

ORDINANCE NO. 4829

**AN ORDINANCE OF THE CITY OF SWEETWATER CITY COMMISSION AMENDING CHAPTER 58 ARTICLE I 'IN GENERAL' CREATING SECTION 58-3 'OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY' OF THE CITY CODE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City wishes to provide regulations relating to public and private property;  
and

**WHEREAS**, the city wishes to amend Article I of Chapter 58 creating Section 58-3 'Offenses against public and private property' of the City Code to include standards and penalties relating to a willfully or malicious intent of destruction or illegal dumping on public and private property; and

**WHEREAS**, the Mayor and City Commission find that this Ordinance is in the best interest and welfare of the residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:<sup>1</sup>**

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

Section 2. That Article I of Chapter 58 creating Section 58-3 'Offenses against public and private property' of the City Code be amended as provided in Exhibit 'A'.

Section 3. That all ordinances or portions of the City Code in conflict with the provisions of this Ordinance shall be repealed upon the effect hereof.

Section 4. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. That this ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

## Exhibit 'A'

### Chapter 58 - STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES.

#### ARTICLE I. – IN GENERAL

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#### Sec 58-3. - Offenses against public and private property.

(a) No person in the City of Sweetwater shall:

- (1) Willfully, maliciously, want only or otherwise injure, deface, destroy or remove real property or improvements thereto, or movable or personal property, belonging to the City of Sweetwater, any state or Federal agency in the City of Sweetwater, or to any person in the City of Sweetwater. For the purpose of this ordinance, "person" shall include any individual or entity as defined by Section 1.01(3) of the Florida Statutes.
- (2) Destroy, damage, or vandalize, any City of Sweetwater property, including but not limited to the swale area in the public right-of-way.
- (3) Injure or knowingly suffer to be injured any meter, valve, valve or meter identification, piping or appurtenance thereto, connected with or belonging to a gas distribution system in the City of Sweetwater, including portions thereof on private property and within buildings. No person shall tamper or meddle with or alter the condition of any meter, valve or meter identification, or other part of such system in the City of Sweetwater, or appliance connected thereto, in such manner as to cause loss or damage to the owner of such facilities or the users thereof, or to create a hazard to life and property.
- (4) Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fireplug, topographical survey monument, or any other personal property erected or placed by the City of Sweetwater.
- (5) Place or erect upon any public way or passageway to any building, an obstruction of any type, provided that this section shall not prevent duly authorized or required placing of temporary barriers or signs for the purpose of safeguarding the public.
- (6) Move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground.

(b) Any person violating this ordinance shall: be punished by a fine not to exceed five hundred dollars (\$500) for the first offense and each subsequent offense and by imprisonment in the Miami Dade County jail for a term not to exceed sixty (60) days. In addition to such punishment, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense in the amount or manner determined by the Court. In the case of a minor, the parents or legal guardian shall be jointly and severably liable, with the minor for payment of all fines and restitution. Failure of the violator to pay the fine or restitution shall be punished by an additional term of imprisonment in the Miami Dade County jail not to exceed twenty (20) days. .

PASSED on first reading this 19 day of January 2022.

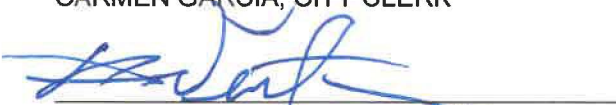
PASSED AND ADOPTED on second reading this 6<sup>th</sup> day of June, 2022.

  
ORLANDO LOPEZ, MAYOR

  
SAUL DIAZ, COMMISSION PRESIDENT

ATTEST:

  
CARMEN GARCIA, CITY CLERK

  
RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

SAUL DIAZ, PRESIDENT	Yes
ISIDRO RUIZ, VICE PRESIDENT	Yes
IDANIA LLANIO, COMMISSIONER	Yes
JOSE MARTI, COMMISSIONER	Absent
REINALDO REY, COMMISSIONER	Yes
IAN VALLACILLO, COMMISSIONER	Yes
MARCOS VILLANUEVA, COMMISSIONER	Yes