

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 105-26 OF THE CITY OF CORAL GABLES CODE TO PROHIBIT ALL EXTERIOR CONSTRUCTION ON SATURDAYS IN RESIDENTIAL ZONES OR WITHIN 100 FEET OF RESIDENTIAL ZONES, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 105-26 of the City of Coral Gables Code currently permits construction on Saturdays between the hours of 9 a.m. and 5 p.m.; and

WHEREAS, Section 105-26 of the City Code prohibits all construction on Sundays and holidays, as established in section 1-2 of the City Code, in all areas of the City; and

WHEREAS, exterior construction produces significant noise and causes a disturbance to neighboring properties; and

WHEREAS, residents of the City are entitled to the peaceful enjoyment of their homes, especially on the weekends; and

WHEREAS, the City Commission wishes to amend Section 105-26 to prohibit all exterior construction on Saturdays in residential zones or within 100 feet of residential zones.

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

SECTION 1. 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. Section 105-26 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows (changes in ~~strike-through~~ / underline format):

Sec. 105-26. – Construction and dredging, at night, on weekend days ~~Sundays and holidays~~.

(a) Construction prohibited. Construction is prohibited on weekends and holidays as set forth in this section. No construction, alteration or general repair of any building, structure, or other item for which a permit to construct, alter or repair is required by any ordinance of the city shall be done in the city before the hour of 7:30 a.m. or after 6:00 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday; nor shall any interior construction work be performed on any Saturday in the city’s residential zones or within 100 feet of said zones,

before the hour of 9:00 a.m. and after the hour of 5:00 p.m.; nor shall any exterior construction, alteration or repair be performed on any Saturday, at any time, in the city's residential zones or within 100 feet of said zone; nor shall any construction, alteration or repair of any building, structure or other item be done on any holiday as established by section 1-2 of the City Code; nor shall any construction, alteration or repair of any such item be done on any Sunday. Any such deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24.

(b) *Dredging, land filling.* Dredging and land filling operations shall not be carried out in the city between the hours of 6:00 p.m. of one day and 7:30 a.m. of the next day. No dredging or land filling operations shall be carried out in the city's residential zones or within 100 feet of the city's residential zones on any weekend day or any holiday. However, if upon investigation the city manager should find that the carrying out of such land filling and dredging operation will not interfere with or disturb nearby residents, the city manager is hereby given instructions and the authority in his/her discretion to waive this provision dealing with such dredging and land filling operations, but any such deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager or his/her designee, pursuant to administrative regulation number 1.24.

(c) *Special permits authorized.* The prohibitions of subsections (a) and (b) of this section shall not pertain to such cases where a special permit shall have been applied for and granted by the building and zoning department of the city, providing for special inspection by the proper department authorized by ordinance to inspect the particular work to be done. Provisions covering applications and permits are set forth in subsection (d) of this section.

(d) *Procedure for special permits.* Any person desiring a special permit for the purpose of doing construction, alterations or repair covered by the terms of this section shall make application to the building and zoning department of the city, giving such information as the building and zoning department requires to identify the locations of such work, the hours outside of the regular hours of inspection during which applicant proposes to work, and in addition thereto shall request and make arrangements with the building and zoning department for any special inspection of such work that may be necessary and shall compensate the building and zoning department at the usual rate of pay for such overtime inspection, in advance of issuance of such special permit. In addition to the special permit issued by the building and zoning department, any such deviation from the terms stated in subsections (a) or (b) of this section shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24. All special permits shall be issued upon a showing that the public peace will not be disturbed and that public safety will not be endangered.

(e) *Permits generally not applicable to weekend days or holidays.* ~~Under no circumstances shall any special permit provided for in this section be issued for the doing of any work of construction, alteration or repair in any residential area of the city on Sunday.~~ Generally, special permits, provided for in this section, shall not be issued for exterior construction on

any Saturday in residential zones of the city or within 100 feet of residential zones of the city, or for any construction, alteration or repair on any Sunday or any holiday as established in section 1-2. In exceptional circumstances (i.e. ruptured pipe, ruptured septic tank, impending hurricane, or other similar event) a special permit may be issued, in writing, by the city manager. Any such deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24.

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 City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. Within 30 days of the adoption of this Ordinance, the City shall place signs in all relevant departments advising of the Ordinance and shall include the Ordinance’s language in all relevant permits. Further, the City shall place an educational piece in eNews or another similar publication, educating the City’s residents of the Ordinance.

SECTION 8. This Ordinance shall become effective upon adoption however, for the first three (3) months or until March 15, 2017, whichever comes later, the Code Enforcement Division shall only issue warnings to violators. Beginning on March 16, 2017 or at the conclusion of the initial three (3) month period, whichever comes later, the Code Enforcement Division shall begin issuing tickets to violators.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY