

# City of South Daytona

## Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32121 • 386/322-3014



### MEMORANDUM

To: James L. Gillis Jr., City Manager  
From: Becky Witte, Deputy City Clerk  
Re: Consideration of approving the Second and Final Reading of Ordinance No. 2023-10 to prohibit obstructions on sidewalks. *Public Hearing.*  
Date: July 5, 2023

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The City Council approved the First Reading of Ordinance 2023-09 on June 13, 2023.

Earlier in the year, City staff received numerous complaints regarding an individual who was blocking the sidewalk on Reed Canal Road leading to Atlantic High School. The individual was obstructing the sidewalk to the degree that children walking or biking to school were forced to enter the roadway to get around. Fortunately, the individual decided after several days of discussion to move on for the safety of the school children.

Safe, clean and hazard-free sidewalks promote mobility and livability for the citizens of South Daytona. Currently we have no prohibition on the obstruction of sidewalks within our community.

With this in mind, staff recommends modifying Chapter 14 of the City Code of Ordinances, Article I, Section 14.3 by adding the following language:

**Sec. 14.3. Reserved - Sidewalk obstructions prohibited.**

It shall be unlawful for any person to obstruct wholly or partially any sidewalk of the city without a permit.

A permitted obstruction would be for a home whose existing garage is so close to the right of way that a single car cannot fit in the driveway without a portion of the vehicle overhanging the sidewalk.

To protect our pedestrians and to ensure our sidewalks are free from most obstructions, staff recommends the City Council approve the Second and Final Reading of Ordinance No. 2023-10 as presented.

## ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA CODE OF ORDINANCES, CHAPTER 14, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, CREATING SECTION 14-1, SIDEWALK OBSTRUCTIONS PROHIBITED, TO PROHIBIT OBSTRUCTIONS OF ANY SIDEWALK WITHIN THE CITY WITHOUT A PERMIT; AND PROVIDING FOR ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the City; and

WHEREAS, the Council finds the amendment of the code is in the best interest of the protecting the health, safety, and welfare of the residents and guests of the City; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, THAT:

**SECTION 1. Recitals.** The above recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Adoption.** The City Council of the City of South Daytona hereby amends Chapter 14 of the *City of South Daytona Code of Ordinances*, Section 14-3 to read as follows:

### Chapter 14. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

#### ARTICLE I. IN GENERAL

##### **Sec. 14-1. Sidewalk obstructions prohibited.**

It shall be unlawful for any person to obstruct wholly or partially any sidewalk of the city without a permit.

**SECTION 3. Administrative Actions.** The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

**SECTION 4. Codification.** The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of South Daytona Code of Ordinances and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 3, 4, 5, 6, and 7 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**SECTION 5. Conflicts.** All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. Effective Date.** This Ordinance shall take effect immediately upon enactment.

**APPROVED** upon first reading on the 13<sup>th</sup> day of June 2023 at a regular meeting of the City Council of the City of South Daytona.

**APPROVED AND ADOPTED** upon second and final reading on the 25<sup>th</sup> day of July 2023 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

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William C. Hall, Mayor

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James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

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Wade C. Vose, City Attorney