

ORDINANCE NO. 23 - 1756

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 66-36 "RECYCLING", OF DIVISION 1. – "GENERALLY," OF ARTICLE II. – "COLLECTION AND DISPOSAL", OF CHAPTER 66 – "SOLID WASTE", INCLUDING PROVIDING FOR MANDATORY RECYCLING, PROVIDING FOR RECYCLING RATES AND FEES TO BE ESTABLISHED BY RESOLUTION, AND TO UPDATE AND DEFINE RECYCLABLE MATERIALS TO BE ESTABLISHED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1       **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida  
2 Statutes, provide municipalities with the authority to exercise any power for municipal  
3 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such  
4 authority; and

5       **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission")  
6 finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update  
7 regulations and procedures to maintain consistency with state law and to implement  
8 municipal goals and objectives for the general health, safety and welfare of the Town  
9 residents and occupants; and

10       **WHEREAS**, the current recycling market is unpredictable and volatile requires  
11 flexibility on the part of the Town to define or establish acceptable recyclable materials by  
12 resolution of the Town Commission, as may be amended from time to time; as well as  
13 updates and changes to rates and fees charged for services; and

14       **WHEREAS**, Section 66-36 of the Code currently encourages commercial recycling  
15 and provides that "...businesses are urged to participate in the town's program for the  
16 recycling...", and the Town wishes to provide for mandatory participation in a recycling  
17 program by commercial properties effective October 1, 2023; and

18       **WHEREAS**, the Town Commission desires to further amend Section 66-36 of the  
19 Code to delete outdated fees and charges listed in the Code and provide for fees and

20 charges to be established by Resolution of the Town Commission, as amended from time  
21 to time, and to update the currently listed recyclable materials in the Code and provide for  
22 same to be established by Resolution of the Town Commission, as may be amended from  
23 time to time, all in order to accommodate the changing nature of the recycling market; and

24 **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town  
25 to amend Section 66-36 as provided for herein; and

26 **WHEREAS**, the Town Commission held its first public hearing on August 8, 2023 and,  
27 having complied with the notice requirements in the Florida Statutes, approved the  
28 proposed amendments to the Code; and

29 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
30 hearing on these Code amendments as required by law on September 12, 2023 and  
31 further finds the proposed changes to the Code are necessary and in the best interest of  
32 the Town.

33  
34 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
35 **TOWN OF SURFSIDE, FLORIDA:**

36  
37 **Section 1. Recitals.** The above Recitals are true and correct and are  
38 incorporated herein by this reference:

39  
40 **Section 2. Town Code Amended.** Section 66-36 "Recycling" of the Code, is  
41 hereby amended as follows<sup>1</sup>:

42 **Sec. 66-36. Recycling.**

43 (a) *Generally.* Pursuant to ~~the~~ provisions of F.S. § 403.706, ~~mandate that all local~~  
44 ~~governments reduce their waste stream by 30 percent. To implement that statute, all~~  
45 ~~residences and businesses~~ commercial properties are urged ~~required~~ to participate in  
46 the town's program for the recycling of ~~paper, metals, plastics and glass~~ recyclable  
47 materials effective October 1, 2023. In furtherance of this program, the town has  
48 ~~contracted~~ may contract with a private firm or contractor to provide necessary  
49 containers to each residence and ~~business~~ commercial property, collect weekly the  
50 recyclable materials put out by residents and ~~businesses~~ commercial properties, and  
51 separate such materials for sale in appropriate markets.

---

<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

52 (b) *Definitions.* The following words, terms and phrases, when used in this section, shall  
53 have the meanings ascribed to them in this subsection, except where the context  
54 clearly indicates a different meaning:

55 (1) Bin means a "milk crate" type of stackable container of approximately 12-gallon  
56 capacity.

57  
58 (2) *Container* means a commercial mobile container or "dumpster," of not less than two  
59 cubic yards capacity nor more than six cubic yards capacity, capable of being  
60 picked up or emptied automatically by a trash or garbage truck.

61  
62 (3) *Contractor* means a private firm retained by the town to collect and recycle certain  
63 waste materials.

64  
65 (4) *Recyclable material* ~~means used and discarded newspaper, high grade office~~  
66 ~~paper, mixed paper, corrugated cardboard, glass containers (all colors), plastic~~  
67 ~~containers (PET and HDPE) and ferrous and aluminum (cans or scrap), steel (cans~~  
68 ~~or scrap) will be established by the Town by resolution of the Town Commission,~~  
69 shall be defined by the Town and adopted by Resolution of the Town Commission,  
70 as may be amended from time to time.

