

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-39

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 38-1 OF THE CITY OF CORAL GABLES CODE, ADDING A FINE UP TO \$15,000, WHEN A MISDEMEANOR IS COMMITTED WITHIN THE LIMITS OF THE CITY, AS SPECIFIED UNDER SECTION 162.09(2), F.S., PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 38-1 of the City of Coral Gables Code makes it “unlawful for any person to commit, within the limits of the City, any act which is or shall be recognized by the laws of the state as a misdemeanor;” and

WHEREAS, the City Commission wishes to add a penalty provision to said Section so as to preserve its right to enforce the section as a code enforcement matter; and

WHEREAS, this provision is not intended as a criminal penalty; and

WHEREAS, Section 162.09, F.S. grants municipalities with a population equal to or greater than 50,000 the authority to impose fines up to \$15,000 for certain violations; and

WHEREAS, the 2015 U.S. Census estimate for the City of Coral Gables is 51,117 therefore the City Commission finds that the City of Coral Gables has a population equal to or greater than 50,000;

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 passage and adoption hereof.

SECTION 2. Section 38-1 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

Sec. 38-1. – Adoption of state misdemeanors.

(a) It shall be unlawful for any person to commit, within the limits of the city, any act which is or shall be recognized by the laws of the state as a misdemeanor. The commission of such acts is hereby forbidden.

(b) In addition to the standard penalties prescribed in Section 1-7 of the City Code, in the event that a violation is irreparable, the City may elect to treat the matter solely as a code

enforcement violation and issue a fine up to \$15,000 pursuant to Sec. 162.09, F.S.

(c) A code enforcement citation issued pursuant to this section can be appealed consistent with Section 101-185 of the City Code.

(d) The amount of the fine may be reduced by way of a settlement agreement under the City Attorney's settlement authority, as set out in Secs. 101-190(c) and 2-201(6) of this Code.

(e) If the event of a pending criminal prosecution arising out of the same set of events, the ticket may be issued but the proceedings will be stayed until the conclusion of the criminal case.

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 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 6. 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 7. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF JULY, A.D. 2016.

(Moved: Lago / Seconded: Slesnick)

(Yeas: Lago, Slesnick, Keon, Cason)

(Majority: (4-0) Vote)

(Absent: Quesada)

(Agenda Item: E-3)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY