

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE, CHAPTER 82 -VEGETATION, ARTICLE 1-IN GENERAL, SECTION 82-7 “ANNUAL REGISTRATION REQUIRED” IN ORDER TO REMOVE PROVISIONS CONFLICTING WITH STATE LAW AND ADD PROVISIONS REGARDING THE PROPER PARKING OF VEHICLES PROVIDING LANDSCAPING AND TREE TRIMMING SERVICES IN RESIDENTIAL AREAS, AND AMENDING CHAPTER I-GENERAL PROVISIONS, SECTION 1-7 ENTITLED "PENALTIES" TO INCLUDE PENALTIES FOR VIOLATIONS OF SECTION 82-7 PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City Code currently requires annual registration of landscapers doing work within the City of Coral Gables; and

WHEREAS, during the 2021 legislative session, the State Legislature adopted Chapter 2021-214 which created Florida Statutes § 163.211 which preempts and supersedes any local government licensing requirement of occupations and will preempt the City’s current registration requirements as of July 1, 2023; and

WHEREAS, the City Commission wishes to remove the annual registration requirements that conflict with state law and add provisions regarding the proper and improper parking of landscape contractors, tree trimming contractors and other associated gardening vehicles in the City’s residential areas; and

WHEREAS, the City Commission has received various complaints regarding the manner in which landscaping and contractor vehicles park along private property, City swales, and roadways within the City; and

WHEREAS, the Florida Department of Transportation Standard Index 600 Maintenance of Traffic (MOT) procedures apply to those commercial landscaping providers stopping or parking within County and State lanes of travel and the City has shared through its annual landscape registration process City requirements for proper signage and parking in order to address safety concerns; and

WHEREAS, the City Commission finds that in order to address the safety concerns associated with the parking locations of such vehicles, it is necessary to amend the City Code to set forth proper

parking procedures for those landscaping contractor, tree trimming contractors and associated contractors working within the City's residential areas.

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

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 82- Vegetation, Article 1- In General, Section 82-7 "Annual Registration Required" and Chapter 1 "General Provisions" - Section 1-7 "Penalties" of the City Code of Coral Gables City Code be amended as follows¹:

Sec. 82-7. Parking of Landscape maintenance contractor, tree trimmer, and gardener's motorized vehicles ~~Annual registration required.~~

- a) Landscape maintenance contractors, tree trimmers, gardeners, and others similarly situated contractors who are actively engaged in providing a commercial service in the city's residential areas shall park in the following manner:
 - a. Vehicles, including attached trailers, should be parked on private property or in the grass swale area directly adjacent to the property being provided the commercial service.
 - b. When necessary to park in an active State or County roadway, vehicles, including attached trailers, should be parked directly adjacent to the property being provided the commercial service, provided that doing so is not in conflict with the applicable Florida Department of Transportation Standard Index 600 Maintenance of Traffic (MOT) procedures.
 - c. When necessary to park a vehicle on a City residential roadway vehicles, including attached trailers should be parked directly adjacent to the property being provided the commercial service, provided that doing so does not prohibit the vehicle from meeting the following requirements:
 - i. A travel lane with a minimum width of nine (9) feet on the asphalt roadway must be maintained around the parked vehicle.
 - ii. A minimum of five (5) cones must be placed in the rear of the vehicle at approximately five (5) feet intervals extending ten (10) feet straight back from

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

the driver's side of the vehicle and then angling to the edge of the roadway twenty-five (25) feet from the back of the passenger side of the vehicle.

- iii. One cone must be placed five (5) feet in front of the front driver's side corner of the vehicle.
- iv. Vehicles may not park within seventy-five (75) feet of an intersection.
- v. Vehicles may not park on center medians within one hundred (100) feet of an intersection.
- vi. Vehicles may not park facing the wrong direction of traffic.
- vii. Vehicles may not park blocking sidewalks.
- viii. When there is an adjacent parked vehicle on the same street, vehicles must park in a manner that allows adequate distance for safe navigation of traffic around both parked vehicles.
- ix. A trailer cannot be detached from the vehicle and left on the roadway.

b) Any violation of this section is punishable by a fine issued to the property owner whose property is being provided the services as provided in Section 1-7 of the City Code.

~~(a) — *Registration.* Landscape maintenance contractors, tree trimmers, gardeners, and others similarly situated, that perform work in the city's residential areas, shall register all motorized vehicles with the city annually before providing services within the boundaries of the City of Coral Gables. Registration includes the payment of a registration fee of \$5.00 per vehicle decal. Registration shall run with the calendar year. The information provided on the city's registration form is subject to the city's false claims ordinance (chapter 38, city Code). While performing work, operators shall follow the maintenance of traffic plans in place at the time of service as well as any other established city policies and guidelines relating to these services and shall only use a motorized vehicle that has an affixed decal issued by the city. Nothing in this section shall be read to eliminate the requirement of obtaining a local business tax receipt as prescribed in chapter 66 of the city Code and F.S. ch. 205.~~

~~(b) — *Penalties.*~~

~~(1) — A landscape maintenance contractor, tree trimmer, gardener, or other similarly situated individual/company, who fails to register all motorized vehicles prior to performing the work or who uses a vehicle without the affixed city issued decal shall be given a warning and 15 calendar days to complete the registration process;~~

~~(2) — If the individual/company does not complete the registration process within the 15 calendar days, and continues to work in the city or performs work using a vehicle without an affixed city issued decal, a code enforcement officer shall issue a ticket. The ticket shall inform the violator of the nature of the violation, amount of the fine for which the violator is liable, instructions and due date for paying the fine, and that the violation may be appealed pursuant to the procedures in chapter 101, article IV, division 3 of the city Code of Ordinances.~~

~~(3) — A violator who has been issued a ticket must elect to either:~~

~~a. — Pay the following civil fine:~~

~~1. — First violation within a 12-month period \$ 50.00~~

~~2. — Second or subsequent violation within a 12-month period 100.00~~

~~b. — Request an administrative hearing before a special master as set forth in chapter 101, article IV, division 3 of the city Code of Ordinances.~~

~~(4) — Failure to pay the civil fine, or to timely request an administrative hearing before a hearing officer, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.~~

~~(5) — A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes.~~

~~(6) — The hearing officer shall not have discretion to alter the penalties prescribed in this article. Any party aggrieved by a decision of a hearing officer may appeal that decision to a court of competent jurisdiction.~~

~~(7) — In addition to issuing a ticket, the code enforcement officer may require that an individual/company, who is not registered within 15 days of receiving the ticket and who is committing an egregious violation or is a repeat offender, cease performing the work immediately.~~

~~(c) — Exemptions.~~

~~(1) — The following are exempt from the registration requirement:~~

~~a. — Any individual younger than 22 years old who is enrolled in an elementary, middle or high school program and who performs landscaping services on a part-time basis and who does not use a commercial vehicle while doing so;~~

~~b. — Subcontractors for Florida Power and Light (FPL) or other utility companies performing landscaping maintenance to areas surrounding polls or other equipment;~~

~~c. — Landscaping or tree trimming performed either in anticipation of a state of emergency, due to a hurricane or similar natural disaster, or following such an event for a reasonable period of time, as determined by the city manager;~~

~~d. — Educational institutions (including the school district and public or private colleges or universities), county, state and federal government entities, religious institutions and hospitals;~~

~~e. — The city manager may waive the registration requirement for good cause.~~

~~(2) — Active city vendors engaging in work for the city or who perform work at the city's request must register all vehicles but are not required to pay the registration fee.~~

~~(d) — *Immunity.* The city and its elected and appointed officials, employees and agents are immunized from civil or criminal liability for actions taken in accordance with this section.~~

Sec. 1-7. - Penalties.

<i>City Code §</i>	<i>Description of Violation</i>	<i>Penalty</i>
CC 82-1	Tree violations	Fine not to exceed \$500.00 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment in the discretion of the court
CC 82-2	Tree violations	Civil penalty of not more than \$5,000.00 per offense
CC 82-3	Failure to obtain written permit to trim deface, etc. trees located in the public right-of-way	Civil penalty of \$500.00
CC 82-6	Placing injurious substances on or near tree roots	Civil penalty of \$500.00
CC 82-7	<u>Improper parking of landscape contractor vehicle</u>	<u>Civil penalty of \$150.00</u>
CC 82-33	Removing city trees without approval and permits.	Civil penalty of \$500.00
CC 82-36	Tree protection/relocation standards	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 part of the City Code and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. If the City Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2023.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ

CITY ATTORNEY