

ORDINANCE No. 2016-24

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 32, "SOLID WASTE," BY UPDATING GARBAGE COLLECTION HOURS FOR PRIVATE HAULERS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2004, the City of Doral (the "City") adopted an ordinance providing for solid waste collection franchises in the City (the "Waste Collection Ordinance"); and

WHEREAS, the Waste Collection Ordinance, in part, regulated the hours within which private waste haulers could perform garbage collection; and

WHEREAS, the City has experienced significant growth in its commercial and industrial districts, the servicing of which generates additional traffic during peak commuting times; and

WHEREAS, the City desires to make every effort to help alleviate road congestion during peak commuting times by permitting expanded garbage collection hours for commercially and industrially zoned properties; and

WHEREAS, the Mayor and City Council believe that adoption and implementation of this Ordinance will promote the general public health, safety, and welfare, and be in the best interest of, the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part of hereof by this reference.

Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended as follows:

Sec. 32-36. - Office and collection hours.

(a) The franchisee's office shall remain open Monday through Friday from 8:30 a.m. to 5:00 p.m. for the purpose of handling complaints; and for that purpose, there shall be maintained an adequate number of telephones and a responsible person in charge during the hours specified in this subsection. These requirements do not apply on legal holidays.

(b) Collections for all residentially zoned properties and in commercial and industrial districts and for establishments located closer than five hundred (500) feet from any residentially zoned property shall normally be no earlier than 7:00 a.m. and no later than 7:00 p.m. ~~(or as otherwise prescribed by the city)~~ with no service on Sunday, except in times of emergency or to maintain schedules due to holidays. Temporary changes to these hours must be approved by the city manager.

(c) Collections in commercial and industrial districts and for establishments located no closer than five hundred (500) feet ~~one-quarter mile~~ from any residentially zoned property ~~community as depicted in exhibit A, attached to the ordinance from which this section is derived and on file in the city clerk's office, as may be amended from time to time,~~ shall be allowed 24 hours a day, Monday through Sunday ~~Saturday~~. ~~There will be no service on Sundays, except as provided for in subsection (b) of this section.~~

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Sec. 32-71. - Removal of garbage, trash and other items.

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(c) It is prohibited for an owner, operator or agent of a commercial establishment to transport any type of garbage, trash or waste off the premises on which it was generated. Violators of this section shall be subject to fine and penalty as provided under chapter 11, article II, pertaining to code enforcement. The owner shall be responsible to ensure that the company performing the removal of solid waste only performs that activity as specified in Section 32-36 ~~between the hours of 7:00 a.m. and 10:00 p.m.; any waste removal operations outside this timeframe will be considered a violation.~~

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CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscoring type are additions.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

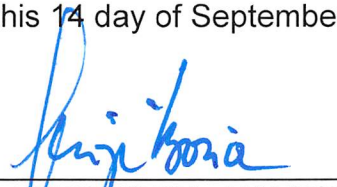
Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Vice Mayor Fraga who moved its adoption. The motion was seconded by Mayor Boria and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilman Pete Cabrera	Not Present at Time of the Vote
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on first reading this 10 day of August, 2016.

PASSED AND ADOPTED on second reading this 14 day of September, 2016.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL



WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL
CITY ATTORNEY