

**ORDINANCE No. 2023-17**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING DIVISION 1 OF ARTICLE II “LITTERING” OF CHAPTER 20 “ENVIRONMENT” TO REVISE THE PENALTIES SET FORTH IN SECTION 20-19, TITLED “THROWING LITTER IN PUBLIC PLACES; POSSESSION OF GLASS OR METAL CONTAINERS ON PUBLIC PARKS; SWEEPING OR THROWING LITTER IN GUTTERS; GARBAGE CONTAINERS REQUIRED FOR TAKE-OUT RESTAURANTS; CIVIL FINES FOR VIOLATION”, OF THE CITY OF DORAL’S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral (the “City”) prohibits littering through Chapter 20, Article II of its Code of Ordinances (the “City Code”); and

**WHEREAS**, specifically, Section 20-19 of the City Code (“City’s Litter Ordinance”) provides that it is unlawful for any person to throw, discard, place or deposit litter in any manner or amount whatsoever in or on any public highway, road, street, alley, thoroughfare or any other public lands, including in or on any freshwater lakes, canals, rivers or streams within the City; and

**WHEREAS**, the City’s Litter Ordinance also prohibits littering on private property subject to certain limitation and exceptions; and

**WHEREAS**, the Florida Litter Law, Sections 403.413-403.4135, Florida Statutes, contains a legislative finding that a comprehensive illegal dumping, litter, and marine debris control and prevention program is necessary to protect the beauty and the environment of Florida; and

**WHEREAS**, Section 403.4135(8), Florida Statutes, provides that said section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management; and

**WHEREAS**, currently, the penalties and fines for violations of the City's Litter Ordinance are extremely low, and insufficient to deter potential violators; and

**WHEREAS**, the Mayor and City Council through the adoption of this ordinance seek to promote and protect the public health, safety, and welfare for all of the City by providing for enhanced penalties for violations of the City's Litter Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF DORAL:**

**Section 1.** **Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

**Section 2.** **Amending Code.** Chapter 20, Article II of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

**Chapter 20 - ENVIRONMENT**

**Article I. – IN GENERAL**

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**Article II. – LITTERING**

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**DIVISION 1. – GENERALLY**

- (a) It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount whatsoever in or on any public highway, road, street, alley, thoroughfare or any other public lands, except in containers or areas lawfully provided therefor. It shall be unlawful for any person to throw, discard, place or deposit any garbage, cans, bottles or containers in or on any freshwater lakes, canals, rivers or streams within the city. In addition, it shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount whatsoever on any

private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations.

- (b) It shall be unlawful for any person to carry into any park within the city a glass bottle or other glass container.
- (c) It shall be unlawful for any person to sweep, cast or throw, or cause to be cast or thrown, into any of the gutters, drains or sewers within the city any garbage, trash, tree or grass cuttings or other objects or substances.
- (d) All restaurants with take-out service shall have up to four garbage containers, as need requires, based on the determination of the city manager or his designee. The containers shall be located in front of and within 50 feet in each direction of the premises at locations approved by the city manager or his designee. These containers shall be kept in clean and sanitary condition at all times and shall be emptied daily or more frequently if necessary to prevent overflowing.
- (e) The following fines shall be imposed for violations of this section:
  - (1) First citation within a 12-month period, ~~\$100.00~~ \$1,000.00 fine.
  - (2) Second citation, within a 12-month period, ~~\$250.00~~ \$2,000.00 fine.
  - (3) Third citation, or subsequent offense within a 12-month period, ~~\$500.00~~ \$3,000.00 fine.

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**Section 3.** **Severability.** If any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

and shall remain in full force and effect.

**Section 4. Repeal of Conflicting Provisions.** All ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

**Section 5. Inclusion in Code.** It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall become upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Pineyro who moved its adoption.

The motion was seconded by Councilmember Puig-Corve upon being put to a vote, the

vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 14 day of June, 2023.

PASSED AND ADOPTED on SECOND READING this 9 day of August, 2023.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



VALERIE VICENTE, ESQ. for  
NABORS, GIBLIN & NICKERSON, P.A.  
CITY ATTORNEY