

MEMORANDUM

Agenda Item No. 7(G)

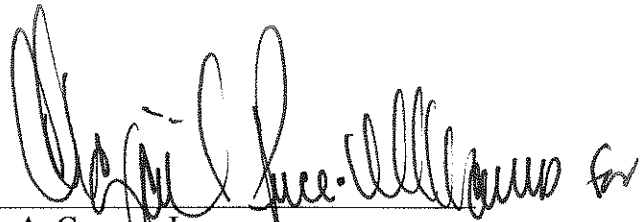
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to property owners' responsibility to maintain swales adjacent to their properties; amending Sections 19-13 and 19-14 of the Code to require the repair and restoration of swales

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: March 4, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Ordinance Relating to Property Owners' Responsibility to Maintain Swales Adjacent to Their Properties; Amending Sections 19-13 and 19-14 of the Code, to Require the Repair and Restoration of Swales; Providing Exceptions

The proposed ordinance amends Sections 19-13 and 19-14 of the Code to clarify the responsibilities of property owners to maintain swales adjacent to both residential and non-residential properties. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor

Fis3814



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 4, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)
3-4-14

ORDINANCE NO. _____

ORDINANCE RELATING TO PROPERTY OWNERS' RESPONSIBILITY TO MAINTAIN SWALES ADJACENT TO THEIR PROPERTIES; AMENDING SECTIONS 19-13 AND 19-14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE THE REPAIR AND RESTORATION OF SWALES; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 19-13 and 19-14 of the Code of Miami-Dade County, Florida currently require property owners to maintain the swales adjacent to their properties, in residential and non-residential zoned districts, respectively; and

WHEREAS, these maintenance requirements have been interpreted to require only routine ongoing maintenance and not the repair and restoration of these swales and the vegetation contained therein in case of damage; and

WHEREAS, maintaining the vegetative cover within swales is important to provide drainage and prevent soil erosion, as well as for aesthetic purposes; and

WHEREAS, amending Section 19-13 and 19-14 of the Code of Miami-Dade County, Florida will ensure that swales within the County's jurisdiction will be properly maintained,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 19-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**Sec 19-13. MAINTENANCE OF LOTS IN
RESIDENTIAL-ZONED DISTRICTS.**

* * *

(B) It shall be the responsibility of the responsible party for property in a residential-zoned district and adjacent to a County right-of-way to maintain the swale area which abuts their property. >>Such maintenance responsibility shall include, but is not limited to, maintaining grass or other appropriate vegetation healthy and dense enough to provide filtering while protecting underlying soils from erosion, replacing vegetation where soils are exposed, and maintaining proper elevations within the swale.<<

Section 2. Section 19-14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec 19-14. MAINTENANCE STANDARDS FOR LOTS IN
NON-RESIDENTIAL-ZONED DISTRICTS.**

* * *

(B) It shall be the responsibility of the responsible party for the property adjacent to a County right-of-way and in a non-residential zoned district to maintain the swale area which abuts their property. >>Such maintenance responsibility shall include, but is not limited to, maintaining grass or other appropriate vegetation healthy and dense enough to provide filtering while protecting underlying soils from erosion, replacing vegetation where soils are exposed, and maintaining proper elevations within the swale.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. 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 other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

JME

Jorge Martinez-Esteve

Prime Sponsor: Commissioner Juan C. Zapata
Co-Sponsor: Commissioner Dennis C. Moss