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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jorge M. Gonzalez, City Manager

DATE: September 26, 2011

SUBJECT: Discussion of the Proposed Recycling Ordinance.

On July 13, 2011, the Proposed Recycling Ordinance was approved and referred to the Finance and Citywide Projects Committee (FCWPC) between first and second reading.

BACKGROUND

Commissioner Jonah Wolfson worked with the City Attorney's Office and City Administration, as well as members of the City's Sustainability Committee, on a proposed ordinance that would require mandatory recycling for multifamily residences and commercial establishments in the City, via the establishment of a City of Miami Beach Mandatory Recycling Enforcement Program.

Currently, Miami-Dade County Code (Sections 15-2.2 to 15-2.4) requires multifamily and commercial establishments to have a recycling program. However, as a result of multiple issues, including fiscal constraints at the County level, the County Code requirement to demonstrate a recycling program is not adequately or comprehensively enforced. It is believed that approximately 1,558 multifamily residential buildings and commercial establishments within the City of Miami Beach are currently not participating in the County-required recycling program. This is approximately 30% of all known commercial and multifamily accounts.

The proposed ordinance (Attachment A), which is an amendment to Chapter 90 of the City Code, would establish more stringent requirements than the County and require multifamily residences and commercial establishments in the City to recycle pursuant to the requirements of a City of Miami Beach Recycling Program. This proposed program would require that multifamily and commercial establishments not only have a recycling program in place, but it would also mandate that recyclables be recycled. Multifamily and commercial establishments would receive fines if recyclables were found comingled with their solid waste or vice versa. The County Code (Section 15-2.5) gives the City the authority to establish and enforce its own ordinance, provided such ordinance is equivalent to or more stringent than the County's provisions.

Single-family homes and multifamily buildings of up to eight (8) units are already provided weekly recycling services via Miami-Dade County's Curbside Recycling Program, which was done through an Inter-Local Agreement (Agreement) entered into on June 14, 1990. The Agreement authorizes the County to act on the City's behalf in the administration of the contract for this recycling service in the areas of municipal jurisdiction. The current number of households served by Miami-Dade County within the City of Miami Beach is 6,498 units. The contractor that currently provides the service to Miami Beach through the Agreement is World Waste Services.

Commercial facilities and multifamily residences with eight (8) or more units are required by Miami-Dade County to hire, by means of a contract, a private hauler for their regular trash pick-up, recycling and bulk pick-up. Miami-Dade County Code Chapter 15 entitled “Solid Waste Management”, Sections 15-2.2 through Sections 15-2.5 requires the following:

- Owners/Property owners of commercial establishments in Miami-Dade County must provide a recycling program for their employees and tenants, using the services of an authorized waste hauler or private recycling hauler.
- The program must recycle three (3) items from the following list of ten (10): high-grade office paper, mixed paper, corrugated cardboard, glass, aluminum, steel, other scrap production metals, plastics, textiles, and wood.
- Modified Recycling Programs - those that incorporate modifications, substitutions or reductions to the requirements stated above - may be submitted to the Department of Solid Waste Management for review and approval.

DEMOGRAPHICS

The City has approximately 85,536 residents, and 66,327 total households; of which approximately 6,498 households receive solid waste and recycling service through the Agreement, which would be excluded from the requirements of this ordinance. The remaining 60,000 units are contained in approximately 1,500 multifamily residential buildings with eight units or more, which would be subject to the parameters of the multifamily residential component of the ordinance. The City has approximately 3,624 commercial units.

CURRENT ENFORCEMENT

On September 1, 2009, the Miami-Dade County Multifamily and Commercial Recycling Memorandum of Understanding (MOU) between the City of Miami Beach and Miami-Dade County - Department of Solid Waste Management (SWM) was approved. Under the MOU, the County agrees to enforce recycling under County Code Chapter 15, Sections 15-2.2 through 15-2.5 within the City of Miami Beach. When facilities are found to not have a recycling program, the County issues the offending party a warning notice followed by a notice of violation that may include fines as delineated in Miami-Dade Code Chapter 8CC - entitled “Code Enforcement”. In 2007-08, the County collected a total of \$11,550 in fines Countywide for non-compliance with their recycling ordinance.

On March 29, 2010, the City provided Miami-Dade County Solid Waste Management (SWM) with a list of 434 addresses from the waste haulers’ multifamily and commercial accounts that were not recycling. In August 2010, the County initiated a proactive inspection approach to enforcement. Since August 2010, the County has inspected a total of 203 multifamily residences and 27 commercial establishments. If facilities were found to not have a recycling program, the facilities were issued a warning notice followed by a notice of violation that may include fines delineated in Miami-Dade Code Chapter 8CC entitled “Code Enforcement”. However, in October 2010 the County returned to a compliant-driven approach with an emphasis on education. In January 2011, the City franchise waste haulers provided the Public Works, Sanitation Division, with an updated list of Miami Beach commercial facilities and multifamily residences that do not have a recycling program in place. The list included the 1,558 establishments previously noted, which represents 30% of known commercial and multifamily accounts that are estimated not to have a recycling program. The percentage of non-compliant facilities that have received fines since January 2011 is unknown. Based on SWM complaint-driven approach that focuses more on education than issuance of fines, this number is anticipated to be low.

PROGRAM ANALYSIS

The initial proposed ordinance was reviewed, analyzed, and commented upon by the Sustainability Committee (at its October 2010 and November 2010 meetings). Two (2) versions of the ordinance were presented for review and consideration by the Land Use and Development Committee (LUDC): Option “A” is the version developed by Administration and Option “B” is the version developed by the Sustainability Committee.

The only significant differences that emerged between the Administration’s version (Option “A”) and the Sustainability Committee’s version (Option “B”) were:

1. The dollar amount of the fines. The Sustainability Committee’s recommendation for first and second offenses did not include a warning and the dollar amounts were higher; and
2. The duration of the overall warning period. The Sustainability Committee recommended a three (3) month warning period instead of a six (6) month warning period during which only warning citations and not actual monetary or other penalties would be issued.

On December 12, 2010, the LUDC passed a motion recommending Option “A”, the Administration’s version of the initial proposed ordinance, and moved it to the Finance and Citywide Projects Committee (FCWPC) for discussion. The FCWPC passed a motion recommending that the initial proposed ordinance be moved to the City Commission for first reading. On July 13, 2011, the City Commission approved on first reading the initial proposed ordinance and referred to the FCWPC between first and second reading. Commissioner Libbin and Commissioner Gongora stated that the ordinance needs to go back to the FCWPC to make certain the enforcement of the ordinance is complaint driven.

