

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROHIBITING A RESIDENT OR BUSINESS FROM REMOVING A SEWER CAP DURING A BACKUP; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, it has come to the attention of the City of Coral Gables City Commission that businesses within the City are removing sewer caps, during a backup, resulting in the spillage of raw sewage into areas used by and accessible to the public; and

WHEREAS, the presence of raw sewage in areas accessible to the public causes a significant public safety concern as raw sewage is known to contain bacteria, viruses and parasites, such as E.coli, Salmonella, Tape Worm, Adenovirus, Rotavirus and others.

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 Article V “Sewage Cap(s)” of Chapter 14 of the Code of the City of Coral Gables, Florida, be hereby created to read as follows:

CHAPTER 14. BUSINESSES

* * * * *

Article V. SEWAGE CAP(S)

Sec. 14-147. Prohibited – Removal of Sewage Cap(s)

It is prohibited for any resident or business to remove a sewage cap which results in the spillage of raw sewage into areas used by and accessible to the public.

Sec. 14-148. Penalties

- (1) A violation of this Article is punishable by the issuance of a Code Enforcement ticket. The ticket may be issued immediately and the replacement of the cap by the resident or business does not preclude Code Enforcement from issuing the ticket.
- (2) The following fines will be imposed upon the issuance of a ticket:
 - a. \$500 for the first offense

- b. \$1,000 for the second offense
 - c. \$2,000 for the third offense
 - d. \$3,000 for the fourth offense
 - e. \$5,000 for the fifth offense
 - f. \$5,000 for each subsequent offense after the fifth
- (3) The City may also independently seek to recover any actual damages through a separate cause of action, including injunctive or other relief.
- (4) This ordinance does not preclude police action.

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