

**ORDINANCE No. 2019-21**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 38 OF THE CITY'S CODE OF ORDINANCES ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE I, "IN GENERAL", CREATING SECTION 38-6 "CONSTRUCTION OR WORKS IN THE PUBLIC RIGHTS-OF-WAY"; PROVIDING GUIDANCE FOR CONSTRUCTION AND WORKS WITHIN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR A PUBLIC WORKS FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral reviews and permits construction and works within the Public Rights-of-Way and easements in order to confirm all work adheres to a standard of safety for the residents of the City; and

**WHEREAS**, the City of Doral finds that it is necessary to establish a fee schedule for the submittal, review, and inspection of works proposed within City Rights-of-Way or easements within the City of Doral's boundaries; and

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

**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.

**Section 2. CODE AMENDED.** Article I, "In General," of Chapter 38, "Streets, Sidewalks and other Public Places," of the Code of Ordinances of the City of Doral is hereby amended as follows:

## CHAPTER 37 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

### ARTICLE I. – IN GENERAL

#### Sec. 38.6 – Construction or works in the Public Rights-of-Way.

- (a) The term "right-of-way" or "rights-of-way" shall be construed throughout this article to include, but not be limited to, all proposed dedications of public rights-of-way set forth on official grading and drainage plans required to accompany approved and valid tentative plats, as well as all existing or dedicated rights-of-way.
- (b) It shall be unlawful for any person, corporation, partnership, association or other legal entity to construct utilities or other works in road and street right-of-way and easements within City of Doral boundaries without first having obtained a permit from the City's Public Works Department. All said construction work in said right-of-way shall conform to uniform standards established and/or adopted by the City.
- (c) It shall also be unlawful for any person, corporation, partnership, association or other legal entity to construct paving or drainage on private property for areas used for vehicle access as ingress and egress or on private roadways within the City, without first having obtained a permit from the Public Works Department.
- (d) If the Public Works Inspector or Director of the Public Works Department determines that the permittee is not performing the construction in accordance with the conditions of the permit or the approved plans upon which the permit was issued or in conformance with the uniform standards agreed upon at the pre-construction meeting, he may order suspension of the permit or the stopping of work until such time as the permittee has complied with the permit, plans or

standards. In such case, the permittee shall take all necessary precautions to leave the work area in a safe and secure condition.

(e) The Director of the Public Works Department may withhold the issuance of public works permits to an applicant if that applicant has previously been issued a citation regarding work that requires a public works permit, and the citation is still outstanding forty-five (45) days after the date the citation was issued.

(f) In the event of any future widening, repairs, installation, construction, or reconstruction, by or for the City of Doral, of any road, bridge, canal, culvert, traffic signal, streetlight, water distribution system, sewage collection system, storm drainage system, or any other State, City, or Miami-Dade County facility within the public right-of-way in which the permittee or owner has constructed any utility, said permittee or owner shall move or remove such utility as may be required for the public convenience as and whenever specified by the Director of the Public Works Department and at his own expense.

(g) Permit fees – Schedule.

a. The City of Doral Public Works Department shall charge and collect permit fees at the rates established by separate administrative order and as noted on Schedule “PW”.

(h) Waiver.

a. The Public Works Department shall waive the permit fee for all work performed by a governmental agency, except for utility construction, whether this work is performed by employees of the governmental agency or by a private firm or corporation under contract with the governmental

agency. However, such governmental agency or private firm or corporation under contract therewith shall not be relieved of the responsibility for obtaining a permit for work covered in Section 38.6.

(i) Time of Completion.

- a. The time allotted to complete the work for which a permit was issued under Section 38.6 shall be limited to the period stipulated on the permit unless the person, firm or corporation to whom the permit was issued requests the Public Works Department for an extension of time, and provided the request is received prior to the time of expiration. If a time extension is needed but not requested until after the expiration of the time originally allotted, a new permit will be required for the uncompleted work.

**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 not limited to, renumbering or re-lettering 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 upon its adoption.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Absent/Excused
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED on FIRST READING this 13 day of August, 2019.

PASSED AND ADOPTED on SECOND READING this 11 day of September, 2019.

  
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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