

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY COMMISSION AMENDING THE CITY OF CORAL GABLES CODE CHAPTER 78, ARTICLE I, SECTION 78-1 ENTITLED "RESTRICTED USE OF UTILITY EASEMENT PROPERTY", AND CHAPTER 1, "GENERAL PROVISIONS", SECTION 1-7 ENTITLED "PENALTIES" TO INCLUDE ADDITIONAL PENALTIES FOR VIOLATIONS OF SECTION 78-1; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as a general rule, plants and trees require continued maintenance in order to prevent natural overgrowth, which may interfere or impede the delivery of utility services along utility easements within the City; and

WHEREAS, occasionally, property owners within the City, their tenants, or agents, have precluded the right or ability of utility companies to gain access to public and/or private property for the purpose of removing or pruning trees or plants which may impede or interfere with the delivery of said utility service located within a utility easement; and

WHEREAS, the City Commission, in order to protect the health, safety, and welfare of its residents, desires to avoid unnecessary interference with and disruption of utility services within the City;

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. Chapter 78, Article I, Section 78-1 of the City Code of the City of Coral Gables entitled "Restricted use of utility easement property" and Chapter 1, "General Provisions", Section 1-7 entitled "Penalties" are hereby amended to read as follows:¹

Sec. 78-1. - ~~Restricted use of utility easement property~~ Utility Easements.

- (1) It shall be unlawful for any person to construct or maintain buildings or structures, or to plant or grow trees or shrubbery ~~on any and all easement strips reserved for utility purposes in the city, or to use the easement strips or land adjacent to the easement~~

¹ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

strips in any manner whatsoever which does or may interfere with, obstruct, impede or retard the free use of the easement strips for electric, telephone, gas, water or other utility purposes.

- (2) No individual shall deny the right, or impede the ability of a utility company to enter private property for the purpose of entering a utility easement to remove or prune a plant/tree which is interfering with or impeding the utility company’s ability to deliver safe and reliable utility service, nor shall an individual refuse to permit a utility company to remove or prune, when on private property, a plant/tree which is interfering with or impeding the utility company’s ability to deliver safe and reliable utility service, when it is determined by the utility company that the condition caused by the offending plant/tree constitutes a hazardous condition.
- (3) Any person violating any provision of this article or order of the city manager implementing this section, shall be subject to the penalties provided in section 1-7.
- (4) Any utility company who performs work on a utility easement is responsible for any damage caused by said work whether the damage occurs on private property or within the easement area. It shall be the sole responsibility of the utility to restore any damage caused by their operations, regardless of location, and any costs associated with the restoration work will be assessed on the utility company responsible for the damage.
- (5) All utility companies operating within the utility easements shall defend, indemnify, and hold harmless the City, its trustees, elected and appointed officers, agents, and employees against any claims for damages or injuries resulting in any manner from their actions or the action of their authorized agents.

Sec. 1-7. - Penalties.

Chapter 78. Utilities

<i>City Code §</i>	<i>Description of Violation</i>	<i>Penalty</i>
CC 78-1	<u>Interference with Utility Company Maintenance</u>	\$500.00
CC 78-78	Ticket for sewage cap removal	\$500.00 for the first offense
		\$1,000.00 for the second offense
		\$2,000.00 for the third offense

		\$3,000.00 for the fourth offense
		\$5,000.00 for the fifth offense
		\$5,000.00 for each subsequent offense after the fifth offense
CC 78-165	Sewer use violations	Fine of not more than \$100.00 and costs of prosecution and in default of payment thereof, to imprisonment in the city jail for not more than 30 days
CC 78-166	Unlawful discharge into storm or sanitary sewers	Civil penalty of \$500.00

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 a part of the City Coral Gables Code of Ordinances; and, that the sections of this “ordinance” may be changed to “section” or “article”, or other appropriate word or phrase to accomplish such intention.

SECTION 6. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF JANUARY, A.D., 2020.
(Moved: Keon / Seconded: Lago)
(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-1)

APPROVED:



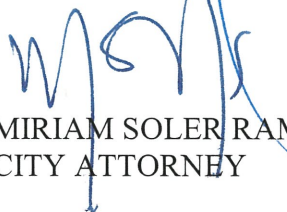
RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY