

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA AMENDING CHAPTER 62 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES,” ARTICLE IV. “MAINTENANCE OF SIDEWALKS AND SWALE AREAS,” SECTION 62-153 “REMOVAL OF OBSTRUCTIONS” AND SECTION 62-156 “BUTTONS AND OTHER ENCROACHMENTS PROHIBITED” OF THE CITY CODE TO CLARIFY PROVISIONS REGARDING OBSTRUCTIONS AND/OR ENCROACHMENTS ON STREETS, SIDEWALKS, OR SWALE AREAS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 62-153 of the City Code sets forth the procedure for removal of obstructions upon any street, sidewalk, or swale area within the City and provides that violations are punishable as provided in Section 1-7 of the City Code; and

WHEREAS, the City Commission wishes to clarify Section 62-153 to make it abundantly clear that placing, maintaining, or allowing an obstruction upon any street, sidewalk, or swale area within the City is prohibited and a code enforcement violation;

WHEREAS, additionally, the City Commission wishes to specify the procedures for imposing a special assessment lien for removal of obstructions or encroachments pursuant to Sections 62-153 and 62-156 of the City Code.

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

SECTION 1. That the foregoing recitals 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. That Chapter 62-153 “Streets, Sidewalks and Other Public Places,” Article IV “Maintenance of Sidewalks and Swale Areas,” Section 62-153 “Removal of obstructions” as follows¹:

Sec. 62-153. - ~~Removal of~~ Obstructions prohibited.

- (a) It shall be prohibited to place, maintain, or allow any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city. For purposes of this section,

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

“obstruction” shall not include any tree, shrub, swale treatment, or encroachment approved in writing by the city commission or city manager. Violations of this section shall be punishable as provided in section 1-7.

- (b) Written notice shall be given to the owner of the abutting property to remove any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city. If the owner of the abutting property fails to ~~comply with such removal of the trees, shrubbery, or other~~ obstruction within ten days of receipt of the written notice, the city shall then perform the necessary removal operations and shall assess the cost of said removal against the property. Such assessment, if not paid, shall become a lien against the property, pursuant to the procedure set forth in Article III of Chapter 34.
- (c) If any tree, shrub, or other obstruction upon any street, sidewalk, or swale area within the city creates an emergency situation involving potential danger to the health, safety, and welfare of the community, the city shall perform removal operations immediately, thus eliminating the emergency, and shall assess the cost of such removal against the property. Such assessment, if not paid, shall become a lien against the property, pursuant to the procedure set forth in Article III of Chapter 34.

* * *

Sec. 62-156. – Buttons and other encroachments prohibited.

- (a) Buttons, pyramids, reflectors and other encroachments are prohibited in the public rights-of-way without written approval from the city commission or city manager. This prohibition does not apply to the city, if it determines that the installation or allowance of these items is in the best interest of the city.
- (b) ~~Ceramic Buttons~~ Buttons, pyramids, reflectors and other encroachments shall be removed within 90 days of the passage of the ordinance from which this article is derived. Any and all ceramic buttons, pyramids, reflectors and/or encroachments that remain after the 90-day period, will be removed by the city. The city is authorized to bill the cost of removing these items to the property owner, through a special assessment pursuant to the procedure set forth in Article III of Chapter 34. The city reserves the right to remove any encroachment in the public rights-of-way for life-safety issues at any time.
- (c) Property owners who obtained permits from the city for installation of ceramic buttons, pyramids, reflectors and/or other encroachments, and who remove the items within the 90-day period, may request a refund of the permit fee from the city. Said refund shall be requested within 30 days of the removal of the items and shall be granted as a matter of course.
- (d) Installing or re-installing ceramic buttons, pyramids, reflectors or other encroachments in the public rights-of-way, after their removal and without prior written approval, shall constitute a code enforcement violation with a prescribed fine as provided in section 1-7.

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. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2022.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY