

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-40

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 78 OF THE CODE OF THE CITY OF CORAL GABLES TITLED "SANITARY SEWER SYSTEM" AND IN PARTICULAR SEC. 78-99 TITLED "COMPULSORY CONNECTION REQUIRED WHERE SANITARY SEWER AVAILABLE" FOR THE PURPOSE OF MAKING THE OWNER, TENANT, OCCUPANT OR USER OF A BUILDING OR STRUCTURE SOLELY RESPONSIBLE FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, CLEANING, AND COST OF INSPECTION OF ALL LATERALS FROM THEIR PROPERTY LINE TO ANY POINT OF CONNECTION WITH THE CITY'S SANITARY SEWER SYSTEM; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That Article III of Chapter 78 of the Code of the City of Coral Gables titled "Sanitary Sewer System" and in particular Sec. 78-99 titled "Compulsory connection required where sanitary sewer available" shall be and it is hereby amended to read as follows:

ARTICLE III. SANITARY SEWER SYSTEM

Sec. 78-99. Compulsory connection required where sanitary sewer is available.

The owner of each lot or parcel of land or building site within the area designated by ordinances of the city as Local Improvement District SS-1, and the owner of each lot or parcel of land or building site which may be located within any subsequent local improvement district or other area established for the construction and installation of sanitary sewers within the city, as the system may from time to time be extended, and upon which lot or parcel of land or building site a building or other inhabitable structure has been or shall be erected, shall be and hereby is required to connect the building or structure to the sanitary sewer system within 120 days from the date that such sanitary sewer system, or that portion thereof available to serve the premises in question, is completed and goes into operation. The owner, tenant, occupant or user of any such building or structure or unit thereof, as the case may be, shall be solely responsible for the construction, maintenance, repair, and cleaning of all laterals from their property line to any point of connection with the city's sanitary sewer system and shall thereafter refrain from using, and cease to use, any other method for the disposal of sewage and sewage wastes. The owner, tenant, occupant or user of such building or structure may request that an inspection of a lateral be performed at their expense, and at the discretion of the Public Works director, to determine by inspection and testing the cause and source of damage to laterals.

The owner, tenant, occupant or user agrees that they will be responsible for the full cost of such inspection unless it is determined that the cause of damage is due to the City, in which case the City will incur all costs. In all cases the Public Works director shall determine the method of testing or inspection and the owner, tenant, occupant or user of such building or structure shall be required to sign a hold harmless and/or a waiver of liability prior to the City conducting any such test or examination. The city shall be responsible for any damage to laterals that is caused by the city or by root intrusion from city trees. The owner, tenant, occupant or user of any such building or structure or unit thereof, as the case may be, shall, effective at the time and date specified below, pay sewer service charges as provided for in this division.

SECTION 2. That all Ordinances or parts of Ordinances inconsistent or in conflict herewith are hereby repealed insofar as there is conflict or inconsistency.

SECTION 3. That this Ordinance shall become effective ten days following passage and adoption of same.

PASSED AND ADOPTED ON THIS TWENTY-SECOND DAY OF SEPTEMBER, A.D., 2009.

(Moved: Kerdyk / Seconded: Anderson)

(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)

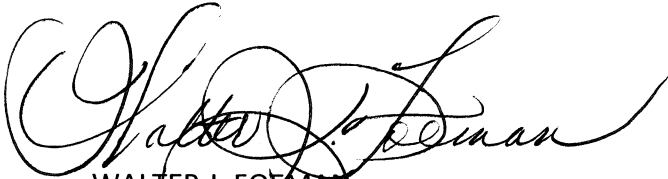
(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELIZABETH M. HERNANDEZ
CITY ATTORNEY