



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Mario Diaz, Village Manager

DATE: June 1, 2021

TITLE: Ordinance 2021-05 – Amending Code of Ordinances Garbage
Containers – Second Reading

Recommendation

Approve Ordinance 2021-05 on Second Reading

Background

Currently, Section 6.3.2 of the Village's Code provides that each residential unit shall have a sufficient number of garbage cans or approved containers, not to exceed forty (40) gallons in capacity.

The industry standard with respect to the maximum capacity for garbage cans has evolved overtime and a maximum capacity of forty (40) gallons is no longer standard. Therefore, the proposed ordinance amends Section 6.3.2. of the Village's Code to provide that the size of garbage cans shall be determined by the Village's solid waste provider.

Resource Impact

- Advertisement

Attachment(s)

- Ordinance 2021-05
- Advertisement



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Village Commission Agenda Report
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ORDINANCE NO. 2021-05

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 6.3.2 “CONTAINERS” OF SECTION 6.3 “SOLID WASTE” OF CHAPTER 6 “PUBLIC FACILITIES AND SERVICES” OF THE LAND DEVELOPMENT CODE OF THE VILLAGE OF BISCAYNE PARK, TO PROVIDE THAT THE MAXIMUM CAPACITY REQUIREMENTS FOR GARBAGE CANS AND APPROVED CONTAINERS WILL BE DETERMINED BY THE VILLAGE’S SOLID WASTE PROVIDER; ELIMINATING REFERENCE TO THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER’S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Chapter 6 of the Land Development Code (the “Code”) of the Village of Biscayne Park (the “Village”) governs public facilities and services; and

WHEREAS, Section 6.3.2 of the Village’s Code provides that each residential unit shall have a sufficient number of garbage cans or approved containers, not to exceed forty (40) gallons in capacity, to accommodate all garbage, leaves and grass cuttings; and

WHEREAS, the industry standard with respect to the maximum capacity for garbage cans has evolved overtime and a maximum capacity of forty (40) gallons is no longer standard; and

WHEREAS, the Village Commission wishes to amend the Code to ~~eliminate~~ provide that the maximum capacity requirements for garbage cans and approved containers within the Village will be determined by the Village’s solid waste provider, in order to provide flexibility and allow for the use of higher capacity cans or containers consistent with industry standards; and

WHEREAS, Section 6.3.2 of the Village’s Code further provides that collection service may be discontinued where the garbage cans or containers are determined to be unfit for receptacles by the public works department, however, solid waste responsibilities are no longer carried out by the public works department, therefore, reference to said department should be eliminated; and

WHEREAS, on April 19, 2021, the Village Planning Board, as the local planning agency for the Village, held its hearing on this proposed Ordinance with due public notice and input; and

WHEREAS, on May 4, 2021 the Village Commission held a first reading and public hearing of this proposed Ordinance; and

1 **WHEREAS**, on June _____, 2021 the Village Commission held a second reading and public
2 hearing of this proposed Ordinance with due public notice and input.
3

4 **NOW, THEREFORE, BE ORDAINED BY THE VILLAGE OF BISCAYNE PARK,**
5 **FLORIDA AS FOLLOWS:**
6

7 **Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this
8 reference and are hereby adopted as the legislative and administrative findings of the Village Commission.
9

10 **Section 2. Amendments to the Code of Ordinances.** Chapter VI of the Code of Ordinances
11 of the Village of Biscayne Park, Florida is hereby amended as follows¹:
12

13 **CHAPTER VI. – PUBLIC FACILITIES AND SERVICES**

14 ***

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16
17 **Sec. 6.3 – Solid waste.**

18 ***

19 6.3.2. *Containers.*

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21
22 (a) Each residential unit shall have a sufficient number of garbage cans or approved containers,
23 ~~not to exceed forty (40) gallons in capacity,~~ in a size determined by the Village's solid waste
24 provider, to accommodate all garbage, leaves and grass cuttings. Garbage cans shall be kept
25 tightly-closed at all times and easily accessible to collectors. Collection service may be
26 discontinued where the garbage cans or containers are determined to be unfit for receptacles by
27 the ~~public works department~~ Village's solid waste provider. Failure of the property owner to
28 provide proper garbage cans or containers which results in discontinuance of service shall
29 subject the property owner to the penalty provisions of this code.
30

31 ***

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33 **Section 3. Inclusion in the Code & Scrivener's Errors.** The Village Commission intends
34 that the provisions of this Ordinance be made a part of the Village of Biscayne Park Code of Ordinances,
35 and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed
36 to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with
37 notice to and authorization of the Village Manager without further process.
38

39 **Section 4. Conflicts.** Whenever the requirements or provisions of this Ordinance are in
40 conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most
41 restrictive shall apply.
42

43 **Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this
44 Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid,
45

46
47 _____
48 ¹ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline,
49 and deletions are shown as ~~strikethrough~~.

1 such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the
2 part so declared.

3
4 **Section 6. Effective Date.** This Ordinance shall become effective upon adoption by the
5 Village Commission.

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7 PASSED AND ADOPTED upon first reading this 4th day of May, 2021.

8
9 The foregoing Ordinance was offered by Commissioner Samaria, who moved its adoption. The
10 motion was seconded by Commissioner Hamelburg, and upon being put to a vote the vote was as follows:

11	Virginia O’Halpin, Mayor	Yes
12	MacDonald Kennedy, Vice Mayor	Yes
13	Arturo Jose Gonzalez, Commissioner	Yes
14	Judi Hamelburg, Commissioner	Yes
15	Dan Samaria, Commissioner	Yes

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17
18 PASSED AND ADOPTED upon second reading this ____ day of _____, 2021.

19
20 The foregoing Ordinance was offered by _____, who moved its
21 adoption. The motion was seconded by _____, and upon being put to a vote
22 the vote was as follows:

23	Virginia O’Halpin, Mayor	_____
24	MacDonald Kennedy, Vice Mayor	_____
25	Arturo Jose Gonzalez, Commissioner	_____
26	Judi Hamelburg, Commissioner	_____
27	Dan Samaria, Commissioner	_____

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31 VILLAGE OF BISCAYNE PARK

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36 Virginia O’Halpin, Mayor

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38 ATTEST:

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41 _____
42 Roseann Prado, Village Clerk

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45 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
46 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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Edward A. Dion, Village Attorney

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

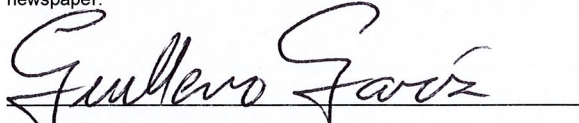
Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF BISCAYNE PARK - PUBLIC HEARING -
ORDINANCE NO. 2021-05 - JUN. 01, 2021

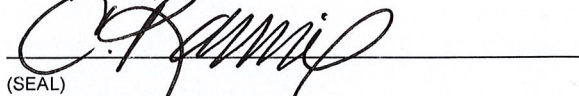
in the XXXX Court,
was published in said newspaper in the issues of

05/18/2021

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this
18 day of MAY, A.D. 2021



(SEAL)

GUILLERMO GARCIA personally known to me



PUBLIC NOTICE NOTICE OF PUBLIC HEARING

Notice is hereby given that the Village Commission of the Village of Biscayne Park, Florida will hear the following ordinance at a Public Hearing to be held beginning at 7:00 PM, Tuesday, June 01, 2021, at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161.

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All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 600 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinances.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request. Roseann Prado, Village Clerk
5/18 21-64/0000530414M



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 12.a

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Judi Hamelburg, Commissioner

DATE: June 1, 2021

TITLE: Security at Village Hall

Recommendation

I recommend that the Commission approve installing of video surveillance cameras with sound in the Village Hall lobby for the security of our staff and residents.

Background

Irate people have been threatening our staff. I want things recorded, with clear signage notifying people that they are on camera.

Resource Impact

To be determined

Attachment(s)

None