On September 20, 2011, the Sustainability Committee discussed the initial proposed ordinance and made the following recommendations, to which the staff responds to below:

1. The ordinance should state explicitly that code enforcement is to be complaint driven.
 - Code Compliance Division will develop internal standard operating procedures with respect to enforcement, but recommend that it be given enforcement flexibility, i.e. not just limited to complaints, if, for example, Code observes a violation that is open and obvious, it should have the right to enforce.
2. The ordinance should be more stringent than Miami-Dade County’s current Code.
 - The proposed ordinance is stricter than Miami-Dade County’s current Code.
3. There should be a strong 18-month educational program that is directed to educating and providing technical assistance to condominiums.
 - As contemplated in the ordinance, the Administration will provide an educational program not only during the first year “ramp up”, but during the six months following, when the ordinance’s warning period is in effect.
4. The enforcement of the recycling program should be phased. In the first phase, the Code Compliance Division would concentrate on the presence of recycling bins and then once bins have been established Code Compliance would begin addressing contamination.
 - This recommendation will be included by Code Compliance Division in formulating the standard operating procedure for enforcement.
5. A mechanism should be added to the ordinance that allows individual members of condominiums to be fined rather than the association if an individual is found to be not recycling.

- Because City Commission was adamant and very clear that it did not want Code Compliance indiscriminately “opening up” trash bags, we recommend that this provision not be added to avoid that issue. In the alternative, perhaps as part of the educational program, the Administration will work with condominium associations to formulate a policy that condominium associations, and not City, can enforce against unit owners.

Staff has updated the initial proposed ordinance to have enforcement be geared toward a more complaint driven approach. Also, additional changes were made to the initial proposed ordinance for clarification and for consistency purpose. Attachment A contains the new proposed ordinance with these changes indicated in red.

The proposed ordinance seeks to establish a comprehensive and aggressive Citywide Recycling Program for multifamily residences and commercial establishments. The proposed ordinance, is more stringent than the County’s requirements because it expands the scope of required recyclables. The City would develop a process by which all multifamily residences with nine (9) dwelling units or more would be required to use a single-stream recycling process that includes all five (5) of the following recyclable materials: newspaper, glass, metal food and beverage containers, other metal containers, and plastics. In addition, at least three (3) of the following recyclable materials must also be recycled: corrugated cardboard, magazines and catalogs, telephone books, office paper or organic material. Commercial establishments would be required to recycle at least three (3) materials from the following: mixed paper, glass, metal food and beverage containers, other metal containers, plastics, textiles, wood or organic materials.

The initial proposed ordinance stipulates that it is a violation for multifamily residences or commercial establishments to have recyclable materials in any place other than in a recycling container. The initial proposed ordinance specified that the existence of recyclable materials inside a recycling container for seven (7) consecutive days constitutes evidence that a multifamily residence or commercial establishment is not providing regular recycling service that would be required by the provisions of this ordinance. In addition, the absence of recyclable materials in a recycling container for seven (7) consecutive days constitutes evidence that a multifamily residence or commercial establishment is not separating recyclables from their solid waste stream and is thus in violation of the provisions of the ordinance. The new proposed ordinance still stipulates that it is a violation for multifamily residences or commercial establishments to have recyclable materials in any place other than in a recycling container; however, the seven (7) consecutive day specification has been removed. By removing this provision, Code Compliance will not have to visit the site a second time prior to issuing a violation, thus lessen the burden on the Code Compliance Division.

The initial proposed ordinance would require recycling inspectors to visually inspect the contents of both the solid waste and recycling containers in order to ascertain compliance. These enforcement efforts can be driven on a complaint basis, through a proactive inspection schedule, or through a combination approach. The Sustainability Committee recommended that a hybrid approach be utilized to achieve the greatest level of compliance.

The proposed ordinance also includes a “red tag” noticing system. Waste contractors and recycling contractors are required to notify their customers with a “red tag” identifying incorrect materials found in either the solid waste or recycling container. The second time a contractor finds incorrect materials, the contractor shall leave another tag on the container identifying the incorrect materials and send a written notice to the person who subscribes for that collection service and the director of public works. After issuing two (2) tags, the contractor

shall refuse collection service and include on the third tag a description of the action that must be taken for the materials to be collected. At this time, the contractor must also send a written notice to the director of public works reporting that the customer that has violated the separation requirements. The proposed ordinance provides that the contractor would be subject to fines and penalties if it collects such comingled materials and waste.

According to the parameters of the initial proposed recycling ordinance, if commercial establishments, multifamily residences, or waste haulers are found to be in non-compliance with the proposed amendments, the following penalties would be prescribed:

- a) For the first violation, a warning or a fine up to \$350.00.
- b) For the second violation, a fine of up to \$500.00.
- c) For the third violation, a fine of up to \$1,000.00.
- d) For the fourth and subsequent violations, a fine of up to \$5,000.00.

The penalties in the new proposed ordinance have been reduced so that the first violation would be a warning and subsequent fines would be reduced accordingly. In addition, the penalties are no longer “up to” a fine amount, but rather “of” a fine amount. The following illustrates the changes to the penalties:

- a) For the first violation, a warning.
- b) For the second violation, a fine of \$350.00.
- c) For the third violation, a fine of \$500.00.
- d) For the fourth and subsequent violations, a fine of \$1,000.00.
- e) For the fifth and subsequent violations, a fine of \$5,000.00.

The proposed ordinance calls for one (1) year of education and community outreach followed by a six (6) month warning period before penalties would be issued. During the education and outreach period, the City would implement an aggressive public education campaign to inform the public of the new requirements. This would entail comprehensive community outreach through the Chamber of Commerce, local schools, business associations, and homeowner and condominium associations. In addition, the City would disseminate information about the new program through TV, website, social media, and printed media. After the year of extensive education and outreach, the six (6) month warning period (or pre-full implementation period) would take place, where only warning notices without monetary fines would be issued. Extensive education and outreach would continue through the duration of the warning period. It is the intent of the recycling program to have an educational component remain in effect after the enforcement phase commences.

In addition to the outreach and educational efforts associated with a program of this magnitude, the initial proposed ordinance also includes establishing a standardized educational tags, stickers or other signage to be placed on the recycling dumpster to further educate the public regarding allowable recyclable materials and proper recycling procedures. Only after the education and warning period are complete (18 months from commencement of the program) would the City issue Notices of Violation with accompanying monetary fines to companies and/or individuals that fail to adhere to the provisions of this ordinance.

PROGRAM COMPARISONS

Staff conducted research to identify and compare similar programs established in other municipalities across the US. Some of the cities contacted included the localities of Austin, Texas; Gainesville, Florida; Miami-Dade County; Montgomery County, Maryland; San Diego, California; San Francisco, California; and Seattle, Washington.

Levels of community compliance and enforcement vary between municipalities. For example, when Seattle began its mandatory recycling program, there was a high level of compliance from the beginning; more than 90% of Seattle's 150,000 apartments and businesses complied with the requirements of the new ordinance within weeks of implementation without the issuance of fines. Similarly, San Francisco has seen an approximate 55% rate of compliance with its mandatory composting and recycling ordinance. San Francisco publicized that it would be strictly enforcing multifamily composting and recycling in order to increase the public dialogue; however, their focus is still mainly on compliance through outreach rather than issuance of fines.

Jurisdictions such as Gainesville, Austin, San Diego and Montgomery County have focused efforts on providing education and extensive technical assistance rather than issuing fines to achieve compliance. Gainesville has concentrated its efforts on a comprehensive educational campaign that includes onsite assessment and recycling guidance to its residents and businesses. However, Gainesville is planning to begin attaching fines to facilities' electric bills in order to increase recycling compliance.

Similarly, Austin's current ordinance includes a fine of \$500 per day. To date, Austin has elected to focus on education rather than to issue fines for non-compliance. However, Austin is in the process of developing a more stringent ordinance with stricter enforcement and fines, which is scheduled to come into effect in October 2012.

Montgomery County has been focusing their efforts on providing education and technical assistance to multifamily residences and commercial facilities. These facilities are required to complete an Annual Waste Reduction Report that estimates the amount of recyclable material generated annually. This allows Montgomery County to conduct audit inspections to verify the Waste Reduction Report and determine if the facility requires further technical assistance. If outreach is found to be unsuccessful, Recycling Investigators respond with verbal warnings followed by citations; however, further fines and enforcement is uncommon.

The research also showed that the program staffing levels at a number of the locations varied in terms of the scope of work and goals. Programs varied from a staff of four (4) Waste Diversion Planners in Austin, Texas to more complex programs such as Montgomery County, which has a total of 18 employees (1 Section Chief, 2 Program Coordinators, 2 Compliance Managers, 1 Community Outreach Coordinator, 8 Educational Specialists, and 4 Recycling Investigators). San Francisco's recycling and composting program relies heavily on community volunteers to conduct door-to-door neighborhood outreach. In addition, San Francisco received funds from the Federal Stimulus Package Jobs Now program that allowed it to employ 50 Environmental Outreach Assistants, whose duties included various environmental initiatives including recycling outreach. From the Jobs Now program, 18 Outreach Assistants have remained as full-time employees and now supplement the Zero Waste Division's 11 employees (3 Residential Recycling Coordinators, 3 City Government Recycling Coordinators, 3 Commercial Recycling Coordinators, 1 Construction & Demolition Recycling Coordinator, and 1 Division Program Manager).

STAFFING REQUIREMENTS – CITY ORDINANCE

Various staff analyses, projections and variations were completed over the past few weeks. Original staffing projections were based on the requirements and parameters set forth in the proposed ordinance. However, the staffing projections were originally based on proactive inspections and assessments of all of the City's 3,624 commercial units and approximately 1,500 multifamily residential buildings with more than eight units in order to determine compliance.

In order to achieve compliance of this ordinance, staff developed a number of options and staffing level projections, each of them with the intent of effectively implementing the ordinance while maximizing resources. The staffing option in Attachment B reflects a complaint driven program. Assuming a 50% compliance rate, which is based on historical data obtained from Miami-Dade County, staff developed a hybrid model which includes two (2) Full-Time Recycling Inspectors, and two (2) Part-Time Recycling Inspectors. Inspections would be based on reports obtained from the private commercial haulers, who would collect and provide non-compliant information to the City. This hybrid approach presumes a more reactive/complaint-based response to code violations. Staff also expects that once project is established, there will be a number of complaints received from the general public based on notices provided by the private commercial haulers, which in turn is based on the observations and issuance of "red tag" warnings. Variation from this implementation plan would impact the estimated staffing requirements, operational costs and potential revenue from fines presented herein.

It should be noted that proposed ordinance enforcement staffing would be done with additional positions, not within the current staffing plan of the Code Compliance Division of the Building Department, as current staff does not have the capacity to implement this program with current Code Compliance demands. An additional administrative support position would also be required in order to implement this program.

Using the assumptions outlined above, a total of five (5) staff members, including one (1) Administrative Aide to coordinate and provide support, would be able to effectively implement this ordinance. The recycling staff would be deployed by zones reporting to a Code Compliance Administrator. Assignments would be adjusted based on workloads.

The ongoing annual operating costs are projected to be approximately \$269,055. This includes salaries and fringe benefits associated with two (2) Full-Time staff, two (2) Part-Time staff, and one (1) Administrative Aide. This estimate does not include one-time costs such as the purchase of computers, vehicles, and office furniture, which are estimated to be in the range of \$36,804, for a total implementation cost of approximately \$269,055. Attachments B and C outline the projections for staffing and operating costs.

It should be noted that the staffing and operating costs associated with this program may be phased in, as the educational program and initial warning period would be for a combined period of 18 months. Thus, the entirety of the costs would not need to be funded at the inception of the program.

POTENTIAL RECOVERY OF EXPENDITURES / ISSUANCE OF FINES

It is not easy to estimate the revenues generated from fines collected by implementing such a program, as there is no point of reference. Notwithstanding, and using fine recovery models from other jurisdictions, the administration projects a 50% compliance rate, based on data obtained from Miami-Dade; the County reports a 47% compliance rate on their ordinance. Assuming an 80% collection rate (which is based on internal processes, Business Tax Receipts (BTRs) requirements, etc) on the fines issued to the 50% of the non-compliant commercial and multifamily units, the City would collect approximately \$279,998 with this program. Thus, based upon preliminary estimates, the program should be self-supporting. Attachment C also outlines these projections.

Should the fine collection turn out to be higher than anticipated, the revenue stream would increase. Of course, the reciprocal is also true. Additionally, if compliance is greater than anticipated, which would be the ultimate goal of the program, the revenues would be less than anticipated.

FUNDING

The Waste Haulers Additional Service and Public Benefit Contributions to the Sustainable Initiatives Fund will fund the implementation of the educational component of the program. In FY12, \$50,000 will be appropriated to address the initial 18-month educational phase. In addition, the revenues discussed herein associated with the fines will fund the enforcement component of the program.

CONCLUSION

This item has been referred by the City Commission to the Finance and Citywide Projects Committee for discussion.

Attachments:

- A. Proposed Recycling Ordinance
- B. Staffing Requirement Analysis
- C. Recycling Ordinance Fiscal Analysis


DRB/RSA/FHB/RWS/ESW

[NOTE: CHANGES IN RED DENOTE CITY'S LATEST CHANGES/RECOMMENDATIONS]
BASED UPON CITY COMMISSION COMMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING THE DEFINITIONS IN ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 90-2, ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE II, ENTITLED "ADMINISTRATION" BY AMENDING THE PENALTIES FOR SOLID WASTE VIOLATIONS AND TO PROVIDE PROVISIONS AND PENALTIES RELATIVE TO RECYCLING FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS; BY CREATING ARTICLE V, TO BE ENTITLED "CITYWIDE RECYCLING PROGRAM FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS," TO PROVIDE PROVISIONS FOR RECYCLING REQUIREMENTS AND ENFORCEMENT, A PUBLIC EDUCATION PROGRAM, A WARNING PERIOD, AN ENFORCEMENT DATE, COLLECTOR LIABILITY, A "RED TAG" NOTICING SYSTEM, PENALTIES, AND SPECIAL MASTER APPEAL PROCEDURES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, nearly everything we produce, use or consume leaves behind some kind of waste and the treatment and disposal of waste can be a source of water, land, and air pollution; and

WHEREAS, by managing solid waste and conserving material resources through reduction, reuse, and recycling, the City will help minimize impacts to the quality and safety of the local environment, reduce costs of waste disposal and decrease the carbon foot print associated with the production and the use and disposal of materials; and

WHEREAS, the recycling of recyclable materials is in the best interest of the environment, the residents, and the environmental footprint of the City of Miami Beach; and

WHEREAS, the City seeks to establish a Citywide Recycling Program for multifamily residences and commercial establishments that provides standards that are equivalent to or exceed the minimum recycling requirements of Miami-Dade County; and

WHEREAS, pursuant to Sections 15-2.5 and 15-2.7 of the Miami-Dade County Code, the City and Miami-Dade County have agreed that the following Citywide Recycling Program meets the minimum standards set forth in section 15-2.6 of the Miami-Dade County Code and have accordingly entered into a Memorandum of Understanding so that the City may implement said Program.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Article I, entitled "In General," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE I. IN GENERAL

Sec. 90-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Commercial establishment means an establishment dealing in an exchange of goods or services for money or barter. For purposes of this chapter, the term shall include churches, synagogues and schools.

* * *

Multifamily residence means a building occupied or intended to be occupied by two (2) or more families living separately, with separate kitchens in each unit.

* * *

Offense means a notice of violation that has not been appealed timely or a finding of a violation by a special master following the appeal of a violation.

* * *

Premises means real property and includes any buildings or structures thereon.

* * *

Recyclable materials means those materials capable of being recycled and which would otherwise be processed or disposed of as solid waste. Any recyclable material mixed with solid waste shall be considered to be solid waste.

Recycling means any process by which recyclable materials are collected, separated, or processed to be reused or returned to use in the form of raw materials or products.

Recycling container means a container approved by the city manager for collection of recyclable material by a recycling contractor.

Recycling contractor means a private contractor licensed by the city who collects recyclable materials and transports same to a state or county-licensed recycling facility for processing. Recycling contractors must provide their customers with a separate recycling container for recyclable materials.

Single-stream recycling means a process by which certain recyclable materials are mixed together instead of being sorted into separate recycling containers in the collection process.

SECTION 2. That Article II, entitled "Administration," of Chapter 90 of the Miami Beach City Code entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE II. ADMINISTRATION

Sec. 90-36. Enforcement of chapter; notice of violation.

(a) The city manager is hereby authorized and directed to enforce all the provisions of this chapter regulating and governing the accumulation, collection, and disposal of solid waste. The city manager shall have the power to delegate duties to employees working under his authority (including, without limitation, the city's public works director) in the enforcement of the provisions of this chapter.

(b) Upon presentation of proper credentials, an inspector designated by the city manager may enter any building, structure, lot or other premises for the purpose of inspection, or to prevent violations of this chapter.

(c) The existence of solid waste shall be prima facie evidence that the same was created or placed there by the occupant of the dwelling or commercial establishment; or the owner; or the operator or manager. The existence of the same garbage inside the same garbage containers for four (4) consecutive days upon premises serviced by a private waste contractor shall be prima facie evidence of a violation of this chapter by the contractor. For purposes of this section premises serviced by a private waste contractor shall not include accounts that have been discontinued by the contractor when notice of discontinued service has been mailed to the owner, occupant; or operator or manager, as well as to the city, prior to the accumulation of the garbage.

(d) Whenever a designated city inspector observes a violation (or violations) of this chapter regarding solid waste or an accumulation of solid waste that creates a health hazard, environmental hazard, or nuisance, the inspector shall order the violation(s) to be corrected within a specified period of time by serving a written notice of violation(s) upon the person causing, or responsible for, such violation and/or health hazard, environmental hazard, or nuisance. Such person shall immediately cease or abate the violation(s).

(e) ~~A~~ The notice of violation shall be served personally or by certified mail upon the property owner or upon the person(s) in lawful possession of the premises, and/or upon the private waste contractor servicing the premises. If the person addressed with such notice cannot be found by the city after making reasonable good faith effort, such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be

posted in a conspicuous place on the premises. Such notice shall be deemed the equivalent of personal service.

(f) The notice shall specify any fine(s) that may be due in connection with the violation(s), the time specified by the inspector to correct the violations, and the procedure for timely payment or appeal of the fine(s).

(g) If the inspector determines that the conditions constitute an immediate threat to the health, safety or welfare of the public, he/she may order the immediate correction of the violation(s) at the expense of the occupant; owner; or operator or manager and the city shall have the right to recover such expenses as provided in section 90- 136 37.

(h) The enforcement of the recycling requirements for the citywide recycling program for multifamily residences and commercial establishments provided for in Article V of this chapter, and the penalties for violations of Article V, are provided in sections 90-345 and 90-347 through 90-348 of this chapter.

Sec. 90-37. Removal of waste by city; penalties for violations.

If the person served with a notice of violation pursuant to section 90-36 does not correct the violation within the specified time, the city manager may do the following:

(1) For violations involving failure to remove solid waste, the city manager may cause the waste to be removed from the premises and charge the actual costs to the owner; occupant; or operator or manager, on a force account basis. Any fine due pursuant to section 90-39 or 90-40 shall also be charged to the owner; occupant; or operator or manager. Failure to pay such costs and fines or to appeal pursuant to section 90-38 within fifteen (15) days of receipt of the notice shall result in the imposition of a lien upon the property, in the amount of such costs and fines. Such liens shall be treated as special assessment liens against the subject real property and, until fully paid and discharged, shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Such liens shall be enforced by any of the methods provided in Ch. 86, Florida Statutes; or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Ch. 173; Florida Statutes; or the collection and enforcement or payment thereof may be accomplished by any other method authorized by law. The owner; occupant; or operator or manager shall pay all costs of collection, including reasonable attorneys fees incurred in the collection of fines, and other charges, penalties, and liens imposed by virtue of this chapter.

(2) For violations of this chapter for which no fine is specified in sections 90-39 and 90-40, the city attorney may prosecute the violators pursuant to section 1-14. Fines for such offenses shall be as follows:

- a. First offense, \$350.00.
- b. Second offense, \$500.00.
- c. Third offense, \$1,000.00.

d. Fourth or subsequent offense, \$5,000.00.

(3) For violations which present a serious threat to the health, safety or welfare of the public and/or violations that ~~are continually repeated~~ constitute a fourth or subsequent offense by the same violator, the city ~~attorney~~ may seek injunctive relief and/or, in the case of commercial establishments, revoke the business tax receipt and/or certificate of use of the establishment and/or premises.

Sec. 90-38. Appeal to special master.

(a) Any person receiving a notice of violation pursuant to section 90-36 and/or a notice of fine pursuant to sections 90-39 and/or 90-40 may request, within fifteen (15) days of receipt of the notice, an administrative hearing before a special master, appointed as provided in article II of chapter 30, to appeal the decision of the city inspector resulting in the issuance of the notice. Procedures and application fee for the scheduling and conduct of the hearing shall be as provided in sections 102-384 and 102-385. Failure to appeal within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, as noticed, and fines and penalties may be assessed accordingly.

(b) Timely filing of a notice of appeal pursuant to this section shall toll the imposition of a lien pursuant to section 90-37 or 90-136, or enforcement procedures pursuant to section 90-36, until thirty (30) days after the issuance of a written determination by the special master. Any amounts of money due the city pursuant to such determination must be received by the city within thirty (30) days after the issuance of the determination, or a lien shall be imposed upon the property in question, and any other enforcement or collection procedures commenced, as provided by this chapter or under state law.

SECTION 3. That Article V, to be entitled "Citywide Recycling Program for Multifamily Residences and Commercial Establishments," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby created as follows:

CHAPTER 90

SOLID WASTE

* * *

**ARTICLE V. CITYWIDE RECYCLING PROGRAM FOR
MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS**

Sec. 90-340. Recycling required for multifamily residences ~~of nine (9) dwelling units or more.~~

As of (DATE) [NOTE: DATE SHOULD BE ONE YEAR FROM EFFECTIVE DATE OF ORDINANCE], every multifamily residence ~~of nine (9) dwelling units or more~~ shall be required to use a single-stream recycling process to recycle recyclable materials and every multifamily residence shall be serviced by a city ~~and state~~ licensed recycling contractor.

(a) At a minimum, multifamily residences must recycle ~~at least the five (5) of the~~ recyclable materials listed below:

- 1) Newspaper- used or discarded newsprint, including any glossy inserts;
- 2) Glass- glass jars, bottles, and containers of clear, green or amber (brown) color of any size or shape used to store and/or package food and beverage products for human or animal consumption, and/or used to package other products, which must be empty and rinsed clean of residue. This term excludes ceramics, window or automobile glass, mirrors, and light bulbs;
- 3) Metal food and beverage containers- all ferrous and nonferrous (i.e. including, but not limited to, steel, tin-plated steel, aluminum and bimetal) food and beverage containers (i.e. including, but not limited to, cans, plates, and trays) of any size or shape used to store and/or package food and beverage products suitable for human or animal consumption, which must be empty and rinsed clean of residue;
- 4) Other metal containers- all other ferrous and non ferrous containers used to package household products including, but not limited to, paint cans and aerosol cans, which must be empty and rinsed clean of residue;
- 5) Plastics- all high density polyethylene (HDPE) and/or polyethylene terephthalate (PET) bottles, jugs, jars, cartons, tubs, and/or other containers, and lids, of any size or shape used to package food, beverages, and/or other household products, or crankcase oil, which must be empty and rinsed clean of residue. This term excludes all plastic film, plastic bags, vinyl, rigid plastic (i.e. toys), and plastic foam materials; and

(b) At least three (3) of the following recyclable materials:

- 1) Cardboard - clean, unwaxed corrugated cardboard boxboard and/or similar corrugated and kraft paper materials; food, beverage, and/or other household cardboard boxes, cartons and/or other containers (i.e. cereal boxes, paper egg cartons, rolls, and bags, milk, juice and other beverage cartons and/or boxes, spiral-wound containers such as orange juice, dough and potato chip containers, tissue boxes, and toilet tissue and paper towel rolls); and any other corrugated and/or non-corrugated materials made from cardboard, all of which must be empty and cleaned of excessive amounts of contaminant such as adhesives, metals and plastics;
- 2) Magazines and catalogues;
- 3) Telephone books and/or directories;
- 4) Office paper - used or discarded high-grade white paper and Manila paper including, but not limited to, paper used for file folders, tab cards, writing, typing, printing, computer printing, and photocopying (i.e. writing paper, stationery, letterhead, notebook paper, copier paper, typing paper, tablet sheets, computer print-out paper, and all paper of similar quality); regular mail and junk mail; envelopes without wax liners or adhesive labels; and paper gift wrap and cards. This term shall not include carbon paper, self carbonizing paper, coated or glossy paper, and envelopes with windows or adhesive labels.

Organic Materials - A multifamily residence that recycles organic materials in a separate bin that is serviced by a city licensed recycling contractor shall be deemed to satisfy one of the three(3) recyclable materials options in this subsection (b). The following items shall be deemed to be organic materials for purposes of this section: All food materials, including but not limited to fresh, frozen, dried, cooked and prepared foods and leftovers; fruit and vegetable scraps; pasta, bread, and cereal; meat and fish products; egg shells; coffee grinds and filters; and tea bags.

Sec. 90-341. Recycling required for commercial establishments.

As of (DATE) [NOTE: DATE SHOULD BE ONE YEAR FROM EFFECTIVE DATE OF ORDINANCE], every commercial establishment shall be required to recycle recyclable materials and shall be serviced by a city and state licensed recycling contractor, or the city. At a minimum, commercial establishments must recycle at least three (3) recyclable materials from the list below:

- 1) Newspaper; Cardboard; Magazines and catalogues; Telephone books and/or directories; and Office paper - (with said terms having the same definitions, and including the same type(s) of recyclable materials as provided in Sections 90-340(a) and (b) hereof);
- 2) Glass - (with said term having the same definition and including the same type(s) of recyclable materials as provided in Section 90-340(a) hereof);
- 3) Metal food and beverage containers - (with said term having the same definition and including the same type(s) of recyclable materials as provided in Section 90-340(a) hereof);
- 4) Other metal containers - (with said term having the same definition and including the same type(s) of recyclable materials as provided in Section 90-340(a) hereof, but also, for purposes of this subsection(4), including scrap metal, which shall mean used or discarded items suitable for recycling, consisting predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof including, but not limited to, bulk metals such as large metal fixtures and appliances (including white goods such as washing machines, refrigerators, etc.), but excluding metal containers utilized to store flammable or volatile chemicals, such as fuel tanks.;
- 5) Plastics - (with said term having the same definition and including the same type(s) of recyclable materials as provided in section 90-340(a) hereof);
- 6) Textiles;
- 7) Wood – clean wood waste and/or pieces generated as byproducts from manufacturing of wood products and wood demolition waste (i.e. lumber, plywood, etc.) thrown away in the course of remodeling or construction. It excludes clean yard waste and clean waste (i.e. natural vegetation and minerals such as stumps, brush, blackberry vines, tree branches, and associated dirt, sand, tree bark, sand and rocks), treated lumber, wood pieces, or particles containing chemical preservatives, composition roofing, roofing paper, insulation, sheetrock, and glass.

Organic Materials - A commercial establishment that recycles organic materials (as defined in Section 90-340 hereof) in a separate bin that is serviced by a city licensed recycling contractor shall be deemed to satisfy one of the three (3) recyclable materials options in this subsection.

Sec. 90-342. Unauthorized collection of designated recyclable materials.

Only those recycling contractors that have been authorized and licensed by the city and the state to collect designated recyclables in the city shall be authorized to collect recyclable materials under this article. All recycling contractors shall comply with all applicable state and city laws and regulations.

Sec. 90-343. Public education program; warning period and enforcement date.

- a) Beginning (DATE) [NOTE: DATE SHOULD BE 10 DAYS AFTER ADOPTION OF ORDINANCE], the city shall engage in public education efforts and the city shall not prosecute individuals who unknowingly fail to separate recyclable materials from all other solid waste materials required to be separated by this article until as provided in subsections (d) and (e) of this section.
- b) All recycling contractors must appropriately designate the recycling collection containers they provide to customers. The containers must contain the appropriate signage and information, as shall be established and approved by the city pursuant to subsection (c) below, that allows users to clearly and easily identify the container for recycling.
- c) The city shall establish an educational tag program whereby appropriate information, in the form of tags, stickers, or other signage approved by the city manager, shall be required to be placed on all recycling containers, informing the public of proper recyclable materials and procedures. The city shall also provide information on its website regarding what materials are acceptable as recyclables under this article.
- d) Beginning (DATE) [NOTE: DATE SHOULD BE ONE YEAR FROM EFFECTIVE DATE OF ORDINANCE] the city shall provide for a six (6) month warning period, through and including (DATE) [NOTE: DATE SHOULD BE 18 MONTHS AFTER EFFECTIVE DATE OF ORDINANCE], in which warning tickets shall be issued to persons who fail to separate recyclable materials from all other solid waste materials, regardless of knowledge or intent.
- e) Beginning (DATE) [NOTE: DATE SHOULD BE 18 MONTHS AND 1 DAY AFTER EFFECTIVE DATE OF ORDINANCE], this article shall be enforced and penalties shall be applied and imposed for violations of this article.

Sec. 90-344. Liability of contractors.

(a) ~~All recycling contractors shall comply with all applicable state and city laws and regulations.~~ Any recycling contractor who reasonably believes that a person from whom he/she/it collects has violated the separation requirements of article V of this chapter, shall not collect the same, and shall notify the director of public works to report the violation. If the contractor collects such waste, the fines and penalties set forth in sec. 90-347 shall be issued and imposed against him/her/it. Additionally, contractors shall assist and notify the director of public works in identifying persons, multifamily residences, and/or commercial establishments that unlawfully mixed solid waste materials with recyclable materials, in accordance with the

Noticing System in subsection (b) hereof which were later delivered to a resources recovery facility, transfer station, landfill, or other solid waste facility.

(b) "Red Tag" Noticing System.

- 1) If a recycling contractor finds materials that are not the correct type as designated for that container (such as recyclables in a solid waste container, or solid waste in a recycling container), the contractor shall then leave a tag on the container identifying the incorrect materials.
- 2) If the contractor continues to find incorrect materials in a collection container after the contractor has left a previous tag for that customer and that type of container, the contractor ~~shall~~ ~~must~~ leave another tag on the container identifying the incorrect materials and send a written notice to
 - (i) ~~(i)~~ the person and/or entity who subscribes for that collection service; and
 - (ii) ~~(ii)~~ the director of public works.
- 3) If the contractor continues to find incorrect materials in a collection container after the contractor has already left two (2) ~~or more~~ tags for that customer and that type of container, the contractor ~~may~~ ~~shall~~ refuse to empty the container. If the container is not emptied, the contractor must leave a (third) tag and send a written notice to
 - (i) ~~(i)~~ the person and/or entity who subscribes for the collection service, identifying the incorrect materials and describing what action must be taken for the materials to be collected; and
 - (ii) ~~(ii)~~ to the director of public works; provided, however, that a contractor may not refuse on this basis to empty containers from multifamily residences or commercial establishments properties with multiple tenants and joint account collection services.
- 4) The contractor shall provide to the director of public works a list of the names and addresses of those persons and/or entities who have received tags or notices, or whose containers have not been emptied due to non-compliance with this article, or copies of the tags or notices issued by the contractor. The contractor shall also provide to the director, upon request, a list of the names, addresses, and service levels of the contractor's customers and any additional information required by the director.

Sec. 90-345. Enforcement.

(a) The city manager is hereby authorized and directed to enforce all the provisions of this article regulating and governing the accumulation, collection, recycling, and disposal of recyclable materials. The city manager shall have the power to delegate duties to employees working under his authority in the enforcement of the provisions of this article.

(b) Upon presentation of proper credentials, an inspector designated by the city manager may enter any building, structure, lot, or other premises for the purpose of inspection, or to prevent violations of this article.

(c) The existence of recyclable materials in any place other than in a recycling container, shall be prima facie evidence that the same was created or placed there by ~~an~~the occupant of the multifamily residence or commercial establishment, or the owner, operator, or manager of the premises. ~~The existence of recyclable materials inside a recycling container for seven (7) consecutive days or more shall be prima facie evidence of a violation of this article by the recycling contractor. The absence of recyclable materials in a recycling container for seven (7) consecutive days or more upon the premises shall be prima facie evidence of a violation of this article by the multifamily residence or commercial establishment.~~ For purposes of this section, premises serviced by a recycling contractor shall not include accounts that have been discontinued by the recycling contractor when notice of discontinued service has been mailed to the owner, occupant, operator, or manager of the premises, as well as to the city, prior to the accumulation of the recyclable materials.

(d) The director of ~~the department of~~ public works shall develop warning notices and notices of violation forms ~~with~~ which to impose penalties on violators that are in violation of this article. The city shall issue warning notices and ~~notices of violations~~ notices to property owners, ~~to managers, or other persons in charge person(s) in lawful possession of the premises.~~ ~~Warning notices and notices of violations may also and may be served upon or to~~ the recycling contractor servicing the premises ~~in accordance with section 90-344 hereof.~~ In addition, ~~contractors~~ may issue warnings at the request of the director ~~of the department of~~ public works.

(e) Whenever a designated city inspector observes a violation (or violations) of this article, or an accumulation of recyclable materials that creates a health hazard, environmental hazard, or nuisance, the inspector shall order the violation(s) to be corrected within a specified period of time by serving a written notice of violation(s) upon the ~~property owner or upon the manager or other person in charge person causing, or responsible for, such violation and/or health hazard, environmental hazard, or nuisance.~~ Such person(s) shall immediately cease or abate the violation(s).

(f) A notice of violation shall be served personally or by certified mail upon the property owner, ~~or upon the manager or other person in charge or the person(s) in lawful possession of the premises, or and may be served,~~ or upon the recycling contractor servicing the premises. If the person addressed with such notice cannot be found by the city after making a reasonable good faith effort, such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be posted in a conspicuous place on the premises. Such notice shall be deemed the equivalent of personal service.

(g) The notice shall specify any fine or penalty that may be due in connection with the violation(s), the time specified by the inspector to correct the violation(s), and the procedure for timely payment or appeal of the fine or penalty.

(h) If the inspector determines that the conditions constitute an immediate threat to the health, safety or welfare of the public, the inspector may order the immediate correction of the violation(s) at the expense of the property owner, ~~manager, or other person in charge occupant, operator, manager, or other the person(s) in lawful possession of the premises,~~ and the city shall have the right to recover such expenses as provided in section 90-37.

Sec. 90-346. Exception.

A property owner may seek a waiver from the director of public works of all or portions of this article, if the applicant submits documentation, using a form specified by the city that includes a signed affidavit under penalty of perjury, that shows that the property does not have adequate storage space for containers for recyclables or solid waste or other hardship. ~~In cases where, after on-site verification, space or other limitations are determined to exist, the director shall evaluate the feasibility of sharing containers for recyclables or solid waste with contiguous properties, and, where feasible, may require container sharing in lieu of providing a waiver, or such other suitable solutions as deemed appropriate by the director.~~

Sec. 90-347. Penalties for Violations of this Article; Removal of Recyclable Materials by City/Penalties.

- (1) Penalties for violations of this article shall be as follows:
 - a. For the first violation, a warning or a fine up to \$350.00.
 - b. For the second violation, a fine of \$350.00 up to \$500.00.
 - c. For the third violation, a fine of \$500.00 up to \$1,000.00.
 - d. For the fourth and subsequent violations, a fine of \$1,000.00 up to \$5,000.00.
 - e. For the fifth or subsequent violations, a fine of \$5,000.00.

~~For violations involving failure to remove recyclable materials from a recycling container by a recycling contractor, the city manager may cause the recyclable materials to be removed from the premises and charge the actual costs of removal to the owner, occupant, operator, manager, or other person(s) in lawful possession of the premises.~~

(2) For violations involving failure to remove recyclable materials from a recycling container by a recycling contractor, the city manager may cause the recyclable materials to be removed from the premises and charge the actual costs of removal to the owner, occupant, operator, manager, or other person(s) in lawful possession of the premises.

~~Penalties for violations of this article shall be as follows:~~

- ~~a. For the first violation, a warning or a fine up to \$350.00.~~
- ~~b. For the second violation, a fine of up to \$500.00.~~
- ~~c. For the third violation, a fine of up to \$1,000.00.~~
- ~~d. For the fourth and subsequent violations, a fine of up to \$5,000.00.~~

(3) Any penalty due pursuant to this article shall also be charged to the owner, occupant, operator, manager, or other person(s) in lawful possession of the premises. Failure to pay such costs and penalties, or to appeal pursuant to section 90-348 within fifteen (15) days of receipt of the notice of violation shall result in the imposition of a lien upon the premises, in

the amount of such costs and penalties. Such liens shall be treated as special assessment liens against the subject real property and, until fully paid and discharged, shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Such liens shall be enforced by any of the methods provided in Ch. 86, Florida Statutes; or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Ch. 173; Florida Statutes; or the collection and enforcement or payment thereof may be accomplished by any other method authorized by law. The owner, occupant, operator, or manager of the premises shall pay all costs of collection, including reasonable attorneys fees incurred in the collection of fines, and other charges, penalties, and liens imposed by virtue of this chapter.

(4) For violations which present a serious threat to the health, safety or welfare of the public, and/or violations that constitute a ~~fifth~~fourth or subsequent offense by the same violator, the city may seek injunctive relief and/or, in the case of commercial establishments, revoke the business tax receipt and/or certificate of use of the establishment and/or premises ~~in addition to the penalties set forth in this section.~~

Sec. 90-348. Appeal to Special Master.

(a) Any person receiving a notice of violation pursuant to this chapter may request, within fifteen (15) days of receipt of the notice, an administrative hearing before a special master, appointed as provided in article II of chapter 30, to appeal the decision of the city inspector resulting in the issuance of the notice. The procedures and application fee for the scheduling and conduct of the hearing shall be as provided in sections 102-384 and 102-385. Failure to appeal within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, as noticed, and fines and penalties may be assessed accordingly.

(b) Timely filing of a notice of appeal pursuant to this section shall toll the imposition of a lien or enforcement procedures pursuant to section 90-347, until thirty (30) days after the issuance of a written determination by the special master. Any costs or penalty amounts due the city pursuant to such determination must be received by the city within thirty (30) days after the issuance of the determination, or a lien shall be imposed upon the premises, and any other enforcement or collection procedures may be commenced, as provided by this chapter or under state law.

SECTION 4. REPEALER.

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

SECTION 5. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2011.

PASSED and **ADOPTED** this _____ day of _____, 2011.

ATTEST:

ROBERT PARCHER, CITY CLERK

MAYOR MATTI HERRERA BOWER

Underline denotes additions and ~~Strike through~~ denotes deletions.

STAFFING REQUIREMENT ANALYSIS

Recycling Ordinance

Revised per comments at 6/23/11 - Finance & Citywide Projects Committee

Staffing Levels - Using Hauler's Non-Compliant Listing

Commercial

Units	3,624.00	(Commercial Establishments within MB)
Non-Compliant Units	1,812.00	Establishments identified to be Non-Compliant
Inspections per Year	4.00	(Non-Compliant Locations)
# of total inspections	7,248.00	Total Number of Annual Inspections
Inspections per day	8.00	(Commercial Establishments are clustered)
Days per week	6.00	
Weeks per year	48.00	(1,024 productive hours)
inspections per inspector	2,304.00	
# of total inspections	7,248.00	
inspections per CCO / year	2,304.00	
	3.15	Full Time Equivalents (CCOs - No Supervisory Staff)

Multi-Family Residential

Units	1,500.00	
Inspections	2.00	Bi-Annual Inspections
# of total inspections	3,000.00	
Inspections per day	8.00	
Days per week	5.00	
Weeks per year	48.00	
inspections per inspector	1,920.00	
# of total inspections	3,000.00	
inspections per inspector	1,920.00	
	1.56	Full Time Equivalents (CCOs - No Supervisory Staff)

Recycling Ordinance Fiscal Analysis

Revised per Discussion at 6/23/11 Finance & Citywide Projects Committee

2 FTEs CCOs & 2 PT CCOs

EXPENDITURES (after 1 year of Community Outreach and Education)

Staffing	Hourly Rate	Hours	#	Salary	Pension	Medicare	Health	OT	Holiday Pay	Uniforms	Total
FT - Code Compliance Off.	\$ 20.09	2,080	2	\$ 41,787.20	\$ 845	\$ 605.91	\$2,487	6,257	\$ 592.20	\$ 921.32	\$106,991
PT - Code Compliance Off.	\$ 20.09	1,534	2	\$ 30,818.06	\$ 770	\$ 446.86	\$0	0	\$ -	\$ 600.00	\$65,271
Administrative Aide I	\$ 16.82	2,080	1	\$ 34,985.60	\$ 707	\$ 507.29	\$2,082	6,257	\$ 592.20	\$ 921.32	\$46,053
TOTAL			5	\$107,591	\$2,323	\$1,560	\$4,569	12,514	\$592	\$2,443	\$218,315

On-Going Operating Expenditures	Cost / unit	#		Total
Fuel, Maintenance & Insurance	\$ 6,505	2	\$	13,010.00
Office Supplies	\$ 463	2	\$	926.00
TOTAL			\$	13,936.00

One-Time Expenditures	Cost / unit	#		Total
Vehicles - Ford Focus	\$ 13,133	2	\$	26,266.00
Furniture, Fixtures & Equipment	\$ 1,000	2	\$	2,000.00
Computers and Software	\$ 4,269	2	\$	8,538.00 (Data provided by IT)
TOTAL			\$	36,804

TOTAL ANNUAL EXPENDITURES		\$232,251
Plus 1st Year Start-Up Costs		\$36,804
TOTAL - First Year		\$269,055

REVENUES (after 18 months of Establishing Program)

		Number of Non-Compliant Commercial Establishments	First Offense	Second Offense	Third Offense	Total	@ 80% Collection Rate
1	3,624 Commercial Establishments @ 50% Compliance Rate = <u>2nd Offense</u>	1,812	\$0.00	\$350	\$500	\$190,260	\$152,208
	1,500 Multi-Family Residential Units @ 50% Compliance Rate = <u>2nd Offense</u>	750	\$0.00	\$350	\$500	\$78,750	\$63,000
2	1,812 Units - Non-Compliant - <u>3rd Offense</u> @ 20% =	598	\$0.00	\$350	\$500	\$41,857	\$33,486
	750 Residential Establishments - <u>3rd Offense</u> @ 20% =	495	\$0.00	\$350	\$500	\$34,650	\$27,720
3	90 Commercial Units - Non Compliant at <u>4th Offense</u>	90	\$0.00	\$350	\$500	\$3,150	\$2,520
	38 Multi-Family - Non-Compliant <u>4th Offense</u>	38	\$0.00	\$350	\$500	\$1,330	\$1,064
TOTAL							\$279,998

Revenues @ 80% Collection Rate