71  
72 (5) *Toter* means a barrel-like plastic container of not less than 30-gallon capacity,  
73 having a tightfitting solid top.

74  
75 (c) *Program.* Each residence and commercial establishment will be supplied with an  
76 appropriate bin, toter or container by the contractor. The contractor will collect  
77 recyclable materials weekly curbside in the town residential areas, from the alleys in  
78 the business district and on private property, as arranged, in the multifamily areas.

79  
80 (d) *Rates and Fees.* The Town Commission shall adopt recycling rates and fees by  
81 Resolution, as may be amended from time to time.

82 ~~(1) The following fees and charges are imposed upon property owners and tenants, or~~  
83 ~~both, and will be collected as follows:~~

84 ~~a. Single family, duplexes and multifamily residences, \$30.26 per annum,~~  
85 ~~on a yearly basis with payment due on October 1 of each year.~~

86 ~~b. Commercial (one bin per week), \$30.26 per annum, on a yearly basis with~~  
87 ~~payment due on October 1 of each year.~~

88 ~~c. Commercial (one toter per week), \$143.32 per annum, on a yearly basis~~  
89 ~~with payment due on October 1 of each year.~~

90 ~~d. Commercial (container, two yards, per week), \$636.96 per annum, on a~~  
91 ~~quarterly basis with payment due on the first day of each quarter.~~

92 ~~(2) Any fee under this section which shall be due and remain unpaid for a period of 30~~  
93 ~~days beyond the due date shall become delinquent. All delinquent fees shall bear~~

94 a penalty of ten percent for the first 30 days, and an additional penalty of one  
95 percent for each month thereafter. In addition, all delinquent fees shall constitute a  
96 lien against the premises, which shall become effective and binding as such lien  
97 from the date upon which the delinquency is created.

98  
99

\* \* \*

100 **Section 3. Severability.** If any section, sentence, clause or phrase of this  
101 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
102 then said holding shall in no way affect the validity of the remaining portions of this  
103 Ordinance.

104 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission,  
105 and it is hereby ordained that the provisions of this Ordinance shall become and made a part  
106 of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
107 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be  
108 changed to "Section" or other appropriate word.

109  
110 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
111 ordinances or resolutions in conflict herewith are hereby repealed.

112  
113 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
114 on second reading.

115  
116 **PASSED** on first reading on the 8<sup>th</sup> day of August, 2023.

117 **PASSED AND ADOPTED** on second reading on the 12<sup>th</sup> day of September, 2023.

118 **First Reading:**

119 Motion by: Vice Mayor Rose

120 Second by: Commissioner Landsman

121

122

123 **Second Reading:**

124 Motion by: Commissioner Landsman

125 Second by: Commissioner Meisheid

126

127

128 **FINAL VOTE ON ADOPTION**

129 Commissioner Fred Landsman Yes

130 Commissioner Marianne Meisheid Yes

131 Commissioner Nelly Velasquez Yes

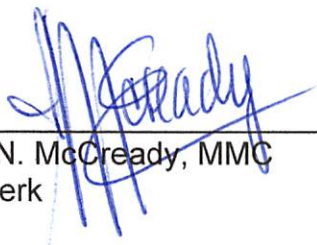
132 Vice Mayor Jeffrey Rose Yes

133 Mayor Shlomo Danzinger Yes

134


135

136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181



Sandra N. McCready, MMC  
Town Clerk



  
Shlomo Danzinger, Mayor

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney



## Town of Surfside

### List of Acceptable Recycable Items

**RECYCLABLES** must be dry, loose (not bagged) and include **ONLY** the following:

Aluminum cans – empty	Newspaper
PET bottles with the symbol #1 - with screw tops only – empty	Mail
HDPE plastic bottles with the symbol #2 (milk, water bottles, detergent, and shampoo bottles, etc.) – empty	Magazines, glossy inserts, pamphlets and catalogs
Plastic containers with symbols #3-#7 – empty (no expanded polystyrene)	Uncoated paperboard (ex. Cereal boxes; food and snack boxes)
Steel and tin cans – empty	Uncoated printing, writing and office paper
Glass food and beverage containers – brown, clear, or green – empty	Old corrugated containers/cardboard (uncoated)
	Phone books

Items not listed above are not permissible.