

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-29

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 62, OF THE CITY OF CORAL GABLES CODE, TO AUTHORIZE THE CITY MANAGER TO DECLARE AND ESTABLISH PLAY STREETS, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has come to the City Commission's attention that certain city streets may be best utilized as designated play streets in order to enhance public safety and neighborhood quality of life; and

WHEREAS, state law provides for local authorities to designate and regulate traffic on play streets in F.S. §316.008(1)(p); and

WHEREAS, the City of Miami has similar regulations in its Code allowing designation of play streets; and

WHEREAS, the City Commission wishes to authorize the City Manager to declare and establish any street or part thereof a play street when the City Manager finds that the public safety and convenience will be best served by such a designation; and

WHEREAS, the City Commission wishes to authorize the City Manager to place appropriate signs and barricade enclosing the roadway indicating and protecting a play street, as well as other items including, but not limited to, landscaping, benches, and play equipment;

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

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 Chapter 62 "Streets, Sidewalks and other Public Places" of the Code of the City of Coral Gables, Florida be hereby amended as follows:

CHAPTER 62- STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IX. – PLAY STREETS

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Sec. 62-266– Play Streets.

- (1) The City Manager is hereby authorized to declare and to establish, whenever he or she shall find that the public safety and convenience are best served thereby, any street or part thereof a play street and to place appropriate signs and barricades enclosing the roadway indicating and helping to protect the same.
- (2) The City Manager is authorized to place other items including, but not limited to, landscaping, benches, and play equipment on a play street.
- (3) Whenever authorized signs and barricades are erected enclosing any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof.

SECTION 3. IMPLEMENTATION.

It is the City's legal position that it is acting under its authority based on general law to designate and regulate play streets within its boundaries pursuant to F.S. 316.008 and F.S. 316.006(2), that the Miami-Dade County Home Rule Charter ("County Charter") does not allow for preemption of municipalities by the County, and that section 6.02 of the County Charter affirmatively grants the City the authority to have higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens. The County asserts that the authority to designate play streets within the incorporated and unincorporated areas of Miami-Dade County is within its exclusive jurisdiction pursuant to F.S. 316.008 and 2-95.1 of the Code of Miami-Dade County ("County Code"). Additionally, the County asserts that in accordance with section 1.01(A)(1) of the County Charter and section 2-96.1 of the County Code, it has exclusive jurisdiction over traffic engineering, including but not limited to any road closures or acts which would constitute a road closure, or any act that potentially diverts the flow of traffic, in both the incorporated and unincorporated areas of Miami-Dade County. The City does not agree with the County and believes a balancing of interests test would be applied by the City Commission to resolve any disputes between the City and County as to these matters. Without either side conceding their respective positions, the City voluntarily agrees to provide the County with the relevant information and documentation 45 days prior to the designation of any play streets within the City for the County's review and approval. If the County does not provide its approval within 45 days of receiving the requisite information and documentation, the designation shall be deemed approved by the County. If the City and County disagree over a play street designation or regulation both sides reserve their respective legal rights.

SECTION 4. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. CODIFICATION.

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 a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective upon passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF JULY, A.D., 2017.

(Moved: Quesada / Seconded: Lago)
(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-1)

APPROVED:



RAÚL VALDÉS-FAULI
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

ATTEST:



WALTER J. FOEMAN
CITY CLERK