

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CITY CODE SECTION 78-101, “COMPULSORY CONNECTION REQUIRED WHERE SANITARY SEWER AVAILABLE,” TO PROVIDE FOR CITY RESPONSIBILITY FOR SEWER LATERALS LOCATED IN THE RIGHT-OF-WAY UNDER CERTAIN CONDITIONS; TO ESTABLISH CIRCUMSTANCES UNDER WHICH PROPERTY OWNERS REMAIN RESPONSIBLE FOR REPAIRS; TO ESTABLISH TRIGGERS FOR MANDATORY LATERAL REPLACEMENT DURING NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 78-101 of the City Code currently places the full responsibility for the construction, maintenance, and repair of sewer laterals, including those in the public right-of-way (ROW), upon the property owner; and

WHEREAS, the City Commission finds that it is in the public interest for the City to assume responsibility for the maintenance and repair of lateral sewer connections located within the public ROW, provided certain safeguards and limitations are adopted to ensure equity and protect City infrastructure; and

WHEREAS, the Commission also seeks to preserve the City's ability to require lateral replacement when significant redevelopment or new construction occurs on private property; and

WHEREAS, the Commission finds it necessary to update the City Code to reflect this change and to establish appropriate cost-recovery mechanisms and owner obligations.

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

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. Section 78-101 of the City Code, is amended as attached in Exhibit A¹:

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. 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 part of the City Code and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the City Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2025.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ

CITY ATTORNEY

Exhibit “A”

Sec. 78-101. - Compulsory connection required where sanitary sewer is available.

(a) The owner of each lot or parcel of land or building site within the area designated by ordinances of the city as local improvement district SS-1, and the owner of each lot or parcel of land or building site which may be located within any subsequent local improvement district or other area established for the construction and installation of sanitary sewers within the city, as the system may from time to time be extended, and upon which lot or parcel of land or building site a building or other inhabitable structure has been or shall be erected, shall be and hereby is required to connect the building or structure to the sanitary sewer system within ~~420~~365 days from the date that such sanitary sewer system, or that portion thereof available to serve the premises in question, is completed and goes into operation. In the event the property is served by a failing onsite sewage treatment and disposal system (OSTDS), also known as a septic system, connection shall be made within 90 days of written notification of failure by the Florida Department of Health or the City’s Sanitary Sewer division, or sooner if deemed necessary by public health officials. ~~The owner, tenant, occupant or user of any such building or structure or unit thereof, as the case may be, shall be solely responsible for the construction, maintenance, repair, and cleaning of all laterals from their property line to any point of connection with the city’s sanitary sewer system and shall thereafter refrain from using, and cease to use, any other method for the disposal of sewage and sewage wastes. The owner, tenant, occupant or user of such building or structure may request that an inspection of a lateral be performed at their expense, and at the discretion of the public works director, to determine by inspection and testing the cause and source of damage to laterals.~~ The owner, tenant, occupant, or user of any such building or structure or unit thereof shall be responsible for the construction, maintenance, repair, and cleaning of all laterals located within their private property and for the construction of new laterals in the public right-of-way (ROW). The City shall assume responsibility for the maintenance, repair, and cleaning of all gravity lateral segments located within the ROW, except where damage is caused by trees, roots, or vegetation located on private property. In such cases, the property owner shall remain responsible for all associated repair costs within the ROW.

If a property undergoes new construction or a Level 2 or Level 3 alteration, as defined in the Florida Building Code, with a construction cost (excluding any sewer lateral work) equal to or exceeding \$150,000, or includes an addition of 1,000 square feet or more, the property owner shall be required to replace the entire lateral from the structure to the point of connection in the ROW, provided that the Public Works Director determines such replacement is necessary due to deterioration, insufficient capacity, or other infrastructure concerns.

The owner, tenant, occupant or user shall thereafter refrain from using, and cease to use, any other method for the disposal of sewage and sewage wastes.

~~(b) The owner, tenant, occupant or user agrees that they will be responsible for the full cost of such inspection unless it is determined that the cause of damage is due to the city, in which case the city will~~

~~incur all costs. In all cases, the public works director shall determine the method of testing or inspection and the owner, tenant, occupant or user of such building or structure shall be required to sign a hold harmless and/or a waiver of liability prior to the city conducting any such test or examination. The city shall be responsible for any damage to laterals that is caused by the city or by root intrusion from city trees. The owner, tenant, occupant or user of any such building or structure or unit thereof, as the case may be, shall, effective at the time and date specified below, pay sewer charges as provided for in this division.~~

~~(c) The owner, tenant, occupant or user of such building or structure may request that an inspection of a lateral be performed at their expense, and at the discretion of the public work director, to determine by inspection and testing the cause and source of damage to laterals. The owner, tenant, occupant or user agrees that they will be responsible for the full cost of such inspection unless it is determined that the cause of damage is due to the city, in which case the city will incur all costs. Fees for investigation and/or emergency response to sewer collection shall be as established by the city. Complaints (call outs), fees shall be charged only if the department is not responsible to correct complaint.~~

(b) A “properly functioning septic system” shall mean an onsite sewage treatment and disposal system that complies with Chapter 62-6, Florida Administrative Code, and effectively collects, treats, and disposes of domestic wastewater without causing surface discharge, groundwater contamination, plumbing backup, or sanitary nuisance.

(c) A “failing septic system” shall mean a system that exhibits structural damage, surfacing effluent, backup into plumbing, or evidence of noncompliance with state standards as determined by the Florida Department of Health or City staff.