

ORDINANCE No. 2021-22

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 30 OF THE CITY'S CODE OF ORDINANCES, TITLED "PROPERTY MAINTENANCE"; AMENDING ARTICLE I TITLED "PROPERTY MAINTENANCE STANDARDS"; REVISING EXISTING LANGUAGE WITHIN SECTION 30-4 SUBSECTION 3 AS IT PERTAINS TO BEST MANAGEMENT PRACTICES DURING CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, On September 17, 2014, the Mayor and City Councilmembers approved the amendment of Ordinance 2014-28, (approved 5-0) creating Article 1, "Property Maintenance Standards," in Chapter 30, "Property Maintenance", providing for general property maintenance standards to promote, protect and improve the health, safety and welfare of the citizen of the City; and

WHEREAS, the of Doral Public Works Department (PWD) is requesting to amend Chapter 30 of the City's Code of Ordinance titled "Property Maintenance" to revise Section 30-4 Subsection 3 titled "Maintenance of the roadway and public rights-of-way"; and

WHEREAS, the City's Public Works Department has reviewed the subject Chapter and issued its recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

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Section 2. Code Amended. Chapter 30 – “Property Maintenance”, Article I- “Property Maintenance Standards” the Code of Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 30. PROPERTY MAINTENANCE

ARTICLE I. PROPERTY MAINTENANCE STANDARDS

Sec. 30-4. Standards for maintenance and appearance of property upon which construction or demolition is being performed.

- (3) *Maintenance of the roadway and public rights-of-way.* The roadway (to include private and public) and all public rights-of-way in front of a construction site shall be kept clean from dirt, sediment, and construction dust. The responsible party is to maintain the Best Management Practices (BMP’s) utilized to comply with the National Pollution Discharge Elimination System (NPDES) construction site Erosion and Sedimentation control plan. BMP’s include but are not limited to maintenance of temporary gravel construction entrance & exit, storm drain inlet protection, and staked turbidity barrier (silt fence). ~~Upon the request of the building, code compliance or public works director, the responsible party shall remove dust and dirt which are the result of construction from the roadway and public rights-of-way.~~ Upon the request of the Building, Code Compliance and/or Public Works Department, the responsible party shall maintain and replace the BMP’s that are impacted as a result of construction or any other activity and shall remove any material which results from construction. If any swale or sidewalk is damaged during the course of construction, the responsible party shall repair the damaged swale or sidewalk.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the

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provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. 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 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective after second reading.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	_____
Vice Mayor Pete Cabrera	_____
Councilwoman Digna Cabral	_____
Councilwoman Claudia Mariaca	_____
Councilman Oscar Puig-Corve	_____

PASSED AND ADOPTED on FIRST READING this 9 day of June, 2021.

PASSED AND ADOPTED on SECOND READING this ____ day of _____, 2021.

JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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