

ORDINANCE NO. 22-14\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 25, ARTICLE VII OF THE CITY'S CODE OF ORDINANCES, ENTITLED "DRIVEWAYS AND SIDEWALKS;" BY SPECIFICALLY AMENDING SECTION 25-102, ENTITLED "REPAIR AND MAINTENANCE REQUIRED;" CLARIFYING AND CONFIRMING A PROPERTY OWNER'S DUTY AND RESPONSIBILITY TO MAINTAIN AND REPAIR SIDEWALKS ON, ABUTTING OR ADJACENT TO THEIR PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Cooper City (the "City") seeks to ensure that sidewalks throughout the City are kept in a state of good repair; and

**WHEREAS**, the City Commission further seeks to clarify and confirm property owner's responsibility to maintain and repair sidewalks located on or adjacent to their property; and

**WHEREAS**, in accordance with state law, the City has conducted a public hearing and considered public input; and

**WHEREAS**, the City Commission finds that amending the City Code to clarify property owners' duty and responsibility to maintain the adjacent sidewalk is in the City is in the best interests of the citizens and residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. City Code Amended.** That Article VII, entitled "Driveways and Sidewalks," of Chapter 25, entitled "Development Standards," of the City of Cooper City Code

of Ordinances is hereby amended by specifically amending Section 25-102, entitled "Repair and Maintenance Required" as follows:

**Sec. 25-102 Repair and Maintenance Required**

(a) *Repair of sidewalks located on, abutting or adjacent to owner's premises.* It shall be the duty and responsibility of each property owner (including homeowner associations pursuant to section 6-33(h) of the City Code) to construct ~~or~~, reconstruct, maintain and to keep in repair any sidewalks located on, abutting or adjacent to their premises ~~(i.e., excluding public sidewalks which are located within the public right-of-way),~~ including, but not limited to, repairing sidewalks damaged from root intrusion and vehicle damage, and ensuring that sidewalks do not present a safety threat or hazard to the general public.

(b) *Driveway aprons.* The apron area of a driveway shall be repaired by the owner of the abutting property so as to remain in a smooth and clean condition, free from ruts, potholes, loose aggregate and deterioration. Any sidewalks which are separately laid out and constructed as a sidewalk and situated between the paved driveway and the driveway apron area shall be the City's responsibility (in lieu of the owner of the abutting property being responsible for said sidewalk) to the same extent that the City repairs sidewalks pursuant to this section 25-102, except that the City's responsibility under this paragraph (b) shall be subject to each of the following limitations, restrictions and conditions:

- (1) The City shall cause any sidewalk repair for which the City is responsible to be done by its own forces or City contractors in accordance with contract specifications, standards and methods which are approved by the City's Public Works Director.
- (2) The City shall not be responsible for aesthetic or cosmetic differences between the repaired sidewalk and the remaining portion of the driveway or for any lack of uniformity in appearance.
- (3) Before undertaking any sidewalk repair work pursuant to this paragraph (b), the City Manager may require the benefitted property owners to execute release and indemnification forms (the "release:") which serves to implement this provision and to protect the City and its officers, agents, employees, and contractors from liability. The release shall also provide for the benefitted property power to be solely responsible for the repair of the remaining portion of the property owner's driveway.

As an alternative to doing the above-described repair work via the City's own forces or City contractor, the City Manager may authorize, by written agreement, the property owner to engage the property owner's own contractor to do the sidewalk repair work, at the property owner's sole cost and expense, except that the City Manager may

reimburse the property owner for the cost of the repair, after the work is satisfactorily completed. The amount of reimbursement shall not exceed the cost that the City would have incurred had the City used its own forces or a City contractor for the repair work.

(c) *Harmony of provisions.* Except as provided in paragraphs (a) to and including (b) above, all sidewalk areas within public rights-of-way shall be kept in a structurally sound condition (as defined in [section 6-36\(o\)](#) of the City Code) by the City. Any sidewalks located within the paved driveway apron area of a non-residential property shall be the property owner's responsibility to construct or reconstruct and keep in repair. ....

(d) *Cleaning of sidewalks.* It shall be the responsibility of each property owner (including homeowner associations pursuant to [section 6-33\(h\)](#) of the City Code) to uniformly clean debris, stain, and mold from all sidewalks on, [abutting or adjacent to](#) or abutting the front or sides of their property. This area shall also be kept clean and free of weeds, trash and debris and other such obstructions. Notwithstanding any other provisions of this section, the City may, in its discretion, periodically clean (i) those portions of a public sidewalk that abuts non-residential property and which are in the public rights-of-way outside a property owner's boundaries; or (ii) sidewalks which abut the rear property boundary of a residential property that may or may not be separated by a fence or other physical barrier from the property.

**SECTION 4. Conflict.** 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 5. Severability.** 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 6. Codification.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, that the Sections of this ordinance may be renumbered, 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 7. Effective Date.** This Ordinance shall become effective upon passage and adoption.

**PASSED AND ADOPTED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

**PASSED AND FINAL ADOPTION on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
GREG ROSS  
Mayor

ATTEST:

\_\_\_\_\_  
TEDRA ALLEN, CMC

Approved As To Legal Form:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

**ROLL CALL**  
Mayor Ross \_\_\_\_\_  
Commissioner Green \_\_\_\_\_  
Commissioner Meltzer \_\_\_\_\_  
Commissioner Pulcini \_\_\_\_\_  
Commissioner Shrouder \_\_\_\_\_