

ORDINANCE NO. 2016-__

AN EMERGENCY ORDINANCE OF THE CITY OF CORAL GABLES AMENDING EMERGENCY ORDINANCE NO. 2016-07 BY MERGING SECTIONS 34-11(1) AND (2) AND REMOVING ANY REFERENCES TO LOCATION, WHILE CONTINUING STRICT PROHIBITION ON MOSQUITO INFESTATIONS, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Commissioner Keon)

WHEREAS, mosquitos are known to carry various dangerous viruses and bacteria that cause serious conditions such as Encephalitis, West Nile Disease, Chikungunya, Zika Virus, and others; and

WHEREAS, a mosquito infestation that is not rapidly controlled poses a significant health concern for the residents and visitors of the City of Coral Gables; and

WHEREAS, the City will use its police power in order to combat this safety concern; and

WHEREAS, the City wishes to amend Ordinance No. 2016-07 to address issue raised by the Village of Palmetto Bay, a neighboring municipality, affected by the Ordinance.

NOW THEREFORE, ORDINANCE NUMBER 2016-07 IS HEREBY AMENDED AS FOLLOWS:

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. Sec. 34-11 is hereby added to Chapter 34 of the “Code of the City of Coral Gables” pertaining to “Nuisances” and reads as follows:

DIVISION 34 - NUISANCES

ARTICLE 1. – IN GENERAL

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Sec. 34-11. – Mosquitos.

- (1) It shall be unlawful for any property ~~in the City of Coral Gables~~ to have an active mosquito infestation. Any mosquito infestation shall be eliminated immediately.

~~(2) It shall be unlawful for any property neighboring the City of Coral Gables to have an active mosquito infestation that results in mosquitos entering into the City. Any mosquito infestation that results in mosquitos entering the City shall be eliminated immediately.~~

(2) Failure to eliminate a mosquito infestation is a municipal code violation punishable by a fine not to exceed \$500.00 per day or by imprisonment in county jail for a period not to exceed 60 days.

(3) Along with assessing a running fine of \$500 per day, the City may also seek injunctive relief in an expedited fashion and the attorney's fees that correspond with such an effort.

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. COMPLIANCE.

That for the purpose of protecting the peace, health and safety of the citizens of the City of Coral Gables, Florida, in this time of increased concern over the viruses and illnesses carried by mosquitos, this ordinance is hereby declared an emergency measure, waiving second reading and pre-publication and requiring a 4/5th vote.

SECTION 7. 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