

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-__

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING ARTICLE V, TO ADD SECTION 105-250 TO THE CITY OF CORAL GABLES CODE TO ALLOW FOR THE CITY TO TAKE REMEDIAL MEASURES TO ADDRESS POOLS AND OTHER OPENINGS WITH STAGNANT WATER THAT CAUSE A PUBLIC SAFETY CONCERN; PROVIDING FOR REMEDIAL MEASURES AND COST ASSESSEMENT; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, it has come to the attention of the City Commission that, from time to time, properties in the City have pools or other openings with stagnant water; and

WHEREAS, the properties where this issue occurs are typically abandoned, vacant or under construction; and

WHEREAS, according to the World Health Organization, stagnant water provides a breeding ground for many insects, including mosquitos; and

WHEREAS, mosquitos are known to carry various dangerous viruses and bacteria that cause serious conditions such as Encephalitis, West Nile Disease, Chikungunya, Zika Virus and others; and

WHEREAS, specifically Zika Virus, has become a serious public health concern in Miami-Dade County; and

WHEREAS, in these circumstances, the City's Building Official may take emergency action under the Florida Building Code; and

WHEREAS, pursuant to Section 105-86 of the City of Coral Gables Code, a swimming pool with stagnant water is one of the criteria for declaring a structure unsafe.

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

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. Article V of the Code of the City of Coral Gables pertains to “Minimum Housing Code” and reads as follows:

ARTICLE V.

DIVISION 1. – GENERALLY

* * * * *

Sec. 105-250. – Swimming pools, ponds, basins, grottos, fountains, etc.; stagnant water.

- (1) **Stagnant water prohibited.** Every property in the City that has a swimming pool, pond, basin, grotto, fountain or other body of water shall maintain that body of water in a clean and sanitary fashion. Bodies of water containing stagnant water are prohibited.
- (2) **Definition(s).** “*Stagnant water*” is defined as water that appears dirty or murky or emits a foul odor and has no current or flow.
- (3) **Properties on the City’s Abandoned Property Registry.** If a property on the City’s Abandoned Property Registry is found to have stagnant water on its premises, the City may immediately take any and all remedial measures available to it, including, but not limited to, draining the area, puncturing holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, in order to avoid the future collection of stagnant water, or placing a solid cover over the area. The cost of said measures shall be assessed to the property owner.
- (4) **Other vacant properties.** If a property is vacant (due to major construction or remodeling, for example) and not on the City’s Abandoned Property Registry, the property owner must drain the opening and cover it with a solid cover before vacating the property. If the property owner fails to do so and stagnant water is found on the property, the City shall provide the property owner with a warning giving him/her forty-eight (48) hours to drain the stagnant water and either puncture holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, or place a solid cover over the area. If the property owner does not comply within the forty-eight (48) hour period, the City may take any and all remedial measures available to it, as set out in subsection (2) above, and assess the cost of the measures to the property owner.
- (5) **Temporarily vacant properties.** If a property owner intends to leave the property continuously vacant for a period longer than three (3) months, and the body of water on the property will not be serviced regularly to prevent stagnant water, the property owner must drain the opening and cover it with a solid cover before departing. If property owner fails to do so and stagnant water is found on the property, the City shall provide the property owner with a warning giving him/her forty-eight (48) hours to drain the

stagnant water and either puncture holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, or place a solid cover over the area. If the property owner does not comply within the forty-eight (48) hour period, the City may take any and all remedial measures available to it, as set out in subsection (2) above, and assess the cost of the measures to the property owner.

- (6) **Occupied Properties.** Any occupied property with stagnant water in a pool, pond, basin, grotto, fountain or other opening will be given twenty-four (24) hours to drain the stagnant water and replace it with fresh water or place a solid cover over the area. If the property owner replaces the stagnant water with fresh water, it must be maintained in that fashion. If the property owner does not drain the water and either replace it with fresh water or place a solid cover over the area, within the twenty-four (24) hour period, the City may take any and all remedial measures available to it, as set out in subsection (2) above, and assess the cost of the measures to the property owner.

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. COMPLIANCE.

For the purpose of protecting the peace, health and safety of the citizens of the City of Coral Gables, Florida, in this time of increased concern over the viruses and illnesses carried by mosquitos, which breed in stagnant water, this ordinance is hereby declared an emergency measure, waiving second reading and pre-publication and requiring a 4/5th vote.

SECTION 7. 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