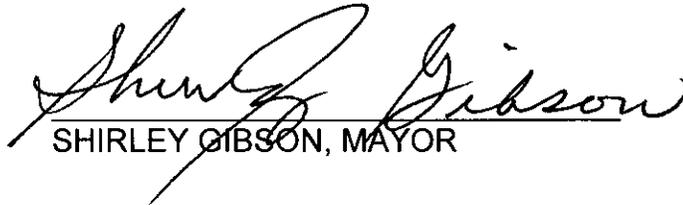
Section 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 9<sup>th</sup> DAY OF JUNE, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 23<sup>rd</sup> DAY OF JUNE, 2010.

  
SHIRLEY GIBSON, MAYOR

**ATTEST:**

  
RONETTA TAYLOR MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: COUNCILWOMAN BARBARA WATSON

Moved by: Councilwoman Watson  
Second by: Councilman Bratton

**VOTE: 6-0**

Mayor Shirley Gibson	<u>  X  </u> (Yes)	<u>      </u> (No)
Vice Mayor Aaron Campbell	<u>      </u> (Yes)	<u>      </u> (No)(not present)
Councilman Melvin L. Bratton	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Oliver Gilbert III	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Andre' Williams	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Sharon Pritchett	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Barbara Watson	<u>  X  </u> (Yes)	<u>      </u> (No)