

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, CREATING SECTION 82-5, UNDER ARTICLE I, CHAPTER 82, VEGETATION, OF THE CITY OF CORAL GABLES CODE, PROVIDING FOR THE MAINTENANCE OF HEDGES ON PRIVATE PROPERTY, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, hedges provide privacy, serve as a sound barrier, and add to the aesthetic character of homes throughout the City of Coral Gables; and

WHEREAS, hedges are often planted along the rear and side property lines of lots in the City; and

WHEREAS, depending on their location, hedges can impact the right-of-way; and

WHEREAS, hedges planted along a shared property line, impact the abutting property; and

WHEREAS, the City Commission wishes to create Section 82-5, under Chapter 82, Vegetation, of the City Code, to require proper and fair maintenance of hedges.

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 City of Coral Gables Code, is hereby created to read as follows:

Chapter 82 – Vegetation

Sec. 82-5 – Maintenance of hedges

(a) *Definitions.*

(1) *Hedge* means a continuous arrangement of one or more shrubs, clumping palms, or bamboo plants which are planted to create the effect of a wall for purposes of providing a buffer.

(2) *Maintain* means kept in a manner that is manicured and presentable, that does not appear overgrown or unkept, that does not grow into the right-of-way and that does not present a safety hazard or visual clearance obstruction to pedestrian or vehicular traffic.

(b) *Duty to maintain.* The owner or occupant of a property where a hedge is located is responsible for properly maintaining all sides of the hedge, including the top. In cases where the hedge is planted along a property line between two (2) privately owned properties, the obligation to maintain the hedge is dependent on the owner or occupant of the adjoining property granting access to the individual or company intending to perform the maintenance work. If the adjoining property owner or occupant fails or refuses to grant a right of entry to the individual or company intending to provide maintenance to the hedge at reasonable times, despite a request, the obligation for maintenance of the other side of the hedge under this section is removed from the property owner owning the hedge until such time as the adjoining property owner requests maintenance be performed on their side of the property and grants access to allow for the same. The adjoining property owner is then responsible for the maintenance of the hedge of their side, including the top on their half. Nothing in this section shall be construed to grant any right of entry to an adjoining private property which is under separate ownership for the purpose of maintaining a hedge. Nothing in this sectional shall be construed to limit the adjacent property owner's right to trim the hedge up to the property line.

(c) *Penalty.* Any person who violates this article shall, upon conviction, be punished as provided in section 1-7.

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 _____ DAY OF _____, A.D. 2017.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY