

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA AMENDING CHAPTER 23, ARTICLE III OF THE CITY'S CODE OF ORDINANCES, ENTITLED "SIDEWALKS", BY DELETING AND REPLACING SECTION 23-124, ENTITLED "OWNERS OF PROPERTY REQUIRED TO MAINTAIN ABUTTING SIDEWALKS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff periodically reviews the Ordinances of the City of Plantation, Florida and makes recommendations to the City Council to revise its Ordinances; and

WHEREAS, the City Council of the City of Plantation, Florida deems it to be in the best interests of the citizens, businesses, and residents of the City to amend the Code of Ordinances as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA THAT:

SECTION 1. The foregoing recitals are hereby ratified as being true and correct and incorporated herein by this reference.

SECTION 2. Chapter 23 of the City's Code of Ordinances, Article III entitled "Sidewalks", is hereby amended by deleting and replacing Section 23-124 entitled "Owners of property required to maintain abutting sidewalks", as follows:

Sec. 23-124. - Owners of property required to maintain abutting sidewalks.

(a) Duty of owner of adjacent property.

(1)Property owners have a duty to keep the sidewalks adjoining their properties adjacent to rights-of-way under the jurisdiction of the City of Plantation in good repair and have the duty to replace, reconstruct or repair sidewalk sections when the condition of a sidewalk section is in disrepair due to action attributable to the property owner or the property owner's employees, invitees or agents. Damage attributable to the property owner includes, but is not limited to, damage to a sidewalk caused by a tree located on private property. Upon discovery and

determination by the City that the damage is attributable to the property owner and areas of a sidewalk require replacement, reconstruction or repair, the City shall provide written notice directing the property owner to reconstruct, maintain or repair the sidewalk. Failure of the City to provide notice a property owner shall not relieve a property owner of the property owner's duties hereunder. The City will utilize the current FDOT Maintenance Rating Program (MRP) Handbook when determining whether a sidewalk is in disrepair pursuant to MRP standards for sidewalk maintenance. The width of each sidewalk, the material to be used in its construction, the grade thereof, and the method and manner of construction, reconstructing and repairing the same shall be as prescribed and approved by this Code and the enforcing departments under this Code.

(2)Property owners shall maintain sidewalks adjacent to rights-of-way under the jurisdiction of the City of Plantation adjoining their properties between the property boundary line and the street in a clean condition and at a minimum shall:

(i) Keep such sidewalks clear of refuse, waste, litter, debris, excess vegetation, and weeds; and

(ii) Regularly scrub, pressure wash, clean, treat, or otherwise maintain sidewalks in a condition that is free of mold, mildew, or other dangerous conditions, which is free from discoloration and poses a reduced risk of slipping, skidding, or sliding to a reasonable person of ordinary sensibilities.

(b) Penalties.

Violations of this Section may be subject to the code enforcement process by the issuance of a notice of violation pursuant to Chapter 6, Article I of the City Code. Violations of this Section may also be abated by the City as provided for herein. The provisions and procedures contained in this Section shall be in addition and supplemental to any other remedies now existing or subsequently provided for by law, for the enforcement of municipal ordinances of the City.

(c) Abatement: Special Assessment.

In the event the adjacent property owner shall fail or refuse to perform the work required to correct the violation of this Section, the City is hereby authorized to cause the replacement, reconstruction or repair to be completed and further, may specially assess the responsible property owner for the costs thereof, using special assessment procedures set forth in the City Charter or using special assessment procedures otherwise provided by law (e.g., Chapter 170, Florida Statutes).

SECTION 3. It is the intention of the City Council of the City of Plantation that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the

City of Plantation, Florida. The Sections of this ordinance may be re-numbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.


SECTION 6. This Ordinance shall become effective upon passage and adoption and signature by the Mayor.

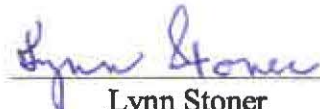
PASSED AT FIRST READING by the City Council this 30th day of June, 2021.

PASSED AT SECOND READING by the City Council this 28th day of July, 2021.

Signed by the Mayor this 28th day of July, 2021.

ATTEST:


April Beggerow
City Clerk


Lynn Stoner
Mayor

APPROVED

DATE

REQUESTED BY: _____

DEPT. OK: _____

ADMIN. OK: _____

ATTY. OK: _____

AS TO FORM ONLY

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance No. 2600 was received by the Office of the City Clerk and entered into the Public Record this 30 day of July, 2021.

April Beggerow
April Beggerow, City Clerk