

RESOLUTION NO. 10-856

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MIAMI DADE COUNTY DEPARTMENT OF SOLID WASTE MANAGEMENT ADDRESSING MULTI-FAMILY AND COMMERCIAL RECYCLING; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, Section 15-2.2 of the Miami Dade County Code (“County Code”) requires recycling programs for multi-family residential establishments and Section 15-2.3 of the County Code requires recycling programs for commercial establishments (together the “Recycling Programs”); and**

**WHEREAS, the Miami Dade County Solid Waste Department (“Department”) has requested that the Town enter into a Memorandum of Understanding (“MOU”) to identify the party responsible for the enforcement of the Recycling Programs ; and**

**WHEREAS, the Town is not currently operating its own multi-family residential and commercial recycling program and the MOU does not require the Town to incur any monetary cost for the Department to enforce the County ordinance within the Town; and**

**WHEREAS, the Town Council finds that approval of the MOU between the Department and the Town providing for enforcement of the Recycling Programs by the Department is in the best interest of the Town.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Approval of Memorandum of Understanding.** The Memorandum of Understanding between the Miami Dade County Solid Waste Department and the Town of Miami Lakes to provide that the County shall enforce the Recycling Programs within the Town of Miami Lakes, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

**Section 3. Authorization of Town Officials.** The Town Manager and/or his designee and the Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Memorandum.

**Section 4. Execution of Memorandum.** The Town Mayor is authorized to execute the MOU on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the MOU and to execute any extensions and/or amendments to the MOU, subject to the approval as to form and legality by the Town Attorney.


**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 9<sup>th</sup> day of November, 2010.

Motion to adopt by Pizzi, second by Perdomo.

FINAL VOTE AT ADOPTION


Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Nick Perdomo	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Nelson Hernandez	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>

  
\_\_\_\_\_  
Michael Pizzi  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Marjorie Tejeda  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
\_\_\_\_\_  
Weiss, Serota, Helfman, Pastoriza,  
Cole & Boniske, P.A.  
TOWN ATTORNEY

## Miami-Dade County

### Multi-Family and Commercial Recycling Memorandum Of Understanding

#### I. PREAMBLE

This Memorandum of Understanding (MOU) memorializes an agreement reached between Miami-Dade County Department of Solid Waste Management, and the municipality of the Town of Miami Lakes, hereafter referred to collectively as "the parties". The operational commitments delineated in this MOU become effective 12/17/2010

#### II. DEFINITIONS

*Commercial establishment:* Any structure used or constructed for use for business operations. For purposes of this MOU, hotels and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multi-family residential establishment.

*Department:* The Miami-Dade County Department of Solid Waste Management.

*Modified recycling program:* An operation, approved by the Department, which provides for the recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3 of the Miami-Dade County Code (Code) as provided in section 15-2.4 of the Code. (All attached as Exhibit "A").

*Multi-family residential establishment:* Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

\* A property of 4-units or more in the unincorporated area of Miami-Dade County is considered to be a multi-family residential establishment.

*Recyclable material:* Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include green glass, brown glass and clear glass; aluminum and steel cans and scrap metal; plastic containers, mixed paper, newspaper, corrugated cardboard, office paper, and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.

*Recycling container:* Receptacle used for recyclable material.

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

*Recycling services:* Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.

### **III. BACKGROUND AND SCOPE**

Sec. 15-2.5. of the Code states that the provisions of Sections 15-2.2, 15-2.3 and 15-2.4, designated on the attachment (Exhibit "A"), shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

This MOU provides several purposes, first, it fulfills the requirement of Section 15-2.5 of the Code, secondly, it improves communication between the parties, and thirdly, it establishes jurisdictional responsibility that will improve utilization of enforcement resources.

### **IV. TERM**

This MOU is valid for an indefinite period of time between the parties. Any changes to the term of this agreement must be done with the mutual consent of the parties.

### **V. AMENDMENTS TO THE CODE**

This MOU is based on the current Code of Miami-Dade County. Any future alteration, modification, or amendments to the Code shall be communicated in writing. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

### **VII. ENFORCEMENT AGREEMENT AND EXECUTION OF MOU (Select one of the following options.)**

- a. The Municipality hereby agrees that the Department shall enforce the ordinance within its boundaries.

Municipality Designee (Initials): AK

Miami-Dade County Department of Solid Waste Management Designee (Initials): KWR

b. The Municipality shall enforce this ordinance within its boundaries.

Municipality Designee (Initials): \_\_\_\_\_

Miami-Dade County Department of Solid Waste Management Designee (Initials): \_\_\_\_\_

c. The Municipality is operating a recycling program that meets the minimum standards.

Municipality Designee (Initials): \_\_\_\_\_

Miami-Dade County Department of Solid Waste Management Designee (Initials): \_\_\_\_\_

Wherefore the Parties have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Municipality: Town of Miami Lakes

Print: Alex Ray  
Designee

Signature: [Signature]  
Designee

Date: 11-20-10

**Miami-Dade County Department of Solid Waste Management**

Print: Kathleen Woods-Richardson, Director  
Designee

Signature: [Signature]  
Designee

Date: 12/17/10

Miami-Dade County

Multi-Family and Commercial Recycling Memorandum Of  
Understanding

EXHIBIT

A

**Sec. 15-2.2. Recycling programs required for multi-family residential establishments.**

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE, NDPE-natural, HDPE colored)

(b) The failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

(Ord. No. 91-123, § 4, 10-15-91)

**Sec. 15-2.3. Recycling programs required for commercial establishments; joint and several liability.**

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every commercial establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include a minimum of three (3) materials of its choice selected from the list provided in Section 15-2.3 below.

Recyclable Materials: Commercial Establishments

- (1) High grade office paper
- (2) Mixed paper
- (3) Corrugated cardboard
- (4) Glass (flint, emerald, amber)
- (5) Aluminum (cans, scrap)
- (6) Steel (cans, scrap)



- (7) Other metals/scrap production materials
- (8) Plastics (PETE, HDPE-natural, HDPE-colored)
- (9) Textiles
- (10) Wood

(b) The failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

(Ord. No. 91-123, § 5, 10-15-91)

#### **Sec. 15-2.4. Modified recycling programs allowed.**

(a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 15-2.2 and 15-2.3 may be submitted to the Department for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Department. The Department shall consider the following factors in evaluating the proposed modified recycling program:

- (1) Whether the establishment operates a recycling program, and is self-hauling the materials to a recyclable material vendor.
- (2) Whether the establishment generates a lesser number of recyclable materials than the required minimum.
- (3) Whether the establishment generates and recycles materials not listed in Section 15-2.2 or Section 15-2.3 hereof, as applicable.
- (4) Whether the establishment is contracting with a permitted private hauler for collection services, which services provide for a post-collection separation of recyclable material, and which:
  - (i) Generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 15-2.2 or Section 15-2.3 hereof, as applicable; and
  - (ii) Utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.

(b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the Department. All modified recycling programs shall be reviewed on a semiannual basis and applicants shall be required to confirm or revise the information contained in their applications at that time.

An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:

- (1) Supporting documentation to evidence self-haul activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.
- (2) A waste composition study of the waste generated by the applicant, which shall cover a representative time period of no shorter than one (1) week.
- (3) A copy of the applicable contract with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

(Ord. No. 91-123, § 6, 10-15-91)

**Sec. 15-2.5. Applicability.**

The provisions of Sections 15-2.2, 15-2.3 and 15-2.4 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 91-123, § 7, 10-15-91)