



**municode**

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September 13, 2016

**TO: MR. CRAIG E. LEEN**  
**CITY ATTORNEY**  
**CITY OF CORAL GABLES, FLORIDA**

**RE: CORAL GABLES RECODIFICATION—SUBSTANTIVE CHANGE**

Chapter 1. General Provisions

**Code 2006, § 1-2. Definitions and rules of construction. (New Code § 1-2)**

1. Add definitions of should, will, and public right-of way or right-of way.
2. Added language providing that the terms special master, special magistrate and hearing officer are synonymous.
3. Added language providing that grants of immunity in the Code are in addition to other grants of immunity.

**Code 2006, § 1-7. General penalty; continuing violations. (New Code § 1-7)**

1. Delete subsections (a) and (b) as covered by the remaining provisions. This is an error made in the 2006 Code, for which apologies are extended.
2. Also altered to include provisions from Code 2006, § 101-84 and appendix A.
3. Provisions are included providing for a civil penalty for former §§ 54-58 and 74-11. As such provision provided for the penalty to be established by resolution and no penalty was stated, no penalty is stated.

4. As the \$400 fine for Code 2006, § 78-126(a) contradicted the penalties for Code 2006, §§ 78-126 and 78-126(b), deleted the \$400 fine.

***New Code § 1-8. Fees and charges.*** This section incorporated fees and charges for appendix A and other code sections. The exact amount of the fees are deleted and the introductory language indicates that fees can be established by ordinance, resolution or any other legal method. In addition, deleted the fees for steetlighting application requests as based upon nonexistent Code 2006, § 62-64(f).

**Code 2006, § 1-11. Certain ordinances not affected by Code (*New Code § 1-11*)**

1. Added provisions saving ‘grandfathering provisions’ from repeal. (***New Code § 1-11(a)(18)***).

2. Deleted subsection (c). This subsection saved from repeal provision have now been superseded by later ordinances.

**Chapter 2. Administration**

Article III. Boards, Commissions, Committees

Division 1. Generally

**Code 2006, § 2-58. Application of article; definitions; standards for creation and review of boards generally.** In subsection (d) corrected charter reference to be to Charter § 26. (***New Code § 2-51***)

**Code 2006, § 2-60. Terms of members.** In subsection (a) change “nominating commissioner” to “appointing commissioner.” This makes subsection (a) consistent with subsection (d). (***New Code § 2-53***)

**Code 2006, § 2-67. Rules of procedure.** Added language providing that the city attorney determines which provisions of Code 2006, §§ 2-68—2-75 are inapplicable to a specific board, commission or committee. (***New Code § 2-77***)

**Code 2006, § 2-74. Adjournment and continuances.** Added provisions relative to continuances. (***New Code § 2-84***)

## Division 2. Trial Board

**Code 2006, § 2-122. Failure of board to select members, county judge to select.** Changed county judge to chief judge of the Eleventh Judicial Circuit of Florida. (*New Code § 2-121*)

### Article IV. Officers and Employees

**Code 2006, § 2-199. City archives and records management program; duties of departments, the mayor and city commission offices.** Correct references to be to F.S. § 257.36 and F.A.C. ch. 1B-24. (*New Code § 2-249*)

**Code 2006, § 2-200. Indemnification of public officers, board members and employees.** Expanded to apply to all city officers and employees. This results in the deletion of subsection (b). (*New Code § 2-250*)

**Code 2006, § 2-201. City attorney and legal department.** (*New Code § 2-252*)

- I. In subsection (b), added deputy city attorney.
2. In subsection (e)(9), included resolutions and ordinances.

### Article V. Conflict of Interest and Code of Ethics

**Code 2006, § 2-226. Gifts.** (*New Code § 2-289*)

1. Altered subsection (a) (*gift defined*), so as to be consistent with Miami-Dade County Code § 2-11.1(e)(1) (see Miami-Dade County Code § 2-11.1(a))
2. In subsection (b) (*exceptions*), added exceptions found in Miami-Dade County Code § 2-11.1(e)(2)e—g.

**Code 2006, § 3-233. Actions prohibited when financial interests involved.** (*New Code § 2-296*)

1. Added language authorizing a waiver pursuant to Code 2006, § 2-1056 (New Code § 2-1024). See New Code §§ 2-1024, 2-1025.
2. Altered to be consistent with County Code § 2-11.1(n).

**Code 2006, § 2-236. Continuing application after city service.** Deleted subsection (c) as obsolete. (*New Code § 2-299*)

## Article VII. Finance

### Division 2. Refunding Bonds and Additional Tax Levies

**Code 2006, § 2-409. Revenue bonds, authority to levy additional taxes for payment.** Deleted the last sentence (*no referendum required to levy tax to pay bonds*) as in conflict with Fla. Const. art. VII, § 12. (*New Code § 2-376*)

**Code 2006, § 2-435. Classes.** Deleted the interest rate as repealed by F.S. §§ 215.84, 215.845. (*New Code § 2-399*)

**Code 2006, § 2-437. Agreement with holders, provisions.** Deleted subsections (2) and (5), it being assumed that no referendum would be held as required by Fla. Const. art. VII, § 12. (*New Code § 2-401*)

### Division 3. Municipal Projects

As the provisions of Code 2006, § 2-467(1) (derived from a special act—Related Laws) provide that projects may be constructed outside the city, it appear that these provisions remain a special act insofar as they relate to the exercise of powers outside the city. Therefore, Code 2006, §§ 2-466—2-478 are transferred to Related Laws.

### Division 4. Off-Street Parking Facilities

**Code 2006, § 2-512. Authority of city to acquire, eminent domain, fees.** Deleted reference to eminent domain as covered by F.S. § 166.411 et seq. (*New Code § 2-423*)

### Division 5. Sewer Financing

**Code 2006, § 2-545. General grant of powers.** Deleted subsection (5) (*eminent domain*) as covered by F.S. § 166.411 et seq. (*New Code § 2-459*)

## Article IX. Impact Fees

**Code 2006, § 2-2119. Severability.** Delete as covered by Code 2006, § 1-8 (New Code § 1-9).

## Chapter 10. Animals

### Article II. Dogs

**Code 2006, § 10-34. Removal of animal feces.** So as to modernize terminology, changed “blind or handicapped persons” to “individuals with disabilities.” See F.S. § 413.08. Also changed handicap to disability. (*New Code § 10-4*)

## Chapter 14. Businesses

### Article I. In General

**Code 2006, § 14-1. Distribution of advertising; license required.** It was determined that \$40.00 fee in this section was a business license tax. Therefore, it has been placed in the business license tax schedule. (*New Code § 1-8*)

### Article II. Secondhand Goods Dealers

**Code 2006, § 14-35. Holding period.** Per F.S. § 538.16, conformed to F.S. § 538.06. (*New Code § 14-25*)

**Code 2006, § 14-34. Record of purchases.** Per F.S. § 538.16, conformed to F.S. § 538.04. (*New Code § 14-24*)

### Article III. Going-Out-Of-Business, Fire Sales and Similar Sales

**Code 2006, § 14-68. Regulation and supervision.** Altered so enforcement by the finance director. (*New Code § 14-53*)

### Article IV. Closing Sales

#### Division 3. Permanent Closing Sales

Combined with Code ch. 14, art. III.

## Chapter 22. Elections

**Code 2006, § 22-7. Early voting.** Deleted. F.S. § 101.657 no longer has opt out provisions; a city must affirmatively provide that there is early voting in municipal elections that are not held in conjunction with county or state elections. Added a statement that the city may provide for early voting in city elections that are not held in conjunction with a state or county election. (*New Code § 18-7*)

## Chapter 26. Emergency Services

### Article II. Burglary, Fire and Robbery Alarms

**Code 2006, § 26-33. Alarm user certificates--Application; emergency notification and reporting service information.** Deleted the \$50.00 fine as inconsistent with the \$100 civil penalty provided for violations. (*New Code § 22-24*)

## Chapter 34. Nuisances

### Article I. In General

**Code 2006, § 34-11. Mosquitos.** Altered subsection (3) so that injunctive relief is additional remedy.

### Article II. Weeds, Wild Growth, Rubbish, Debris

**Code 2006, § 34-22. Failure to comply; form of notice to property owner.** In subsection (b), ungarbled the first sentence. (*New Code § 34-3*)

### Article III. Lost, Stolen, Junked, Abandoned Property

#### Division 2. Vehicles

**Code 2006, § 34-80. Procedure for removal and destruction.** Conformed subsection (1) to F.S. § 705.103. (*New Code § 34-107*)

### Article IV. Graffiti; Graffiti Removal

**Code 2006, § 34-109. Prohibitions.** Altered so fine is \$500. See F.S. §§ 806.13, 162.21(5)(b). (*New Code § 34-135*)

## Chapter 38. Offenses and Miscellaneous Provisions

### Article I. In General

**Code 2006, § 38-4. Discharge of paintball gun, marker, BB gun, or air-operated or gas-operated gun.** Ungarbled subsection (b). (*New Code § 38-5*)

## Article IV. Automated External Defibrillators

**Code 2006, § 38-80. Applicability.** Deleted the first sentence as obsolete. (*New Code § 30-24*)

## Chapter 42. Parks and Recreation

### Article II. Public Conduct in Parks

**Code 2006, § 42-19. Purpose.** Made the text a sentence. (*New Code § 42-22*)

**Code 2006, § 42-24. Expulsion from parks, recreation and open space facilities.** Added provisions for trespass warnings. (*New Code § 42-28*)

