

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2026-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 58 “SPECIAL ASSESSMENTS”, ARTICLE III- “REPAIR OR CONSTRUCTION OF STREETS AND SIDEWALKS” TO AMEND SECTION 58-48 “DUTY OF ABUTTING PROPERTY OWNERS TO REPAIR” IN ORDER TO AMEND THE CODE TO CLARIFY THAT ABUTTING PROPERTY OWNERS ARE NOT RESPONSIBLE FOR DEFECTIVE SIDEWALKS WHERE SUCH DEFECTS ARE A RESULT OF CITY TREES AND THE CITY HAS BEEN NOTIFIED OF THOSE DEFECTS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, Section 58-48 of the City Code provides that it is the duty of the owner of property abutting defective sidewalks to remedy such defective conditions; and

WHEREAS, recently, in certain situations, the City has assumed the duty to repair defective sidewalks when the defects are the result of damage caused by trees installed and maintained by the City; and

WHEREAS, this Ordinance codifies that practice and clarifies that abutting property owners are not responsible for damage caused to sidewalks by city installed and maintained trees provided that the abutting property owner timely notifies the City of those deficiencies;

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. That the City Commission does hereby amend Chapter 58, “Special Assessments,” Article III “Repair of Construction of Streets and Sidewalks,” Section 58-48 “Duty of abutting property owners to repair” as indicated below¹:

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

Sec. 58-48. Duty of abutting property owners to repair.

(a) Sidewalks in the city that are broken, cracked or otherwise in such condition as not to present a smooth, continuous surface, are a nuisance. It shall be the duty of the owner of property abutting defective sidewalks to remedy such defective condition, unless it has been determined by the city that such defect is a result of damage from a city installed and maintained tree and the abutting property owner has notified the city of said defect(s).

(b) If it is necessary for the city to remove or trim a tree located on private property while constructing or repairing a sidewalk. If the city damages a tree located on public property while constructing or repairing a sidewalk, the city will remove or trim the tree at the city's expense.

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

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 portion 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. 2026.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ

CITY ATTORNEY

