

ORDINANCE #2014-40

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING EXISTING CHAPTER 5, ARTICLE III, SECTION 5-137 ENTITLED "STORMWATER DRAINAGE" OF THE CITY CODE BY, PROHIBITING CERTAIN ACTS TO PROMOTE, PROTECT AND IMPROVE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY; PROVIDING FOR CIVIL ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR INCORPORATION INTO THE CITY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Doral (the "City") Code Compliance and Public Works Departments have become aware of needed amendments to the existing Code; and

WHEREAS, the policies as recommended by the City's administration in this Ordinance allow for the City to work towards the elimination of such acts and situations that are detrimental to the City's stormwater system and the environment as a whole; and

WHEREAS, the Mayor and City Council, through the adoption of this ordinance, seeks to protect the public health, safety, and welfare for the community; and

WHEREAS, the Mayor and the City Council find that the policies contained herein are in the best interest of the community.

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

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

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Words in underscored type are additions.

Section 2. **Code Amended.** The Code of Ordinances of the City of Doral is hereby amended by revising Chapter 5 Article III Section 5-137, "Stormwater Drainage," which shall read as follows:

Section 5-137. Stormwater drainage.

- (1) All drainage facilities must be maintained as to be free of obstructions, sediments, or other waste materials and shall be inspected at least one time per year to ensure that this section is complied with. Stormwater causing recurrent or excessive ponding shall be eliminated through proper maintenance, and if needed, design and construction methods. Drainage facilities shall be maintained based on inspection and historical data to ensure proper operation. The ground should be graded away from the building and foundation, but not so as to cause the water to drain into adjoining property or city rights-of-way, such as streets, or parkways, or canals. All water runoff ~~must~~ shall be maintained within property limits. ~~Dumping of any substance or material other than water could be considered illegal dumping.~~
- (2) Prohibited act(s). The following shall be unlawful:
 - (a) It shall be unlawful for any person to cause, let, allow, discard, permit or suffer the dumping of any substance, liquid, or material in any stormwater drains, inlets, catch basins, curbs and gutters, retention or detention ponds, swales, manholes, junction boxes, culverts, freshwater lakes, canals or other related components, designed to convey stormwater runoff within the city.
 - (b) It shall be unlawful for any landscaping business or person(s) performing landscaping activities to sweep, blow, cast, or discard vegetative debris resulting from landscape maintenance, including trash, grass, plant or tree clippings, mulch, or the like, into any stormwater drains, inlets, catch basins, curbs and gutters, retention or detention ponds, swales, manholes, junction boxes, culverts, freshwater lakes, canals or other related components, designed to convey stormwater runoff within the city.
 - (c) It shall be unlawful for any property owner or entity performing construction activities to cause, let, allow, discard, permit or suffer runoff, erosion and sedimentation into any stormwater drains,

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inlets, catch basins, curbs and gutters, retention or detention ponds, swales, manholes, junction boxes, culverts, freshwater lakes, canals or other related components, designed to convey stormwater runoff within the city.

(3) Enforcement; penalties.

(a) Enforcement by code compliance officer; notice of violation. If a code compliance officer finds a violation of this article, he shall issue a notice of violation to the violator. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within twenty days after service of the notice of violation, and that failure to do so shall constitute an admission of the violations and waiver of the right to a hearing.

(b) Civil fines for violators. The following civil fines shall be imposed for each violation of this Section:

(1) First offense, \$150.00 fine.

(2) Second offense, \$250.00 fine.

(3) Third and subsequent offenses, \$500.00 fine.

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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 provisions of this Ordinance into the Code of Ordinances, including, but
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not limited to, renumbering or re-lettering sections, and to change, and that the word "ordinance" may be changed 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

immediately

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

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Cristi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING THIS 12 day of November 2014.

PASSED AND ADOPTED on FIRST READING THIS 10 day of December 2014.




LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, INTERIM CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF
THE CITY OF DORAL.



WEISS, SEROTA, HELEMAN, COLE,
BIERMAN & POPOK, PL
CITY ATTORNEY

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