

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, REQUIRING PERMITEES/OWNERS TO POST “NO TRESPASS” SIGNS ON CONSTRUCTION SITES, CONSISTENT WITH SEC. 810.09, F.S.; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission is concerned about incidents of theft on construction sites; and

WHEREAS, Florida Statutes make it a third degree felony to trespass on a construction site with a posted “no-trespass” sign; and

WHEREAS, the City Commission wishes to require the installation of a “no-trespass” sign on all construction sites in order to facility the arrest of individuals who trespass upon those sites.

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

SECTION 1. That the foregoing recitals 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 Division 1, Article II of Chapter 105 “Buildings and Building Regulation” of the Code of the City of Coral Gables, Florida, be hereby created to read as follows:

CHAPTER 105. BUILDINGS AND BUILDING REGULATION

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Article II. BUILDING STANDARDS

Division 1. GENERALLY

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Sec. 105-29. Trespass Signs Required

- (a) **Posting Required.** The permittee and/or property owner of a construction site shall post sign(s) stating: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE,

AND ANYONE WHO TRESPASSES ON THIS SITE COMMITS A FELONY,” consistent with Sec. 810.09. Said sign(s) shall contain the name and telephone number of the project manager as well as an alternate individual that may be contacted in order to determine whether persons present at the site have the authority to be there. Said sign(s) shall be provide by the City and paid for by the permittee when obtaining the permit.

- (b) The sign(s) must be posted within 24 hours of when the construction fence is installed at the site. The sign(s) must be displayed prominently at each fence/gate opening and must remain prominently displayed until the project is completed and all permits are closed on the property. At sites where a fence is not required, the sign shall be placed at the opening of the structure.
- (c) **Penalty.** Failure to post the “no trespass” sign(s) on a construction site constitutes a City Code violation for which the permittee and/or property owner may be cited and fined \$100 per day.

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, 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 upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2016.

APPROVED:

JIM CASON

MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY