

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2023-\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING SECTION 62-151 “ALLEYS, SWALE AREAS AND RIGHTS-OF-WAY TO BE KEPT CLEAN AND MOWED” IN ORDER TO PROVIDE FOR A MECHANISM FOR THE CITY TO PROVIDE THE REQUIRED DEEP CLEANING IN COMMERCIAL AREAS AND LIEN THE PROPERTY FOR THE COST OF DEEP CLEANING WHEN A PROPERTY OWNER FAILS TO DO SO AFTER NOTIFICATION; PROVIDING FOR REPEALER PROVISION, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Section 62-151 requires that , in commercial areas of the city, properties and their surrounding areas including abutting sidewalks, alleys up to and including the median point of the alley, curbs, parking lanes where they exist, or rights-of-way up to the edge of pavement of any public street, must be deep cleaned at least every six months or more frequently as conditions may necessitate; and

**WHEREAS**, should property owners in those commercial areas fail to complete the required deep cleaning as outlined in Section 62-151 the City wishes to have a mechanism by which the City or its contractor can complete the required work and recover the costs from the property owner; and

**WHEREAS**, the City has adopted similar processes for lot clearing and other violations of the City Code ; and

**WHEREAS**, the City Commission wishes to update the City Code to allow the City to recover the cost of any maintenance that is those commercial property owners are required to perform pursuant to Section 62-151 of the City Code;

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**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.** Chapter 62- Streets, Sidewalks and Other Public Places - Article IV- Maintenance of Sidewalks and Swale Areas, Section 62-151 “Alleys, swale areas and rights-of-way to be kept clean and mowed” shall be amended as follows: <sup>1</sup>

**Sec. 62-151. - Alleys, swale areas and rights-of-way to be kept clean and mowed.**

- (a) Violations of this section shall be punishable as provided in section 1-7.
- (b) All owners and occupants of property, whether improved or unimproved, shall maintain their property in a clean, litter-free and mowed condition, including abutting sidewalks, grass strips, alleys up to and including the median point of the alley, curbs, swale areas, parking lanes where they exist, or rights-of-way up to the edge of pavement of any public street. Landscape maintenance shall include, but not be limited to, mowing the grass and performing general edging, trimming, weed removal, and cleanup activities. General maintenance shall include, but not be limited to, removing debris, gum, and litter.
- (c) Additionally, in commercial areas of the city, properties and their surrounding areas including abutting sidewalks, alleys up to and including the median point of the alley, curbs, parking lanes where they exist, or rights-of-way up to the edge of pavement of any public street, must be deep cleaned at least every six months or more frequently as conditions may necessitate. Deep cleaning consists of pressure washing, scrub-brushing, or an alternative method of cleaning that effectively removes stains, grease, spray paint, motor oil and like substances. Specialty pavers and pavement treatments must be deep-cleaned consistent with city-approved cleaning protocols. Should a property in a commercial area of the city fail to remedy a violation of the deep cleaning requirements of this section within five business days after service of notice, pursuant to section 34-56, to do so, then the city shall proceed to have such condition remedied by contract or direct labor, or both, and the cost thereof shall be and become a lien against such property 30 days after notice of completion of work by the city. The cost chargeable to the owner shall not exceed the of cost of completion, as set forth in the notice served to the property owner required herein, plus a fee equal to the code enforcement board administrative fee, as provided in section 1-8. A person may appeal the imposition of the lien for the cost of completion of work to the special master within 30 days of the date of the notice of completion of work.
- (d) Property owners or their designees are prohibited from trimming trees and performing other activities within the city rights-of-way except in accordance with the provisions outlined in section 82-1 and as may otherwise be regulated by this Code. The city may,

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<sup>1</sup> Insertions are indicated in underline, deletions are indicated in ~~striketrough~~.

upon the approval of the city manager, now selected areas of rights-of-way when doing so is found to serve a public interest.

**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 immediately upon passage.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2023.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ

CITY ATTORNEY