

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-29

AN ORDINANCE OF THE CITY COMMISSION AMENDING THE CODE OF ORDINANCES, CHAPTER 86 "WATERWAYS," ARTICLE I "IN GENERAL", SECTION 86-3 "DISCHARGING GARBAGE, TRASH, ETC. INTO WATERWAYS." BY PROVIDING SPECIFIC EXAMPLES OF PROHIBITED DISCHARGES, CLARIFYING APPLICABILITY TO THE CITY'S STORMWATER MANAGEMENT SYSTEM, AND REVISING THE PENALTY FOR VIOLATING THIS SECTION, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE, DATE.

WHEREAS, the City of Coral Gables contains over forty (40) miles of coastline, waterways, and canals, which provide habitat for fish and wildlife, opportunities for recreation, and an enhanced quality of life; and

WHEREAS, the City of Coral Gables recognizes that the tourism and fishing industries, which depend on a healthy and vibrant coastal environment, both serve as major economic drivers benefiting the current and future residents, property owners, and visitors to Florida; and

WHEREAS, the health of the City's waterways and Biscayne Bay is of great importance to the City's continued clean water supply, environmental and public health, and economic well-being; and

WHEREAS, the City of Coral Gables has long been involved in efforts to keep the City's and region's waterways healthy and safe for residents, visitors, and those fish and wildlife that inhabit the waters around the City; and

WHEREAS, in addition to protecting the City's navigable waters, the City Commission also wishes to safeguard the City's stormwater management system, which conveys stormwater runoff throughout the City but can also result in stormwater seeping into ground waters and eventually discharging into surface waters; and

WHEREAS, in order to advance the City's environmental priorities relating to water quality in all of its forms, it is necessary to amend Section 86-3 of the City Code, to provide greater clarity as to the type of activities and discharges that are prohibited, expressly protect the City's stormwater management system, and increase the penalty for violations of the section;

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 86 “Waterways” Article I. “In General”, Section 86-3 “Discharging garbage, trash, etc. into waterways” of the Official Code of the City of Coral Gables is hereby amended in Attachment A, deletions are indicated by strikethrough and insertions indicated by underline.

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 of Coral Gables Code of Ordinances; 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 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 TWENTY-SEVENTH DAY OF OCTOBER A.D.,
2020.

(Moved: Lago / Seconded: Mena)
(Yeas: Lago, Mena, Fors, Jr., Keon, 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

Attachment A

CHAPTER 86-WATERWAYS

ARTICLE I. - IN GENERAL

Sec. 86-3. - Discharging garbage, trash, etc., into waterways, stormwater management systems.

~~(a) Violations of this section shall be punished as provided in section 1-7.~~

~~(b) (a) It is hereby declared to be unlawful for any person to discharge into the city's waterways, Biscayne Bay or any navigable waters within the territorial limits of the city any garbage, trash, effluvia, waste liquid, construction runoff, sedimentation or any other thing or substance which would obstruct the use of the canal by craft using it or which would make the canal and its banks unsanitary or unsafe, or otherwise cause pollution or endanger marine life.~~

~~(b) It shall be unlawful for any property owner or entity performing construction activities to cause, let, allow, discard, permit or suffer runoff, erosion and sedimentation into any stormwater drains, inlets, catch basins, curbs and gutters, retention or detention ponds, swales, manholes, junction boxes, culverts, freshwater lakes, waterways or other related components, designed to convey stormwater runoff within the city.~~

~~(c) A violation of this section, or any violation of a duly issued National Pollution Discharge Elimination System (NPDES) permit, shall be punishable by the following:~~

~~a. 1st violation within a 12-month period—warning;~~

~~b. 2nd violation within a 12-month period—\$1,000.00 fine;~~

~~c. 3rd violation within a 12-month period—\$5,000.00 fine;~~

~~d. a violation beyond the 3rd occurrence may be punishable by a fine up to \$15,000.00, as a code enforcement matter, upon a finding that the violation was irreparable or irreversible in nature.~~

(Code 1958, § 7-8; Code 1991, § 14-64; Code 2006, § 86-3; Ord. No. 591, § 5, 3-1-1949)

Secs. 86-4—86-24. - Reserved.