



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024 10:55 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 90, ENTITLED "SOLID WASTE," (A) BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING "SECTION 90-2," ENTITLED DEFINITIONS," TO INCORPORATE DEFINITIONS FOR "C&D HAULER," "C&D COLLECTION PERMIT," "C&D CONTAINER," "C&D CONTAINER PERMIT," "CONTAINER PERMIT," "ON-STREET COLLECTION CITY FEE" AND "OFF-STREET COLLECTION CITY FEE" AND TO REMOVE THE DEFINITION OF "ROLLOFF CONTRACTOR"; AND (B) BY AMENDING ARTICLE IV, ENTITLED "PRIVATE WASTE CONTRACTORS," BY AMENDING DIVISION 4, ENTITLED "SPECIALTY CONTRACTORS," BY AMENDING SUBDIVISION II, ENTITLED "ROLLOFF/PORTABLE WASTE CONTAINER CONTRACTORS," BY AMENDING ITS TITLE AND SECTIONS 90-276-90-278 TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A PERMIT (AND PAYMENT OF THE PERCENTAGE OF GROSS RECEIPTS) IS REQUIRED FROM THOSE INDIVIDUALS AND ENTITIES ENGAGED IN THE COLLECTION AND DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS AND/OR BULKY WASTE IN THE CITY, AND PROVIDING LIMITED EXEMPTIONS FROM OBTAINING PERMITS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) approve the Resolution on Second Reading Public Hearing.

BACKGROUND/HISTORY

The City of Miami Beach Code of Ordinances (City Code) currently regulates the activities of "rolloff contractors", who are specialty contractors involved in the removal of construction and demolition debris and/or large quantities of trash and/or bulky waste, but not garbage or commercial refuse. Rolloff contractors are required to obtain a Business Tax Receipt (BTR) pursuant to Section 90-276 of the City Code as it now exists, obtain and pay for a rolloff permit, pursuant to Sections 90-276 - 90-277 of the City Code, and pay rolloff fees in the amount of 20% of gross receipts (Rolloff Fees) for rolloff services provided within the City, pursuant to Sections 90-278(a) & (b) of the City Code.

As part of routine audits verifying that the City has received amounts due from permittees, questions have arisen concerning the definition of a "rolloff" (and, relatedly, what is not a "rolloff"), as well as the definition of a "rolloff container" (and, relatedly, what is not a "rolloff container"), as well as the overall framework associated with the collection and disposal of construction and demolition debris. A significant loss of revenue to the City has resulted from the current framework in Sections 90-276 - 90-278, which address the removal of construction and demolition debris.

The current framework is susceptible to manipulation to avoid the payment of fees to the City for the collection and removal of tons of construction and demolition debris.

At the July 26, 2024 Finance and Economic Resiliency Committee (FERC) meeting, the item was discussed with proposed amendments to Sections 90-276 – 90-278 of the City Code (Attachment A). The amendments clarify the circumstances under which a rolloff permit (and payment of the percentage of gross receipts) is required from those individuals and entities engaged in demolition and/or removal of construction debris and/or bulky waste in the City and providing limited exemptions from obtaining a rolloff permit.

Upon conclusion of the discussion, FERC members made a motion to move the item to the City Commission with a favorable recommendation to proceed with the proposed amendments to Sections 90-276 - 90-278 of the City Code, addressing the removal of construction and demolition debris, except for the sentence under Section 90-278 (3) that reads "confined to a single unit" (this sentence was to be removed). Additional amendments were welcomed between First and Second Reading as per the motion, however, no other amendments were made.

On September 11, 2024, the City Commission approved the Ordinance on First Reading, and scheduled a Second Reading Public Hearing for October 30, 2024, however not heard on this date. It will be heard instead on November 20, 2024.

CONCLUSION

It is in the best interest of the City to amend Sections 90-276 - 90-278 to capture all construction and demolition debris removal and disposal activity. As such, the Administration recommends approving the Resolution on Second Reading Public Hearing at the November 20, 2024 City Commission meeting.

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 10/11/2024
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Public Works

Sponsor(s)

Commissioner Tanya K. Bhatt

Condensed Title

10:55 a.m. 2nd Rdg, Ch. 90, Solid Waste, Clarify Circumstances Under when Permit is Required. (Bhatt) PW