

ORDINANCE NO. 2016-\_\_

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROHIBITING BUTTONS AND OTHER ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY WITHOUT APPROVAL FROM THE CITY, DIRECTING THE CITY TO REMOVE SUCH UNAUTHORIZED BUTTONS AND OTHER ENCROACHMENTS FROM THE RIGHT-OF-WAY, AUTHORIZING THE CITY TO BILL THE PROPERTY OWNER FOR SUCH REMOVAL AS A SPECIAL ASSESSMENT, AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, ENFORCEMENT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables determines that there is a proliferation of ceramic buttons, pyramids, reflectors and other encroachments in the public right-of-way, throughout the City, that create visual clutter and diminish the aesthetics of these areas; and

WHEREAS, the public right-of-way belongs to the City of Coral Gables; and

WHEREAS, ceramic buttons and pyramids, in particular, may cause hazardous conditions for drivers and pedestrians, especially when they are overturned; and

WHEREAS, the City of Coral Gables wishes to eliminate the use of all ceramic buttons, pyramids, reflectors and other encroachments in the public right-of way.

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

**SECTION 1. Incorporation.** That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon the adoption hereof.

**SECTION 2.** That Section 62-136 of the City of Coral Gables Code is hereby created to read as follows:

**Sec. 62-136. Button and other encroachments prohibited.**

- (a) Buttons, pyramids, reflectors and other encroachments are prohibited in the public right-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, pyramids, reflectors and other encroachments shall be removed within 60 days of the passage of this Ordinance. Any and all ceramic buttons, pyramids, reflectors and/or encroachments that remain after the 60-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. The City reserves the right to remove any encroachment in the public right-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 item(s) within the 60-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 item(s) and shall be granted as a matter of course.
  - (d) Installing or re-installing ceramic buttons, pyramids, reflectors or other encroachments in the public right-of-way, after their removal and without prior written approval, shall constitute a code enforcement violation with a prescribed fine of \$100 per day.

**SECTION 3. Repealer.** All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

**SECTION 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**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 appropriate work 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., 2016.

APPROVED:

JIM CASON  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY