

ORDINANCE No. 95-01

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING CHAPTER 8, ARTICLE I SECTION 8-1 OF THE CITY CODE, DEFINITIONS AND RULES OF CONSTRUCTION, BY PROVIDING FOR ADDITIONAL DEFINITIONS; FURTHER AMENDING CHAPTER 8, ARTICLE II REPEALING SECTION 8-28 AND BY ADDING SECTIONS 8-29, 8-30, 8-31, 8-32, 8-33, 8-34; SETTING FORTH RESIDENTIAL TRASH GARBAGE FEES IN THE AMOUNT OF \$100.00 PER YEAR PER LIVING UNIT; PROVIDING NO CHARGE FOR INDIVIDUAL EXCESS TRASH COLLECTIONS LESS THAN 8 CUBIC YARDS PER LIVING UNIT; PROVIDING A CHARGE FOR INDIVIDUAL TRASH COLLECTION IN EXCESS OF 8 CUBIC YARDS TO BE BILLED AT THE RATE OF \$7.00 PER CUBIC YARD FOR THE ENTIRE COLLECTION; PROVIDING FOR COLLECTION OF BULKY ITEMS, APPLIANCES OR FURNITURE AT A RATE OF \$10.00 PER ITEM; ESTABLISHING A LIEN ON REAL PROPERTY IN CASE OF NON PAYMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA:

SECTION I

AMENDMENT OF CHAPTER 8
ARTICLE I, SECTION 8-1

DEFINITIONS:

ARTICLE I SECTION 8-1 OF THE CITY CODE SHALL BE AMENDED BY PROVIDING FOR ADDITIONAL DEFINITIONS AS FOLLOWS:

For the purpose of this Ordinance the following words shall have the meaning respectively ascribed to them by this Ordinance.

- 1.- LIVING UNIT, as referred to in this Ordinance are defined as follows:
 - a.- A single Family dwelling or condominium unit shall constitute one (1) residential living unit;
 - b.- A duplex shall constitute two (2) residential living units;
 - c.- A structure with three (3) or more dwelling units shall be considered as three (3) residential living units;
 - d.- A structure with four (4) dwelling units shall be

considered as four (4) residential living units;

- e. A structure with several residential dwellings shall be considered with as many residential living units as residential dwellings.

2.- BULKY ITEMS, as referred to this Ordinance are defined as follows:

Discarded household furniture, furnishings, stoves, refrigerators and like articles.

SECTION II

ARTICLE II OF THE CITY CODE SHALL BE AMENDED BY PROVIDING FOR ADDITIONAL SECTIONS AS FOLLOWS:

SECTION 8-29

Commencing the effective day of this Ordinance, an annual fee of one hundred dollars (\$100.00) is hereby assessed upon all residential living units within the City as defined in Section I of this Ordinance, for the purpose of defraying the cost of waste collection and disposal. One-half (1/2) of said annual fee amount fifty dollars (\$50.00) shall be due and collectible on the 15th day of May, 1995 and the 15th day of July, 1995, and payable quarterly with the water bill each succeeding year.

SECTION 8-30

Commencing with the effective date of this Ordinance, a fee in the amount of seven (\$7.00) dollars per cubic yard shall be imposed for individual trash collection in excess of eight (8) cubic yards for the entire collection. There shall be no charges for individual excess trash collection less than eight (8) cubic yard per living unit.

SECTION 8-31

Commencing with the effective date of this Ordinance, a fee in the amount of ten (\$10.00) dollars per item shall be imposed for the collection of Bulky Items.

SECTION III

CHARGES FOR THE COLLECTION OF MUNICIPAL WASTE, INDIVIDUAL TRASH COLLECTION AND BULKY ITEMS SHALL CONSTITUTE A SPECIAL ASSESSMENT LIEN AGAINST ALL IMPROVED REAL PROPERTY.

SECTION 8-32

(A) Except as otherwise provided by this chapter, all owners of real property in the city are required to have accumulations of garbage, trash and waste removed and disposed of by the department of solid waste of the city, and for such governmental service of garbage, trash and waste collection and disposal, or the availability of such service, all such real property shall be liable for the payment of the waste fees set forth in Section II.

(B) All waste fees becoming due and payable on and after the effective date of this Ordinance, shall constitute, and are hereby imposed as, special assessment liens against the real property aforesaid, and until fully paid and discharged, or barred by law, shall remain liens equal in rank and dignity with the license of city and county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved.

(C) Such waste fees shall become delinquent if not fully paid thirty (30) days after due date. All delinquent waste fees shall bear a penalty of 1.5% monthly, and if not fully paid with all accrued penalty assessments by the due date of the next succeeding waste fee payment, an additional 1.5% penalty shall be added successively for each period until fully paid.

(D) Unpaid and delinquent waste fees, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from the due date thereof. Such special assessment liens for waste fees and penalties may be enforced by any of the methods provided in chapter 85, Florida Statutes, or in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law.

(E) Such liens, if filed, may be discharged and satisfied by payment to the city of the aggregate amounts specified in the notice of lien, together with interest thereon from the date of filing of the lien computed at the rate of eighteen (18%) percent per annum, together with the administrative costs, filing and recording fees. When any such lien has been fully paid or discharged, the City Manager shall promptly cause evidence of the satisfaction and discharge of such lien to be filed with the Clerk of the Court.

(F) Any person, firm, corporation or legal entity, other than the present owner of the property involved, who pays any herein special assessment lien shall be entitled to receive an assignment of the lien held by the city and shall be subrogated to the rights of the city in respect to the enforcement of such lien.

(G) The City Manager is authorized and directed to execute

And deliver upon request written certificates certifying the amount of waste fees due upon any parcel of real property subject to payment of waste fees, or certifying that no waste fees are due, which certificates shall be binding upon the city.

SECTION IV

SECTION 8-33

A. The city shall not be responsible for the collecting or hauling of trash, discarded building material, dirt, rock, plaster, lumber, metal or other like material originating from private property preliminary to, during or subsequent to the construction of new buildings, alteration or addition to existing buildings of whatsoever type.

B. Such material shall be removed by the owner of the property or by the contractor. This section shall be enforced by the Code Enforcement Officer of the City.

SECTION V

SECTION 8-34

LATE CHARGE. A late payment charge of one and one halve percent (1.5%) of the user charge bill shall be added to each delinquent bill for each thirty (30) days or portion thereof of delinquency.

SECTION VI

A grace period of thirty (30) days shall be granted to the payment of the last installment. If the fee contemplated herein is not paid, the City Manager will record a Notice of Lien of any amounts due under the ordinance.

SECTION VII

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

SECTION VIII

If any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION IX

This Ordinance shall take effect on 20th day of March, 1995.

PASSED AND ADOPTED this 20th day of March, 1995.

APPROVED:

[Signature]
MAYOR

ATTEST:

[Signature]
CITY CLERK

Approved as to form and sufficiency

[Signature]
CITY ATTORNEY

Roll Call Vote:

Mayor Sosa Y
Vice-Mayor Gonzalez Absent
Commissioner Diaz-Padron absent
Commissioner Pozio Y
Commissioner TRIGO Y


Date of 1st reading _____

Date of Publication _____

Date of 2nd reading 3/15/95
3/20/95

I, Maria I. Fernandez, Acting City Clerk of the City of West Miami, Florida, do hereby certify that the attached is a true and correct copy of Ordinance # 95-01, passed and adopted by the City of West Miami Commission on March 20, 1995.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed the seal of the City of West Miami, Florida, this 20th day of March, 19 95.


MARIA I. FERNANDEZ, ACTING CITY CLERK