

**ORDINANCE NO. 09-23-2460**

**AN ORDINANCE OF THE CITY COMMISSION OF THE  
CITY OF SOUTH MIAMI, FLORIDA, AMENDING  
CHAPTER 11, "GARBAGE AND TRASH," SECTION 11-22,  
"EXTENT OF SERVICE AND POINTS OF COLLECTION,"  
OF THE CITY'S CODE OF ORDINANCES; PROVIDING  
FOR CORRECTIONS; SEVERABILITY; CONFLICTS;  
IMPLEMENTATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of South Miami (the "City") has adopted regulations as part of the City Code of Ordinances (the "Code") to promote the health, safety, community acceptable standard of morals and general welfare of the residents of the City of South Miami; and

**WHEREAS**, the City Commission of the City of South Miami (the "Commission") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to maintain consistency with state law and to implement municipal goals and objectives; and

**WHEREAS**, Section 11-22 of the Code provides for collection of domestic garbage, vegetative trash, and bulk waste for single family residential properties at regular intervals; and

**WHEREAS**, the regular, timely, and orderly collection of domestic garbage, vegetative trash, and bulk waste contributes to a clean, sanitary, and cohesive community appearance; and

**WHEREAS**, standardizing pick up locations facilitates efficient and cost-effective collection activities by the City; and

**WHEREAS**, vegetative waste left unattended for multiple days contributes to unsanitary and unsightly conditions that can result in vermin accumulation, unintended spreading of litter, and disorderly appearance; and

**WHEREAS**, the City Commission deems it in the City's best interest to standardize collection locations and modify the time that vegetative waste may be left out prior to pick up; and

**WHEREAS**, the City Commission finds this Ordinance advances the welfare of the City and approved it on first reading on March 21, 2023; and

**WHEREAS**, on May 16, 2023, the Mayor and City Commission conducted a duly noticed public hearing as required by law and adopted the ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:<sup>1</sup>**

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

**Section 2.**     **Amending Chapter 11, Section 11-22 of the Code.** That Chapter 2, Article 11, Section 11-22, "Extent of Service and Points of Collection," of the Code of Ordinances City of South Miami, Florida, is hereby amended to read as follows:

**ARTICLE 11. – GARBAGE AND TRASH**

\* \* \*

**Sec. 11-22. Extent of Service and Points of Collection.**

- (a) Domestic garbage. Domestic garbage containers must be placed only at the front property line or curb and facing the street, at least five (5) feet from parked cars, poles, fire hydrants, mailboxes, or other obstacles, or at a location designated by the city manager or public works director. City-provided garbage containers may be placed at the collection point as early as 7:00 p.m. the night before the pick-up and not later than 7:00 a.m. the day of pick-up. Such containers shall be removed from public view within twenty-four (24) hours after the scheduled collection day. Containers may not be placed at locations other than stated above without the written approval of the city manager. Other containers and containers placed at other locations will not be picked up. Containers in approved locations will be emptied twice each week.
- (b) Vegetative trash. Vegetative trash shall be placed only at the front property line or front curb for collection or at locations designated by the city manager or public works director at least five (5) feet from parked cars, poles, fire hydrants, mailboxes, or other obstacles ~~and at the front property line or front curb for collection or at locations designated by the city manager or public works director~~. Vegetative trash shall not be placed for pickup more than ~~twenty-four (24) hours~~ seven (7) days prior to the scheduled pickup day. The amount of vegetative trash picked up without additional fee shall not exceed the equivalent in volume of twelve and one-half (12.5) cubic yards for each collection.
- (c) Bulk trash. Bulk trash shall be neatly stacked or placed only at the front of the property or at the front curb of the owner's property for special mechanized collection at the convenience of the city. Bulk trash exceeding the maximum allowable volume may be picked up at an additional cost as set forth in section 11-23 of this chapter. Bulk trash shall not be placed for pickup more than twenty-four (24) hours prior to the scheduled pickup day and shall not include domestic recyclable materials that are supposed to be placed in a city-provided recycling container or other domestic garbage that is required to be put into a trash container. In no event shall domestic garbage be considered bulk trash.

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

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**Section 3. Corrections.** Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final Ordinance for signature.

**Section 4. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5. Codification.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of South Miami, Florida, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 7. Implementation.** The City Manager is hereby authorized to take any and all necessary action to implement the purposes of this Ordinance. Any temporary sign permit that was previously issued shall be allowed to remain through its current expiration date and shall not be extended.

**Section 8. Effective Date.** This Ordinance shall become effective immediately upon adoption on Second Reading.

**PASSED** on first reading on the 21<sup>st</sup> day of March, 2023.

**PASSED AND ADOPTED** on second reading on the 16<sup>th</sup> day of May, 2023.


ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED:

  
\_\_\_\_\_  
MAYOR

READ AND APPROVED AS TO FORM,  
LANGUAGE, LEGALITY AND  
EXECUTION THEREOF

  
\_\_\_\_\_  
WEISS SEROTA HELFMAN COLE  
& BIERMAN, P.L.  
CITY ATTORNEY

COMMISSION VOTE:	5-0
Mayor Fernández:	Yea
Vice Mayor Bonich:	Yea
Commissioner Calle:	Yea
Commissioner Liebman:	Yea
Commissioner Corey:	Yea