**Code 2006, § 42-28. Decency.** In subsection (e), change “improper place” to “unauthorized place.” (*New Code § 42-32*)

## Chapter 46. Solicitors, Itinerant Merchants and Secondhand Goods Businesses

**Code 2006, § 46-1. Ordinances saved from repeal.** Delete as obsolete. The ordinances saved from repeal herein were repealed by superseded by later ordinances; however Code 1991, §§ 18-48 (which has been modified to withstand constitutional muster) and 18-49 have included in the Code. (*See New Code §§ 50-2, 50-1*)

## Chapter 50. Pensions

### Article III. Retirement System for Police Officers

**Code 2006, § 50-276. Definitions.** In the definition of police officer, corrected the state law reference to be to F.S. § 185.02(16). (*New Code § 46-298*)

### Article IV. Firefighters' Pension Trust Fund

**Code 2006, § 50-314. Definitions.** In the definition of firefighter, corrected the state law reference to be to F.S. § 175.032(11)(a). (*New Code § 46-343*)

**Code 2006, § 50-320. Same--Power and authority.** Deleted subsections (7), (8) and (10) as they reference state imposed duties upon state departments, the titles of which are in error. (*New Code § 46-349*)

## Chapter 54. Solid Waste

**Code 2006, § 54-25. Litter in parks.** Deleted as covered by Code 2006, § 42-25. (*New Code § 42-29*)

**Code 2006, § 54-117. Roll-off waste contractors franchise agreements.** (*New Code 54-122*)

1. In subsection (f)(2), as the fee was found in former appendix A, altered so the city commission establishes the fee. (*New Code ??*)
2. Deleted subsection (q) (county franchisees as of Sept. 23, 1998) as obsolete.

**Code 2006, § 54-154. Trash and/or clean yard waste and/or refuse and/or wastes deposited in a prohibited location.** Delete the ‘criminal penalty) as covered by chapter 1 and the imposition of a civil penalty in app. A. See *New Code § 1-7. (New Code 54-147)*

### Article III. Repair or Construction of Streets and Sidewalks

**Sec. 54-80. Duty of abutting property owners to repair.** Added provisions relative to trees (*New Code § 58-48(c)*)

## Chapter 58. Special Assessments

### Article II. Capital Project and Related Services Assessment Ordinance

#### Division 1. Introduction

**Code 2006, § 58-121. Definitions.** Deleted the definition of ordinance. Throughout this article, the terms “ordinance and “this ordinance” were changed to “this article.” (*New Code § 58-90*)

## Chapter 62. Streets, Sidewalks and Other Public Places

### Article II. Street Names And Building Numbers

**Code 2006, § 62-27. Only assigned numbers allowed; posting incorrect street name.** As the schedule of penalties in former App. A, prohibited posting an incorrect street name and no such prohibition existed, added the prohibition to the section. (*New Code § 62-27*)



## Article III. Excavations

### Division 2. Protection of Underground Utilities

#### **Code 2006, § 62-95. Definitions.** (*New Code § 62-120*)

1. In the definition of “as-builts,” corrected reference to be to F.A.C. 5J-17.050.
2. In the definition of excavation, corrected statutory reference to be to 373.019(22).

**Code 2006, § 62-135. Private right of action.** Altered to apply on to commercial property. (*New Code § 62-155*)

## Chapter 66. Taxation

### Article II. Local Business Tax Act

**Code 2006, § 66-22. Application.** Changed the requirement that a social security number be given to a requirement that a taxpayer identification number or equivalent be given so as to be consistent with section 7 of Pub. L. 93-579. (*New Code § 66-23*)

### Article III. Insurance Premium Taxes

**Code 2006, § 66-75. Insurance premiums; excise imposed--Casualty.** Change state insurance commissioner to office of insurance regulation of the financial services commission. See F.S. § 185.08. (*New Code § 66-64*)

**Code 2006, § 66-76. Same--Property.** Revised to track F.S. § 175.101. (*New Code § 66-65*)

### Article IV. Public Service Tax

**Code 2006, § 66-97. Tax levied; schedule.** Added the language, implementing the mandatory provisions of F.S. § 166.231(1)(b). (*New Code § 66-90*)

### Article V. Telecommunication Service Tax

**Code 2006, § 66-131. Rate and amount of tax on purchase of telecommunication service.** Altered to state that the tax is at the maximum rate allowed by law. (*New Code § 66-117*)

## Article VI. Ad Valorem Taxation

### Division 2. Homestead Exemption for Low-Income Elderly Persons

**Code 2006, § 66-193. Commencement of additional exemption.** Delete as obsolete.

**Code 2006, § 66-195. Notification to property appraiser.** Delete as obsolete.

## Chapter 70. Telecommunications

### Article II. Cable Television Systems

Added provision providing that the article is effect only when a franchise granted pursuant to the provisions of F.S. § 610.102 et seq. is not in effect. (*New Code § ?*)

**Code 2006, § 70-38. Discrimination prohibited.** In subsections (a) and (c), add sexual orientation as a prohibited ground for discrimination. (*New Code § 70-21*)

### Article III. Right-Of-Way Use

**Code 2006, § 70-73. Definitions.** Deleted the last sentence of the definition of communications service. (*New Code § 70-78*)

**Code 2006, § 70-75. Compensation.** In subsection (b), corrected the state law reference to be to F.S. § 202.11(1). (*New Code § 70-80*)

**Code 2006, § 70-77. Underground installation; relocation.** In subsection (e), changed F.S. § 337.403(1)(a)—(c) to F.S. § 337.403(1). (*New Code § 70-82*)

## Chapter 74. Traffic and Vehicles

### Article I. In General

**Code 2006, § 74-1. Driving vehicles on parkways, golf course, etc., prohibited; exceptions.** Expanded exemption to driving golf carts on golf courses. (*New Code § 74-1*)

### Article II. Administration

**Code 2006, § 74-27. Authority.** Added provisions for enforcement of nonmoving

violations by parking enforcement specialists under the supervisions of the parking director. (*New Code § 74-29*)

### Article III. Stopping, Standing and Parking

#### Division 1. Generally

**Code 2006, § 74-100. Parking on private or public property.** Added exemption for nonmotorized bicycles. (*New Code § 74-49*)

#### Division 2. Parking Meters and Parking Areas

**Code 2006, § 74-132. Parking space markings.** Changed “shall have lines” to “may have lines.” (*New Code § 74-77*)

**Code 2006, § 74-134. Parking illegally, use of space, depositing slugs, tampering with meter.** Altered in light of I-pay. (*New Code § 75-79*)

**Code 2006, § 74-135. Deposit of coins, violations of time limits.** Altered in light of I-pay. (*New Code § 74-80*)

#### Division 3. Valet Parking

**Code 2006, § 74-165. Application and review procedures for permit.** In subsection (b), changed occupational license to business tax receipt. See F.S. ch. 205. (*New Code § 74-108*)

### Article V. Wrecker Service

**Code 2006, § 74-237. Definitions.** In the definition of license, changed occupational license to business tax receipt. See F.S. ch. 205. (*New Code § 74-270*)

**Code 2006, § 74-240. License required for city-initiated towing services; prohibition.** Change occupational license to business tax receipt. See F.S. ch. 205. (*New Code § 74-277*)

**Code 2006, § 74-241. Selection and application for towing license for city-initiated towing services; fees.** (*New Code § 74-278*)

1. In subsection (b)(3) changed occupational licenses to business tax receipts. See F.S. ch. 205.

2. In subsection (b)(8), deleted the “including, but not limited to, full legal name, date of birth and social security number” so as to avoid conflict with section 7 of Pub. L. 93-579.

## **Chapter 78. Utilities**

Throughout this chapter changed General Waterworks Corporation, general waterworks, Miami-Dade Water and Sewer Authority, and county water and sewer authority to Miami-Dade Water and Sewer department or county water and sewer department, as appropriate.

### Article III. Sanitary Sewer System

#### Division 3. Sewer Use Regulations

**Code 2006, § 78-124. Definitions.** In the definition of sanitary sewer, changed the reference to the now nonexistent state sanitary code to reference “state rules.” (*New Code § 78-164*)

**Code 2006, § 78-140. General provisions.** Deleted subsection (f) (*severability*) as covered by Code 2006, § 1-8. (*New Code § 1-9*)

### Article IV. Stormwater Management Utility

**Code 2006, § 78-157. Definitions.** Revised to use standard introductory language. (*New Code § 78-228*)

## **Chapter 82. Vegetation**

### Article I. In General

**Code 2006, § 82-1. Defacement of trees, shrubs, vines, etc., in public places prohibited without permit.** Changed highway to street. (*New Code § 82-3*)

### Article II. Standards for Removal and Relocation of Trees

**Code 2006, § 82-37. Grandfather provision.** Deleted as obsolete.

**Subpart B--Land Development Regulations**

**Ch. 101. Administration and Enforcement**

Article II. Development Review Committee

**Code 2006, § 101-19. Development review committee.** Delete as not needed.

Article VI. Code Enforcement

Division 3. Supplemental Code Enforcement Procedures (*New Code § 101-134 et seq.*)

Per F.S. § 162.03, change “hearing officer/special master” to “special magistrate.”