

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, REQUIRING LANDSCAPE MAINTENANCE CONTRACTORS, TREE TRIMMERS, GARDENERS AND OTHERS SIMILARLY SITUATED, TO REGISTER ANNUALLY WITH THE CITY PRIOR TO PERFORMING ANY WORK IN THE CITY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, a significant portion of the City’s residents contract landscape maintenance contractors, tree trimmers, gardeners and others similarly situated, to perform services on their property; and

WHEREAS, these service providers typically use trucks and/or trailers which they park in the City’s residential neighborhoods while they are performing work; and

WHEREAS, it is a public safety concern to have unidentified trucks parked in residential neighborhoods; and

WHEREAS, in order to increase the safety of our residents, the City Commission wishes to institute a registration program for these types of service providers; and

WHEREAS, the City Commission wishes to create Section 82-5, under Article I, Chapter 82, Vegetation, of the City Code to require landscape maintenance contractors, tree trimmers, gardeners and others similarly situated, to register annually with the City.

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

SECTION 1. 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 82-5 of the Code of the City of Coral Gables, Florida, under Article I, Section 82, is hereby created to read as follows:

Chapter 82 – Vegetation

Article I. – In General

* * *

Sec. 82-5 – Annual Registration Required.

(a) *Registration.* Landscape maintenance contractors, tree trimmers, gardeners, and others similarly situated, shall register all vehicles with the City annually before providing services within the boundaries of the City of Coral Gables. Registration includes the payment of a registration fee of \$5 per vehicle decal. Registration shall run with the calendar year. The information provided on the City’s registration form is subject to the City’s False Claims Ordinance (Chapter 39, City Code). While performing work, operators shall follow the Maintenance of Traffic plans in place at the time of service as well as any other established City policies and guidelines relating to these service and shall only use a vehicle that has an affixed decal issued by the City. Nothing in this ordinance shall be read to eliminate the requirement of obtaining a Local Business Tax Receipt as prescribed in Chapter 66 of the City Code and Chapter 205, F.S.

(b) *Penalties.*

(1) A landscape maintenance contractor, tree trimmer, gardener, or other similarly situated individual/company, who fails to register all vehicles prior to performing the work or who uses a vehicle without the affixed City-issued decal shall be given a warning and fifteen (15) calendar days to complete the registration process;

(2) If the individual/company does not complete the registration process within the 15 calendar days, and continues to work in the City or performs work using a vehicle without an affixed City-issued decal, a Code Enforcement Officer shall issue a ticket. The ticket shall inform the violator of the nature of the violation, amount of the fine for which the violator is liable, instructions and due date for paying the fine, and that the violation may be appealed pursuant to the procedures in Article VI, Division 3 of the City Code of Ordinances.

(3) A violator who has been issued a ticket must elect to either:

- i. Pay the following civil fine:
 - a. First violation within a 12-month period.....\$50.00;
 - b. Second or subsequent violation within a 12-month period..... \$100.00.
- ii. Request an administrative hearing before a special master as set forth in Article IV, Division 3 of the City Code of Ordinances.

(4) 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 assessed accordingly.

(5) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including

levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes.

(6) The hearing officer shall not have discretion to alter the penalties prescribed in this article. Any party aggrieved by a decision of a hearing officer may appeal that decision to a court of competent jurisdiction.

(7) In addition to issuing a ticket, the Code Enforcement Officer may require that an individual/company, who is not registered within fifteen (15) days of receiving and who is committing an egregious violation or is a repeat offender, cease performing the work immediately.

(c) *Exemptions.* The following are exempt from the registration requirement:

(1) Any individual 19 years of age or younger who performs landscaping services on a part-time basis and who does not use a commercial vehicle while doing so;

(2) Active City vendors engaging in work for the City or who perform work at the City's request;

(3) Subcontractors for Florida Power and Light (FPL) or other utility companies performing landscaping maintenance to areas surrounding polls or other equipment;

(4) Landscaping or tree trimming performed either in anticipation of a state of emergency, due to a hurricane or similar natural disaster, or following such an event for a reasonable period of time, as determined by the City Manager.

(5) Educational institutions (including the school district and public or private colleges or universities), county, state and federal government entities, religious institutions and hospitals.

(6) The City Manager may waive the registration requirement for good cause.

(d) *Immunity.* The City and 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. The City shall undertake an educational campaign, beginning upon the adoption of this Ordinance, in order to inform residents and businesses of its requirements. The campaign will include: the use of social media, programming on Gables T.V., printed informational materials, websites, resident letters and/or emails and mail inserts. The City shall provide the individual or company with all pertinent rules and regulations at the time of registration.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 7. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This ordinance shall become effective upon adoption except that enforcement shall not begin until 90 days after second reading.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2017.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY