

ORDINANCE NO. 90-16

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING CHAPTER 10 BY ADDING SEC. 10-25, ARTICLE IV TO THE WEST MIAMI CODE; PROVIDING THE ESTABLISHMENT OF OWNERSHIP AT TIME OF PLACEMENT OF RECYCLABLE MATERIALS FOR COLLECTION; PROVIDING NO PERSON SHALL BE PERMITTED TO COLLECT OR PICK UP OR CAUSE TO BE COLLECTED OR PICKED UP ANY RECYCLABLE MATERIAL PLACED IN RECYCLING CONTAINER AT ANY SINGLE FAMILY OR MULTI-FAMILY PROPERTY WITHOUT WRITTEN CONSENT OF METROPOLITAN DADE COUNTY OR CITY OF WEST MIAMI; PROVIDING NO PERSON SHALL BE PERMITTED TO COLLECT OR PICK UP OR CAUSE TO BE COLLECTED OR PICKED UP ANY RECYCLING CONTAINER WITHOUT WRITTEN CONSENT OF METROPOLITAN DADE COUNTY OR CITY OF WEST MIAMI; PROVIDING PENALTY; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, among the many existing recycling programs around the country, several have experienced similar problems with the scavenging of recyclable materials and theft of recycling containers; and

WHEREAS, the problem is usually remedied through enacting and enforcing an ordinance prohibiting such scavenging and theft, and setting penalties for such offenses; and

WHEREAS, recycling programs rely on collecting certain quantities of materials to offset the cost of collection, and the per ton cost of collection rises as quantities shrink; and

WHEREAS, when materials are taken by a scavenger, the program handles less materials and program opportunities for revenue are liable to be lost;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA;

Section 1. Chapter 10, Article IV, Sec. 10-25, is hereby added as an amendment to Chapter 10 of the Code of West Miami, Florida, to read as follows:

Article IV

Sec. 10-15. Scavenging of Recyclable Materials Prohibited; theft of recycling containers.

(a) From the time of placement of recyclable materials for collection, these items shall become the property of Metropolitan Dade County. 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 recycling containers at any single family or multi-family residential property, unless with the prior written consent of Metropolitan Dade County, or of the municipality if it is administering its own curbside recycling program for that particular area.

(b) No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recycling container placed at any single family or multi-family residential property, unless with the prior written consent of Metropolitan Dade County, or of the municipality if it is administering its own curbside recycling program for that particular area.

Section 2. Penalty.

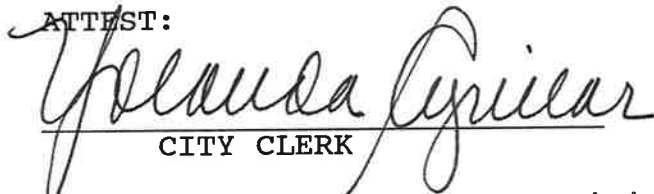
(a) Unauthorized removal of recyclable materials or recycling containers with the use of a motorized vehicle shall carry a civil penalty of \$250.00.

(b) Unauthorized removal of recyclable materials or recycling containers without the use of a motorized vehicle shall carry a civil penalty of \$50.00.

Section 3. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 19 day of Dec., 1990.

APPROVED:   
MAYOR

ATTEST:  
  
CITY CLERK

Approved as to form and sufficiency

  
CITY ATTORNEY

Roll Call Vote:

Mayor Reboredo Y  
Vice Mayor Sosa Y  
Commissioner Busse absent  
Commissioner Hickey-Patton Y  
Commissioner Trigo Y

Date of 1st reading: 12/5/90  
Date of Publication: 12/10/90  
Date of 2nd reading: 12/19/90

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