

ORDINANCE NO. 2014-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, BY AMENDING CHAPTER 82 "VEGETATION", TO ALLOW FOR THE PROTECTION OF ORCHIDS INSTALLED THROUGH THE CITY'S PARTICIPATION IN THE MILLION ORCHID PROJECT; PROVIDING FOR THE PROTECTION OF ORCHIDS PLANTED AS PART OF THE CITY'S "MILLION ORCHID PROJECT"; PROVIDING FOR PENALTY AND CIVIL REMEDIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recognizes that South Florida has lost the blanket of native orchids that once populated the hardwood hammock area; and

WHEREAS, Fairchild Tropical Botanic Garden has undertaken the Million Orchid Project by which it will propagate and restore a million native orchid plants throughout South Florida, including Coral Gables; and

WHEREAS, the City of Coral Gables Commission passed Resolution No. 2014-52 authorizing entering into an Agreement with Fairchild Tropical Botanic Garden, Inc. to participate in the Million Orchid Project; and

WHEREAS, the City partnered with Fairchild Tropical Botanic Garden whereby the City will provide \$30,000 a year for five years plus the use of a bucket truck and driver to Fairchild in exchange for the installation of 50,000 orchids a year on City trees for a total of 250,000 orchids; and

WHEREAS, the City Commission wishes to protect the orchids installed through the Million Orchid Project to ensure that the orchids thrive and flourish.

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

SECTION 1. The forgoing "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 of the City of Coral Gables' Municipal Code, "Vegetation" is hereby amended to read as follows:¹

ARTICLE I. IN GENERAL

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

Sec. 82-1. Defacement of trees, shrubs, vines, etc., in public places prohibited without permit.

No person shall, without a written permit from the city manager and director of public service, cut, prune, break, incline, injure, remove or in any other way deface any living tree, shrub, orchid, or vine, in a public highway, City right of way, or park, or cut, disturb or interfere in any way with the roots of any tree, shrub, orchid, or vine in a public highway, City right of way, or park.

Sec. 82-2. Injuries to trees or shrubs by animals.

No person shall fasten any animal to a tree or shrub in a public highway, City right of way, or park in the city or cause any animal to stand so that such animal can injure such a tree, shrub or vine.

Sec. 82-3. Protective guards when building or repairing.

In the erection or repairing of any building or structure, the owner thereof shall place such guards around all nearby trees, shrubs, orchids, or vines in a public highway, City right of way, or park, as shall effectually prevent injury to them.

Sec. 82-4. Injurious substances.

No person shall throw or allow to be thrown any saltwater, oil or injurious substance upon any public highway, City right of way, or park where such material may enter the ground at the roots of any public tree, shrub, orchid, or vine.

ARTICLE II. STANDARDS FOR REMOVAL AND RELOCATION OF TREES

Sec. 82-38. Penalty.

Upon conviction in court, a violator of any provision ~~hereof~~ of this Chapter shall be subject to a 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 and each tree cut down, destroyed, removed or moved shall constitute a separate offense.

Sec. 82-39. Civil remedies.

In addition to any other remedies provided by this article, the tree preservation agency shall have the following judicial remedies available for violations of this ~~article~~ Chapter or any permit condition promulgated under this ~~article~~ Chapter the tree preservation agency may institute a civil action in a court of competent jurisdiction to:

- (1) Establish liability and to recover damages for any injury caused by the removal of trees, shrubs, orchids, or vines in contravention of the terms of this ~~article~~ Chapter.
- (2) Impose and recover a civil penalty for each violation in an amount of not more than \$5,000.00 per offense. However, the court may receive evidence in mitigation. Each tree, shrub, orchid, or vine unlawfully removed under the provisions of this ~~article~~ Chapter shall constitute a separate offense hereunder.
- (3) Seek injunctive relief to enforce compliance with this ~~article~~ Chapter to enjoin any violation thereof; and to seek injunctive relief to prevent irreparable injury to the trees, shrubs, orchids, or vines or properties encompassed by the terms of this ~~article~~ Chapter.

SECTION 3. SEVERABILITY.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. 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 appropriate work or phrase in order to accomplish such intentions.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective on May __, 2014.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2014.

APPROVED:

JIM CASON
MAYOR

ATTEST:

**WALTER J. FOEMAN
CITY CLERK**

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

**CRAIG E. LEEN
CITY ATTORNEY**