



To: Diana Gomez

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Solid Waste Cleanup Ordinance

Date: September 19, 2016

I have reviewed the ordinance and it is my opinion, pursuant to section 2-201(e)(1) and (8) of the City Code, that the revisions may be done by interlineation pursuant to section 2-201(e)(9) of the City Code. Presently, section 54-184 indicates that the occupation of a place of abode (i.e. residence) or place of business is prima facie evidence that garbage, trash or garden trash (i.e. solid waste) are being produced/accumulated and that fees are thereby due the city for such solid waste collection and disposal. The proposed revisions ultimately make the same point in a clearer way, while changing the format by separating the business component from the residential one in successive provisions within section 54-184. There is no substantive or material change, however, and this constitutes merely a change to the form. The City Attorney is expressly granted authority to address these type of matters in section 2-201(e)(6) of the City Code, including improving the format of the City Code and Zoning Code by moving provisions around.

Accordingly, pursuant to section 2-201(e)(1), (8), and (9) of the City Code, I hereby direct the language in section 54-184 of the City Code now read as follows:

Sec. 54-184. - ~~Occupied premises~~ as Prima facie evidence of refuse accumulation, fees due.

~~(A) The fact that any structure on nonresidential property place or abode or any place of business is occupied shall be prima facie evidence that garbage, trash or garden trash solid waste is being produced and accumulated upon such premises, and that fees for the collection and disposal thereof are due the city.~~

~~(B) The existence of a residential dwelling unit shall be prima facie evidence that such property is generating or is capable of generating solid waste, and that fees for the collection and disposal thereof are due the city.~~

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Solid Waste clean up ordinance
Date: Monday, September 19, 2016 11:44:02 AM
Attachments: [image001.png](#)

Please publish.

Craig E. Leen, City Attorney

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

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

Phone: (305) 460-5218

Fax: (305) 460-5264

Email: cleen@coralgables.com



CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, September 19, 2016 11:44 AM
To: Gomez, Diana; Ramos, Miriam
Cc: Foeman, Walter
Subject: RE: Solid Waste clean up ordinance

City Attorney Opinion

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(B) The existence of a residential dwelling unit shall be prima facie evidence that such property is generating or is capable of generating solid waste, and that fees for the collection and disposal thereof are due the city.

Mr. Clerk, please inform the Municipal Code corporation to update this online, and please let them know to include this in the update to the Code that will be presented to the City Commission.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Gomez, Diana
Sent: Monday, September 19, 2016 9:26 AM

To: Leen, Craig; Ramos, Miriam
Subject: Solid Waste clean up ordinance

Craig,

This is the solid waste ordinance that Heather feels is necessary. Please let me know if it needs to be on the agenda.

Diana M. Gomez
Finance Director
City of Coral Gables

Begin forwarded message:

From: "Encinosa, Heather" <hencinosa@ngn-tally.com>
Date: August 26, 2016 at 2:42:55 PM EDT
To: "Gomez, Diana" <dgomez@coralgables.com> " <dgomez@coralgables.com>, "Leen, Craig" <cleen@coralgables.com>
Cc: "Rosenthal, Evan" <erosenthal@ngn-tally.com>, "Blalock, Sarah" <sblalock@ngn-tally.com>
Subject: Coral Gables Code Amendment Ordinance 8.26.2016.doc

Craig and Diana:

I will be sending the draft annual rate resolutions for fire and solid waste to you shortly. We have also prepared the attached ordinance amendment to conform section 54-184 of the code to the findings in the solid waste initial assessment resolution. This is really just a clean-up item that I recommend the city adopt at some point in the near future. In my opinion, it's not imperative that this get done before the assessments are imposed. Let me know if you have any questions.

Heather J. Encinosa, Esq.