

City of Coral Gables City Commission Meeting
Agenda Item F-3
May 9, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez
City Manager, Peter Iglesias
City Clerk, Billy Urquia
Assistant City Attorney, Gus Ceballos
Police Chief, Ed Hudak

Public Speaker(s)

Agenda Item F-3 [3:20 p.m.]

An Ordinance of the City Commission amending Chapter 34 - “Nuisances,” Section 34-105 “Abandoned or junk motor vehicles on public or private property prohibited; exceptions,” to prohibit the parking, storing, or leaving of vehicles under car covers on city swale areas; providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: Item F-3.

City Attorney Suarez: F-3 is An Ordinance of the City Commission amending Chapter 34 - “Nuisances,” Section 34-105 “Abandoned or junk motor vehicles on public or private property prohibited; exceptions,” to prohibit the parking, storing, or leaving of vehicles under car covers on city swale areas; providing for severability clause, repealer provision, codification, and providing

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Agenda Item F-3 – Ordinance amending Chapter 34 – “Nuisances” Section 34-105
“Abandoned or junk motor vehicles on public or private property prohibited; exceptions”

[Date]

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for an effective date. This is a public hearing item. Assistant City Attorney Gus Ceballos will present the item.

Assistant City Attorney Ceballos: Good afternoon again. So, this item is very limited in scope. So currently our code allows in your private driveway, you have a car that you are working on, or you just want to protect. You can put two cars under a car cover, as long as it's in an approved area. You can't park on the grass; you park on the driveway, that's perfectly fine. The issue occurred that throughout the city there are people parking their cars on the swale and putting a car cover.

Mayor Lago: Then going on trips and not coming back.

Assistant City Attorney Ceballos: Yes. And then our code is a little ambiguous as to whether that's allowed, whether that's I don't believe that's within private property lines, but we decided it would be smart and with the Mayor's sponsorship we are addressing it. Basically, it just prohibits the parking of any vehicle in the swale area with a car cover.

Mayor Lago: Doesn't mean you can't leave your car in the swale, that's not the issue. You can protect your car, we just want to make sure that we don't become like, neighborhoods become basically a storage area for vehicles.

Commissioner Fernandez: And what are the penalties we are putting or attaching to it?

Assistant City Attorney Ceballos: So right now, it would basically just reference the current subsection 1-7 in our city code that has a fine. I don't have the fine with me right now, but I can pull it up and provide it to you.

Commissioner Fernandez: Because I know that that issue came about, I think it was on Segovia or Sevilla, I can't remember now, where somebody is actually parking several cars and left them there for years. I know that this is a large issue in some areas.

Commissioner Anderson: Mayor, I've got a friendly amendment to request. Comes a time you have to get your driveway fixed or from time to time you have to get trees trimmed and I just recently did that, all the trimmings on my swale – my driveway apron because it's the only area where there's enough space for the boom to come in to pick up all the branches. So came in and trimmed on Tuesday, and by Thursday morning the stuff was picked up. So, I'd like to have a time period in there that you could have the car cover, so it keeps all the leaves out of my piling and the bugs from getting inside the leaves and then crawling inside the cars.

Mayor Lago: That makes a lot of sense. I don't have an issue with it. I'm just trying to avoid, like what Commissioner Fernandez said, somebody just leaving a car on the swale for a month and-a-half, two months, six months, it's happening in North Gables in certain areas, and it was brought to my attention by two residents.

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Commissioner Fernandez: By my house too.

Mayor Lago: And by my house, I have one too.

Commissioner Anderson: And they get in bad condition. So, let's say it has to be a car cover in good condition, you are not tying it down, because it's something temporary. You are not going to be putting tethers on there, limited for that period of time.

Mayor Lago: By the way, I don't have an issue, maybe we can do a week maximum or whatever you'd like, whatever you'll feel comfortable. I'm amicable whatever you want to do. One of the things I wanted to add and just maybe we'll do it in second reading. Just talk to my colleagues and see what their appetite is. I know of an issue next to my house, a block away where there is an actual car, can't do anything about it, that the tires are flat, and the car doesn't move.

Assistant City Attorney Ceballos: I believe if two tires are flat, its considered an abandoned vehicle and should be cited as such.

Mayor Lago: The car hasn't been washed in probably ten years, and there is one tire that's flat and the other one is questionable flat, so kind of ambiguous. We need to tighten up that. Maybe between first and second, come up with some ideas, figure something out so that we have a little bit more teeth here.

Commissioner Fernandez: And I heard that that's actually enforced by the county not by us, because we weren't able to enforce the vehicles that were abandoned on the swale.

Assistant City Attorney Ceballos: But my understanding is in terms of at least for this code section, it's a code enforcement violation, so you would be cited. It would not be ticketed; the vehicle would not be ticketed. The property owner, the abutting property owner would be ticketed.

Commissioner Fernandez: Got it.

Commissioner Castro: So, a clear definition within – what exactly what time is abandoned considered, making that very clear as far as if its abandoned, what's a clear definition, the number of days or the number of hours.

Assistant City Attorney Ceballos: So, the code currently defines it. That's not part of the section that we are amending, but I can provide that for you and send it over to you so you can take a look at it.

Commissioner Castro: Okay.

Commissioner Anderson: We can imagine a situation where you do get two flat tires, or someone slices your tires.

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Chief Hudak: So for the state statute for an abandoned vehicle, what we do is we get a call, we'll mark the tires, we put a notice on it from the Police Department and in ten days if it's not moved from either a parking space on the street or on a swale, then we remove it and if nobody claims the car then it gets turned over to the towing company of contract for auction.

Commissioner Anderson: Okay.

Mayor Lago: So, can we between first and second reading, can we work on an amendment as per Commissioner Anderson's request and work on something to address the issue of an abandoned vehicle. I can give you an example. I can show it to you a block away from my house.

Assistant City Attorney Ceballos: Reference for the Commission, an abandoned vehicle means any motor vehicle or other vehicle in a wreck, junk, dilapidated condition in public or private property in the city, a vehicle is presumed to be abandoned, if it is maintained on cement blocks, has flat tires, is partially dismantled, has missing paint, is inoperable, or is not registered or insured. That is what our current definition for an abandoned vehicle is.

Commissioner Castro: But what about a time period? What if it's covered?

Assistant City Attorney Ceballos: So, there's no time period.

Commissioner Castro: Covered its in good condition and has been there three weeks, does that mean its abandoned?

City Attorney Suarez: I think she's asking specifically about the new addition we're making, which is making it a prohibition to have a car on the swale with a car cover, specifically to that is your question?

Commissioner Castro: Correct.

City Attorney Suarez: So, you're saying – so currently it just says you're not allowed, the proposed ordinance says you're not allowed to do it, period. So, I think Commissioner Anderson is asking for some time period when it would be allowed.

Assistant City Attorney Ceballos: We can do 72 hours, we can tie it to a permit, whatever you think is appropriate.

Commissioner Anderson: I would think a week is usually sufficient, tying it to a permit if you're having a new driveway laid, something of that nature. I understand that. We can work on that between first and second. I think the intent is good behind this. So, I'll move it.

Commissioner Castro: How are you measuring this time? How do we know it's their...

Assistant City Attorney Ceballos: Typically, our Code Enforcement officers will go by, and they'll mark the date, typically issue a warning, and then they will basically reinspect if they set it at seven days, they will go and reinspect that on the seventh day, and if the car is still there, hasn't been moved, still under car cover, they will issue the violation.

Commissioner Fernandez: And as you were saying under the state statute it's ten days for abandoned vehicles.

Chief Hudak: Right. We mark the tires to make sure the car has not been moved in the ten days. In that process that we go through, our information system notifies the registered owner by certified mail that your car needs to be moved, and then we come back and if it's there within ten days, the same officer has the tow truck take it.

Commissioner Fernandez: Will it simplify things to set it at ten days then?

Commissioner Castro: I would like ten days.

Mayor Lago: I don't have an issue, flexible.

City Attorney Suarez: So just for clarification then. Regardless of whether there's any work being done or there is a reason for it, we are allowing people to park on the swale for up to ten days with a car cover, is that the intent?

Commissioner Fernandez: How would you – there may be work that's being done that's not visible when Code Enforcement comes out, so it would be hard to really define it.

Commissioner Menendez: Can they appeal?

City Attorney Suarez: Yes.

Mayor Lago: Why don't we do this. Why don't we iron it out between first and second reading, Gus, you can float some ideas to the Commission in regard to days, work with Commissioner Anderson on that, and make sure everybody is comfortable. I'm fine. I don't have any issues. As long as we just have some sort of vehicle to address what we're seeing here, where people are just leaving their cars on the swale. The point of the swale is the swale has to be kept in order and it has to be accessible to everyone, not just one homeowner who blocks it for six months or a year at a time.

Assistant City Attorney Ceballos: Understood. And in regard to the previous question, the violation is \$200.00.

Commissioner Fernandez: \$200. So, I'll second.

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Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Thank you.