



To: Billy Urquia, City Clerk

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Scrivener's Error in Ordinance 2019-10

Date: March 15, 2019

We have been alerted by Mr. Ortiz's message below that there is a scrivener's error in Ordinance 2019-10 (the "Ordinance") that must be corrected. Specifically, the Ordinance incorrectly refers to Section 54-156 of the City Code, instead of Section 54-146. Section 54-156 is a "reserved" section; Section 54-146 is the section regarding "Permitted areas of disposition of household refuse and clean yard waste" that was intended to be referenced. Thus, the reference to Section 54-156 is a scrivener's error and the Ordinance should be amended to refer to Section 54-146. The City Attorney has been granted express authority to take such action under Section 2-252(e)(9) of the City Code. Accordingly, pursuant to that section, please make the following administrative correction:

Strike "54-156" throughout the Ordinance and replace with "54-146"

Paulk, Enga

From: Ramos, Miriam
Sent: Friday, March 15, 2019 3:03 PM
To: Paulk, Enga
Cc: Suarez, Cristina
Subject: FW: Ordinance 2019-10 references reserved code section in Municode

Enga, please publish.

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

*Board Certified by the Florida Bar in
City, County, and Local Government Law*

City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



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From: Suarez, Cristina
Sent: Friday, March 15, 2019 3:02 PM
To: Urquia, Billy <burquia@coralgables.com>
Cc: Ramos, Miriam <mramos@coralgables.com>; Davis, Yolande <ydavis@coralgables.com>; Ortiz, William <wortiz@coralgables.com>
Subject: RE: Ordinance 2019-10 references reserved code section in Municode

Mr. City Clerk:

We have been alerted by Mr. Ortiz’s message below that there is a scrivener’s error in Ordinance 2019-10 (the “Ordinance”) that must be corrected. Specifically, the Ordinance incorrectly refers to Section 54-156 of the City Code, instead of Section 54-146. Section 54-156 is a “reserved” section; Section 54-146 is the section regarding “Permitted areas of disposition of household refuse and clean yard waste” that was intended to be referenced. Thus, the reference to Section 54-156 is a scrivener’s error and the Ordinance should be amended to refer to Section 54-146. The City

Attorney has been granted express authority to take such action under Section 2-252(e)(9) of the City Code. Accordingly, pursuant to that section, please make the following administrative correction:

Strike "54-156" throughout the Ordinance and replace with "54-146"

Please let me know if you need any additional information.

Thanks,
Cristina

Cristina M. Suárez
Deputy City Attorney & City Prosecutor
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From: Ramos, Miriam
Sent: Wednesday, March 13, 2019 3:22 PM
To: Ortiz, William <wortiz@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>
Subject: FW: Ordinance 2019-10 references reserved code section in Municode

Will, I think you may be right. I am copying Cristina, who drafted the ordinance, so that she can confirm. If that is the case, we will have the Clerk’s Office make the change.

Miriam Soler Ramos, Esq., B.C.S.
City Attorney
Board Certified by the Florida Bar in
City, County, and Local Government Law
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405 Biltmore Way, 2nd Floor
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From: Ortiz, William
Sent: Wednesday, March 13, 2019 1:08 PM
To: Ramos, Miriam <mramos@coralgables.com>
Subject: Ordinance 2019-10 references reserved code section in Municode

Hi Miriam:

I received the attached ordinance from the City Clerk’s Office. Upon review, I noticed that the ordinance references code section 54-156. According to Municode, this section is reserved; please see first image below from the Municode webpage. I believe the correct section would be 54-146; please see second image below. Please advise.

Thank you.

VERSION: JAN 31, 2019 (CURRENT) ▾

- ▶ Chapter 6 - ALCOHOLIC BEVERAGES
- ▶ Chapter 10 - ANIMALS
- ▶ Chapter 14 - BUSINESSES
- ▶ Chapter 18 - ELECTIONS
- ▶ Chapter 22 - EMERGENCY SERVICES
- ▶ Chapter 26 - FIRE PREVENTION AND PROTECTION
- ▶ Chapter 27 - STATE OF EMERGENCY ORDINANCE
- ▶ Chapter 30 - HEALTH
- ▶ Chapter 34 - NUISANCES
- ▶ Chapter 38 - OFFENSES AND MISCELLANEOUS PROVISIONS
- ▶ Chapter 42 - PARKS AND RECREATION
- ▶ Chapter 46 - PENSIONS
- ▶ Chapter 50 - SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS
- ▼ Chapter 54 - SOLID WASTE
 - ▶ ARTICLE I. - IN GENERAL
 - ▶ ARTICLE II. - LITTER
 - ▶ ARTICLE III. - COLLECTION AND DISPOSAL

Sec. 54-149. - Segregation of recyclable material.

- (a) All recyclable material, as defined in [section 54-86](#) garbage container.
- (b) It shall be a violation of this division for any person recycling program as provided for herein.

(Code 1991, § 21-54; Code 2006, § 54-156; Ord. No. 3033, § 1, 7-2

Secs. 54-150—54-166. - Reserved.

DIVISION 4. - RATES, CHARGES, AND BILLING PRO

Sec. 54-167. - Fee imposed.

Except as herein otherwise provided, all residents, occupant disposed of by the public works department of the city, and for : city the fees set forth herein.

(Code 1958, § 15-14; Code 1991, § 21-71; Code 2006, § 54-181; O

Sec. 54-168. - Liability of property owners; auxiliary livir

- (a) In case of all buildings situated in all areas of the containers and recycling containers for such built
- (b) Duplexes and townhouses shall be treated, for ca calculation of collection fees, as apartments.

(Code 1958, § 15-15; Code 1991, § 21-72; Code 2006, § 54-182; O

Sec. 54-169. - Fees payable in advance; separate collecti

The fees prescribed herein are payable in advance regardles such auxiliary or separate living units are occupied by persons w and payable for each such auxiliary or additional living unit in ac

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- ▶ Chapter 6 - ALCOHOLIC BEVERAGES
- ▶ Chapter 10 - ANIMALS
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- ▶ Chapter 42 - PARKS AND RECREATION
- ▶ Chapter 46 - PENSIONS
- ▶ Chapter 50 - SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS
- ▼ **Chapter 54 - SOLID WASTE**
 - ▶ ARTICLE I. - IN GENERAL
 - ▶ ARTICLE II. - LITTER
 - ▶ ARTICLE III. - COLLECTION AND DISPOSAL

Sec. 54-146. - Permitted areas of disposition of household limitations on time of deposits; special pick-up for white

- (a) Violations of this section are punishable as provided in Section 54-147.
- (b) All residents and occupants of property within the city shall not accumulate household refuse or clean yard waste in a manner that does not block access through the driveway to the street. Household refuse shall be disposed of by the employees of the city (or the city's contractor) to points approved and designated for such disposal. Household refuse shall be placed in a clean yard waste to points approved and designated for such disposal. Landscaping and tree trimming work shall be completed by their work within the city. These same services shall be provided at the trash deposit locations.
 - (1) Owners of properties may share the use of a driveway. In so doing, each property owner is made responsible for compliance with all applicable Code requirements associated with such shared locations.
 - (2) Distinct trash pile areas fully within the right-of-way with a neighbor, and in so doing does accept responsibility for those shared locations are prohibited.
 - (3) Household refuse and clean yard waste may be placed in a container shall be kept a minimum of five feet away from the public infrastructure or so as to cause a nuisance or be inconsistent with the best interests of the city.
- (c) Household refuse and clean yard waste placed up shall not exceed a maximum length of three feet when placed upon the street.
- (d) All residents and occupants of property within the city shall not accumulate household refuse or clean yard waste and any later than 7:00 a.m. on the day of the scheduled collection.
- (e) White goods shall not be placed on the parkway within the city.

(Code 1991, § 21-51; Code 2006, § 54-153; Ord. No. 3033, § 1, 7-2)

Sec. 54-147. - Prohibited disposition of trash, clean yard

Thank you.

William Ortiz
Code Enforcement Division
Development Services Department
City of Coral Gables
427 Biltmore Way Suite 100
Coral Gables, FL 33134
Ph: 305-460-5271
Fax: 305-460-5348



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