

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-21

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING CHAPTER 34 OF THE CITY CODE, ENTITLED "NUISANCES", DIVISION 2, ENTITLED "VEHICLES", SECTION 34-77 BY ADDING A DEFINITION FOR JUNK MOTOR VEHICLES AND DILAPIDATED MOTOR VEHICLES AND SECTION 34-78 BY ADDING DILAPIDATED MOTOR VEHICLES TO THE PROHIBITIONS SECTION; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of Coral Gables' Commission finds that junk motor vehicles, whether on public or private property and in view of the general public, create a traffic hazard and a public nuisance and adversely effect the land values of the City of Coral Gables; and

WHEREAS, the City of Coral Gables' Commission finds that the maintenance of property located in the exterior of the premises serves a public purpose by preventing neighborhood blight and the deterioration of neighborhood character which would have deleterious effects on the quality of life and the economic viability of the City of Coral Gables; and

WHEREAS, the City of Coral Gables' Commission wishes to effectively regulate neglected property by property owners within the City limits;

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

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. The City Code of the City of Coral Gables, Florida is hereby amended to provide additional restrictions and prohibitions under Chapter 34, entitled "Nuisances", Division 2, entitled "Vehicles" amending Section 34-77 and 34-78 to read as follows:

Sec. 34-77. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means any motor or other vehicle in a wrecked, junked, maintained on cement blocks, flat tires, partially dismantled, not registered or insured, or abandoned condition on public or private property in the city.

Dilapidated means decayed, deteriorated, or fallen into partial ruin especially through neglect or misuse.

Enforcement officer means the chief of police or any other officers designated by ordinance to enforce the provisions of this division.

Junk Motor Vehicle means an inoperable motor vehicle which is incapable of being propelled or driven by its own engine; a wrecked motor vehicle is one which has property damage the cost of repair of which exceeds the sum of \$500.00; a stripped motor vehicle in which parts have been removed; a dilapidated motor vehicle which has fallen into partial ruin especially through neglect or misuse; and/or an unlicensed motor vehicle where there is no current license tag.

Public property means lands and improvements owned by the federal government, the state, the county or the city lying within the city and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights of way and other similar property.

Sec. 34-78. Abandoned or junk motor vehicles on public or private property prohibited; exceptions.

It shall be unlawful for any person to park, store, or leave any motor or other vehicle maintained on cement blocks, with flat tires partially dismantled, not properly registered or insured, or in a wrecked, junked, dilapidated or abandoned condition on public or private property in the city:

- (1) Unless it is in connection with a purpose or business enterprise lawfully situated and licensed.
- (2) Or if the vehicle is kept on private property, the vehicle shall be kept under a form-fitting car cover with clips or drawstrings.
- (3) A maximum of two vehicles shall be allowed under car covers on or within the property lines on any private property within the city and must be parked on an approved parking surface as provided in the city zoning code.

SECTION 3. 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 4. Repealer.

All ordinances or parts of ordinances in conflict herewith, be and the same, are hereby repealed.

SECTION 5. 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 6. Effective Date.

This ordinance shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF SEPTEMBER, A.D., 2008.

(Moved: Anderson / Seconded: Withers)

(Yea: Kerdyk, Withers, Anderson, Slesnick)

(Absent: Cabrera)

(Majority (4-0) Vote)

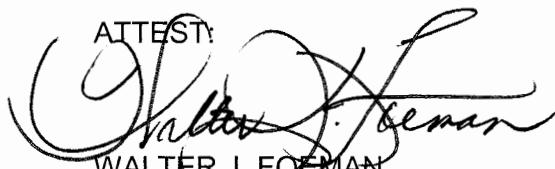
(Agenda Item: E-2)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY