

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 74 OF THE CITY OF CORAL GABLES CODE TO MAKE THE ACT OF OBSTRUCTING LANES OF TRAFFIC IN COMMERCIAL AND MIXED-USE ZONES A CODE ENFORCEMENT VIOLATION WITH PRESCRIBED PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, it has come to the City Commission's attention that vehicles, particularly commercial vehicles loading and unloading in the commercial and mixed-used zones of the City, often obstruct lanes of traffic when they park or stop to load and unload items; and

WHEREAS, the obstruction of lanes of traffic not only creates traffic congestion, but also creates dangerous road conditions for drivers and pedestrians; and

WHEREAS, the City Commission wishes to reduce the traffic and safety impact the parking and loading and unloading of vehicles in traffic lanes, has on the City and its residents; and

WHEREAS, the City Commission wishes to make the registered owners and/or drivers engaging in this dangerous conduct, responsible for the same;

WHEREAS, the City Commission finds that this Ordinance is in the best interests of the City.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 74 "Traffic and Vehicles" of the Code of the City of Coral Gables, Florida is amended to create section 74-50 as follows:

CHAPTER 74

ARTICLE III. – Stopping, Standing and Parking

* * * * *

Sec. 74-50. – Streets; Obstruction of Lanes of Traffic, Parking and Loading/Unloading

- (1) It shall be unlawful for any driver to park or stop a vehicle so as to obstruct a lane of traffic in a commercial or mixed-use zone of the City.
- (2) The registered owner and/or driver of the vehicle shall be liable for the violation of this code section.
- (3) Nothing in this section is intended to remove the authority of the police department to cite the registered owner and/or driver of the vehicle under any pertinent section of Florida Statutes.
- (4) A violation of this section shall be considered a Code Enforcement matter. A violation may be issued by a City Police officer, Traffic Enforcement officer, or Code Enforcement officer.
- (5) The registered owner and/or driver who has been issued a ticket must elect to either:
 - (a) pay a civil fine of \$100; or
 - (b) request an administrative hearing before a special master as set forth in Art. VI, Division 3 of the City Code of Ordinances.
- (6) Failure to pay the civil fine, or to timely request an administrative hearing before a hearing officer, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assess accordingly.
- (7) Exemptions. Registered owners and/or drivers of the following types of vehicles shall be exempt from this section:
 - (a) City vehicles;
 - (b) Emergency Services vehicles;
 - (c) Vehicles owned by the United States Postal Service while engaged in mail delivery;
 - (c) School buses (public or private) while loading/unloading children;
 - (d) Transportation services for the disabled or handicapped while loading or unloading passengers; and
 - (e) Ridesharing services while loading/unloading passengers.
- (8) The city, as well as its elected and appointed officials, employees, and agents, are immunized from civil or criminal liability for actions taken in accordance with this section.

SECTION 3. 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 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2018.

APPROVED:

RAÚL VALDÉS-FAULI
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY