

ORDINANCE NO. 16 - __

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING SECTION 30-1 ENTITLED “PAVEMENT CUTTING AND EXCAVATION PROHIBITION” OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) owns and maintains ninety (90) miles of local roadways within the Town; and

WHEREAS, the Town’s Public Works Department completed a sidewalk and roadway assessment report dated February 2009, which identified and prioritized local roadways in need of resurfacing; and

WHEREAS, since incorporation, the Town has initiated an aggressive Pavement Management Maintenance Program, utilizing Transportation Funds from the People’s Transportation Plan and Municipal Surtax Proceeds; and

WHEREAS, Town staff has recommended, that if streets have been constructed, reconstructed or paved by the Town, these pavement surfaces shall not thereafter be cut or open for a period of five (5) years to maintain the integrity, ride ability and appearance of new street surfaces; and

WHEREAS, providing for such prohibition would also minimize pavement degradation, maintain smooth riding surfaces for all modes of transportation, and limit negative visual impacts; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest of the health, safety and welfare of the residents of the Town.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Creation of Section 30-1 of the Town Code. The Town Council hereby creates Section 30-1 entitled “Pavement Cutting and Excavation Prohibition” as follows:

Sec. 30-1 Pavement Cutting and Excavation Prohibition.

Upon the completion or resurfacing of a Town roadway, there shall be no pavement cutting and/or excavation of such roadway for a period of five (5) years, except as otherwise provided in the Town's Pavement Management and Maintenance Program Manual, which shall be on file with the Town's Public Works department.

Section 3. Conflicts. All ordinances or Code provisions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Severability. That 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 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 5. Inclusion In The Code. It is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading on this 15th day of June, 2016.

PASSED AND ADOPTED on second reading on this ____ day of _____, 2016.

PEGGY R. BELL
Mayor

Attest:

JACQUELINE N. WILSON
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

First Reading:
Moved By: Council Member Mixon
Seconded By: Council Member Coriat

Second Reading:
Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____
Vice Mayor Ernest N. Sochin _____
Councilmember Roger Coriat _____
Councilmember Sue Ellen Loyzelle _____
Councilmember Mary Ann Mixon _____