

Requested by: Engineering and Public Works
Prepared by: City Clerk

ORDINANCE NO. 2024-21

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE II, SIDEWALKS, SECTION 62-31, DUTY TO MAINTAIN SIDEWALKS AND AREA BETWEEN SIDEWALK AND CURB; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is important to the health, safety, and welfare of the citizens and visitors of the City of Venice for the public right-of-way and all improvements therein to be maintained in a safe condition; and

WHEREAS, the City Code of Ordinances requires persons in possession of improved properties to maintain sidewalks adjoining the property in a clean and sanitary condition; and

WHEREAS, additional clarification in the City Code is desired regarding the maintenance obligations for sidewalk segments within driveways; and

WHEREAS, the City Council finds these City Code revisions to be in the best interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 62, Streets, Sidewalks, and Other Public Places, Article II, Sidewalks, Section 62-31, Duty to maintain sidewalks and area between sidewalk curb, is hereby amended as follows:

ARTICLE II. – SIDEWALKS

Sec. 62-31. – Duty to maintain sidewalks and area between sidewalk and curb.

All persons entitled to the possession of improved properties within the city are hereby required to maintain sidewalks adjoining the property in a clean and sanitary condition and to keep grass and weeds cut between the sidewalk and the curb. In addition, any sidewalk section within a driveway must be maintained by the adjoining property owner in good and safe condition consistent with the city standard details. Any removal, replacement, maintenance, or restoration costs associated with such a sidewalk section shall be the sole responsibility of the adjoining property owner. If the city deems it necessary due to public health, safety, or welfare to conduct

maintenance on or replace such a sidewalk segment, the city may charge the adjoining property owner for the cost of the work.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City of Venice council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 10TH DAY OF SEPTEMBER 2024.

First Reading: August 27, 2024

Final Reading: September 10, 2024

Adoption: September 10, 2024

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 10th day of September 2024, a quorum being present.

WITNESS my hand and the official seal of said City this 10th day of September, 2024.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney