

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>_____*</u>	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____
Reporting Category _____

* **B. Recommended Sources of Funds/Summary of Fiscal Impact:** The net fiscal impact is indeterminable at this time. Any funds received from this program will be appropriated in Code Enforcements non advalorem Nuisance Abatement fund.

C. Departmental Fiscal Review: *Paul Dignos*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

N. Deas 5/1/2012
 WS 4-27-12 OFMB SW 4/30/12 4/19/12
Dr. J. Jacobson 5/4/12
 Contract Dev. and Control 5-4-12 B. Wheeler

B. Legal Sufficiency:
[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

[Continued from page 1]

Background and Policy Issues: It was also necessary to amend certain sections of the PMC addressing enforcement, ownership, notice and service of notice for consistency with Chapter 162, Florida Statutes.

Certain nuisances, which are defined in the PMC, place a substantial unacceptable threat and burden on the health, safety and welfare of the residents and businesses within the county. The PMC provides that the County is authorized to abate such nuisances if the owner fails to do so after proper notice. Pursuant to this amendment to the PMC, if the County is required to abate such a nuisance and the owner fails to reimburse the County for the cost of abatement, the cost of abatement will be levied against the benefitted real property as a special assessment. If the assessment is not paid by the following September 1st, it will be placed on the tax roll as a non ad valorem assessment and collected in accordance with the uniform method for the levy, collection and enforcement of non ad valorem assessments provided for in s. 197.3632, F.S.

On November 15, 2011, the Board of County Commissioners adopted a Resolution (R-2011-1833) declaring its intent to use the uniform method of collecting non-ad valorem assessments within the unincorporated area of the county to recover the cost of abating nuisances under the PMC. On March 6, 2012, the Board of County Commissioners entered into agreements for the same with the Tax Collector (R-2012-0332) and the Property Appraiser (R-2012-0333).

1 WHEREAS, the Board of County Commissioners finds that there is a logical
2 relationship between the provision of nuisance abatement services by the County and an
3 enhancement in the value and desirability of the assessed real property; and

4 WHEREAS, the Board of County Commissioners finds that the cost of abating such
5 nuisances should be entirely apportioned to the benefitted real property receiving the nuisance
6 abatement services; and

7 WHEREAS, the Board of County Commissioners finds that, if not timely paid, the cost
8 of abating such nuisances should be levied against the benefitted real property as a special
9 assessment superior to all other private rights, interests, liens, encumbrances, titles and claims
10 upon the property and equal in rank and dignity with a lien for ad valorem taxes; and

11 WHEREAS, the special assessments to be levied using the procedures provided in the
12 Ordinance shall constitute non-ad valorem assessments within the meaning of Section
13 197.3632, Florida Statutes; and

14 WHEREAS, the Board of County Commissioners has the authority to use the uniform
15 method for the levy, collection and enforcement of non-ad valorem assessments as set forth in
16 Chapter 197, Florida Statutes; and

17 WHEREAS, the Board of County Commissioners has adopted a Resolution (R-2011-
18 1833) declaring its intent to use the uniform method of collecting non-ad valorem assessments
19 within the unincorporated area of the county in furtherance of this Ordinance and has entered
20 into agreements for the same with the Tax Collector (R-2012-0332) and the Property Appraiser
21 (R-2012-0333).

22 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
23 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

24 SECTION 1.

25 The foregoing recitals set forth above are adopted herein as findings of fact.

26 SECTION 2.

27 **CHAPTER 14 (HOUSING CODE) ARTICLE I (PROPERTY MAINTENANCE CODE)**
28 **OF THE PALM BEACH COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:**

29 **DIVISION 1. ADMINISTRATION**

30 **Sec. 14.1 – General.**

31 (a) Title: These regulations shall be known as the Palm Beach County Property Maintenance
32 Code hereinafter referred to as “Maintenance Code.”

33 (b) Scope: The purpose of this code is to protect the public health, safety and welfare in all
34 structures, residential and nonresidential, and on all premises by establishing minimum
35 requirements and standards for premises, structures, equipment, and facilities for light,
36 ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire
37 and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners,
38 operators and occupants; regulating the occupancy of structures and premises, and providing
39 for administration, enforcement and penalties.

40 (c) Intent: This code shall be construed to secure its expressed intent, which is to ensure public
41 health, safety and welfare insofar as they are affected by the continued occupancy and/or
42 maintenance of structures and premises. Existing structures and premises that do not comply

1 with these provisions shall be altered or repaired to provide a minimum level of health and
2 safety as required herein.

3 (d) Existing remedies: The provisions in this code shall not be construed to abolish or impair
4 existing remedies of the jurisdiction or its officers or agencies relating to the removal or
5 demolition of any structure that is dangerous, unsafe ~~and~~ or unsanitary.

6 (e) Workmanship: All repairs, maintenance work, alterations or installations that are caused
7 directly or indirectly by the enforcement of this code shall be executed and installed in a
8 workmanlike manner.

9 (f) Application of other codes: Any repairs, additions or alterations to a structure, or changes of
10 occupancy, shall be done in accordance with the procedures and provisions of all laws, rules
11 and regulations in Palm Beach County.

12 ***

13 **Sec. 14-3. Duties and powers of the code official.**

14 (a) General: The code official shall be responsible for enforcement of all of the provisions of
15 this code.

16 (b) Notices and orders: The code official shall issue all necessary notices or orders to ensure
17 compliance with the code.

18 (c) Right of entry: The code official is authorized to enter the structure or premises at
19 reasonable times to inspect subject to constitutional restrictions. If entry is refused or not
20 obtained, the code official is authorized to pursue recourse as provided by law.

21 (d) Access by owner or operator: Every occupant of a structure or premises shall give the
22 owner or operator thereof, or agent or employee, access to any part of such structure or its
23 premises at reasonable times for the purpose of making such inspection, maintenance, repairs
24 or alterations as are necessary to comply with the provisions of this code.

25 (e) Interpretive authority: The code enforcement director shall have power as necessary in the
26 interest of public health, safety and general welfare, to interpret and implement the provisions
27 of this code.

28 (f) Restriction of employees: An official or employee connected with the enforcement of this
29 code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor,
30 materials or appliances for the construction, alteration or maintenance of a building,
31 maintenance of the premises, or the preparation of construction documents thereof, unless that
32 person is the owner of the building; nor shall such officer or employee engage in any work that
33 conflicts with official duties or with the interests of the department.

34 (g) Relief from personal responsibility: The code official, officer or employee charged with the
35 enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable
36 personally, and is hereby relieved from all personal liability for any damage accruing to
37 persons or property as a result of any act required or permitted in the discharge of official
38 duties. Any suit instituted against an officer or employee because of an act performed by that
39 officer or employee in the lawful discharge of duties and under the provisions of this code shall
40 be defended by the legal representative of the jurisdiction until the final termination of the
41 proceedings. The code official or any subordinate shall not be liable for costs in any action, suit
42 or proceeding that is instituted in pursuance of the provisions of this code; and any officer of
43 the department of building inspection or code enforcement, acting in good faith and without
44 malice, shall be free from liability for acts performed under any of its provisions or by reason
45 of any act or omission in the performance of official duties in connection therewith.

1

2 **Sec. 14-4. Violations.**

3 (a) Unlawful acts: It shall be unlawful for any person, firm or corporation to maintain, fail to
4 maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to
5 occupy any premises, property, structure or equipment regulated by this code, or cause same to
6 be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to
7 fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted
8 under the provisions of this code.

9 (b) Enforcement: The provisions of this Code shall be enforced by:

10 ~~(1) the Palm Beach County Code Enforcement Board and/or Special Magistrate Master~~
11 ~~pursuant to the authority granted by Sec. 162.01 et. seq., Florida Statute, as may be~~
12 ~~amended;~~

13 ~~(2) the Board of County Commissioners through its authority to enjoin and restrain any~~
14 ~~person violating the Code; or~~

15 ~~(3) Palm Beach County through the prosecution of violations in the name of the State of~~
16 ~~Florida pursuant to the authority granted by Sec. 125.69, Florida Statutes, as may be~~
17 ~~amended. The Code Enforcement Director may pursue these or any other enforcement~~
18 ~~remedies available to and applicable to Palm Beach County;~~

19 ~~(4) Article 10 of the Palm Beach County Unified Land Development Code; or~~

20 ~~(5) Chapter 8.5, the Citation System Ordinance.~~

21

22 (c) Transfer of ownership: If the owner of property that is subject to an enforcement
23 proceeding before an enforcement board, special magistrate, or court transfers ownership of
24 such property between the time the initial notice or pleading was served and the time of the
25 hearing, such owner shall:

26 (1a) Disclose, in writing, the existence and the nature of the proceeding to the
27 prospective transferee.

28 (2b) Deliver to the prospective transferee a copy of the pleadings, notices, and other
29 materials relating to the code enforcement proceeding received by the transferor.

30 (3e) Disclose, in writing, to the prospective transferee that the new owner will be
31 responsible for compliance with the applicable code and with orders issued in the code
32 enforcement proceeding.

33 (4d) File a notice with the code enforcement official of the transfer of the property, with
34 the identity and address of the new owner and copies of the disclosures made to the new
35 owner, within 5 days after the date of the transfer.

36 A failure to make the disclosures described in paragraphs (1a), (2b), and (3e) before the transfer
37 creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the
38 proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of
39 time to correct the violation before the hearing is held.

40 ~~It shall be a violation of this code for the owner of any dwelling unit or structure who has~~
41 ~~received a notice of violation of this code to sell, transfer, mortgage, lease or otherwise dispose~~
42 ~~of such dwelling or structure to another until the provision of the compliance order or notice of~~
43 ~~violation has been complied with, or until such owner shall first furnish the grantee, transferee,~~
44 ~~mortgagee or lessee a true copy of any compliance order or notice of violation issued by the~~
45 ~~code official. In addition, the owner shall furnish to the code official a signed and notarized~~
46 ~~statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such~~
47 ~~compliance order or notice of violation and fully accepting the responsibility without condition~~
48 ~~for making the corrections or repairs required by notice of violation.~~

49

1 * * *

2 DIVISION 2. DEFINITIONS.

3 **Sec. 14-22. General Definitions.**

4 Alteration: Means any change or modification in construction or occupancy.

5 Approved: Approved by the code enforcement director.

6 Basement: That portion of a building which is partly or completely below grade.

7 Bathroom: A room containing plumbing fixtures including a bathtub or shower.

8 Boarding house: A dwelling, or part thereof, in which lodging is provided by the owner or
9 operator to ~~two (2)~~ three (3) or more boarders.

10 Building: Shall mean any structure built for the support, shelter, or enclosure of persons,
11 animals, chattels, or property of any kind. ~~The term "building" shall be construed as if followed
12 by the words "or part thereof".~~

13 Building Code: Shall mean the Florida Building Code.

14 Code official: The code enforcement director or any duly authorized representative.

15 Condemn: To adjudge unfit for occupancy.

16 Construction documents: All the written, graphic and pictorial documents prepared or
17 assembled for describing the design, location and physical characteristics of the elements of the
18 project necessary for obtaining a building permit. The construction drawings shall be drawn to
19 an appropriate scale.

20 Exterior property: The open space on the premises and on adjoining property under the control
21 of owners or operator of such premises.

22 Extermination: The control and elimination of insects, rats or other pests by eliminating their
23 harborage places; by removing or making inaccessible materials that serve as their food; by
24 poison spraying, fumigating, trapping or by any other approved pest elimination methods.

25 Family: Means either a single person occupying a dwelling unit and maintaining a household,
26 including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or
27 more persons related by blood, marriage, or adoption occupying a dwelling, living together and
28 maintaining a common household, including not more than one (1) such boarder, roomer, or
29 lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and
30 maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding
31 or lodging house, hotel, club or similar dwelling for group use. A common household shall be
32 deemed to exist if all members thereof have access to all parts of the dwelling.

33 Floor area: Shall mean the total gross area of all habitable space in a building or structure
34 measured to the outside of exterior walls.

35 Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and
36 consumption of food.

37 Habitable space: Space in a residential structure or unit for living, sleeping, eating or cooking.
38 Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not
39 considered habitable spaces.

40 Infestation: The presence, within or contiguous to, a structure, building or premises of insects,
41 rats, vermin or other pests.

- 1 Inoperable vehicle: Shall mean one which cannot be driven upon the public streets for reasons
2 including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or in
3 a state of being incapable of being moved under its own power.
- 4 Let for occupancy or let: To permit, provide or offer possession or occupancy of a dwelling
5 unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of
6 record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a
7 recorded or unrecorded agreement of contract for the sale of land.
- 8 Occupancy: The purpose for which a building or portion thereof is utilized or occupied.
- 9 Occupant: Any person living or sleeping in a building; or having possession of a space within a
10 building, including employees.
- 11 Openable area: That part of a window or door which is available for unobstructed ventilation
12 and which opens directly to the outdoors.
- 13 Operator: Any person who has charge, care or control of a structure or premises which is let or
14 offered for occupancy.
- 15 Owner: Shall mean the holder of the title in fee simple and any person, group or persons,
16 company, association or corporations in whose name tax bills on the property are submitted. It
17 shall also mean any person who, alone or jointly or severally with others:
- 18 (a) shall have legal title to any dwelling or dwelling unit, with or without accompanying
19 actual possession thereof; or
- 20 (b) shall have charge, care or control of any dwelling or dwelling unit, as owner,
21 executor, executrix, administrator, trustee, guardian of the estate of the owner,
22 mortgagee or vendee in possessions, assignee of rents, lessee, or other person, firm or
23 corporation in control of a building; or their duly authorized agents. Any such person
24 thus representing the actual owner shall be bound to comply with the provision of this
25 ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if
26 he were the owner. It is his responsibility to notify the actual owner of the reported
27 infractions of these regulations pertaining to the property which shall apply to the
28 owner.
- 29 Person: An individual, corporation, partnership or any other entity or group acting as a unit.
- 30 Plumbing: The practice, materials and fixtures utilized in the installation, maintenance,
31 extension and alteration of all piping, fixtures, appliances and appurtenances in connection with
32 any of the following: sanitary drainage or storm drainage facilities, the venting system and the
33 public or private water ~~supply~~ ^{supply} systems, within or adjacent to any building, structure, or
34 conveyance; also the practice and materials used in the installation, maintenance, extension or
35 alteration of the storm water, liquid waste, or sewerage, and water supply systems of any
36 premises to their connection with any point of public disposal.
- 37 Plumbing fixture: A receptacle or device which is either permanently or temporarily connected
38 to the water distribution system of the premises, and demands a supply of water there from; or
39 discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to
40 the drainage system of the premises; or which requires both a water supply connection and a
41 discharge to the drainage system of the premises.
- 42 Premises: A lot, plot or parcel of land including any structures thereon, regardless of whether
43 vacant or occupied.

1 Registered design professional: An architect or engineer, registered or licensed to practice
2 professional architecture or engineering, as defined by the statutory requirements of the
3 professional registration laws in the state of Florida.

4 Repair: The reconstruction or renewal of any part of any existing building for the purpose of its
5 maintenance.

6 Rubbish: Combustible and noncombustible waste materials, except garbage; including paper,
7 rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals,
8 mineral matter, glass, crockery, trash and debris and other similar materials and shall include
9 the residue from the burning of wood, coal, coke and other combustible materials.

10 Structure: That which is built or constructed or a portion thereof, including the term building.

11 Tenant: A person, corporation, partnership, ~~or entity~~ or group, whether or not the legal owner
12 of record, occupying a building or portion thereof as a unit.

13 Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

14 Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air
15 to, or removing such air from, any space.

16 Workmanlike: Executed in a skilled manner; e.g. generally plumb, level, square, in line,
17 undamaged, and without marring adjacent work.

18 ~~Yard: An open space on the same lot with a structure~~ any area that lies between the principal
19 building or buildings and the nearest lot line.

20 * * *

21 DIVISION 3. GENERAL REQUIREMENTS.

22 * * *

23 **Sec. 14-32. Exterior Property Areas.**

24 (a) Sanitation: All exterior property and premises shall be maintained in a clean, safe and
25 sanitary condition. The occupant shall keep that part of the exterior property which such
26 occupant occupies or controls in a clean and sanitary condition.

27 (b) Sidewalks and driveways: All sidewalks, walkways, stairs, driveways, parking lots, parking
28 spaces and similar areas shall be kept in a proper state of repair, and maintained free from
29 hazardous conditions. Stairs shall comply with the requirements of Section 304.7.

30 (c) Weeds: All premises and exterior property shall be maintained free from weeds or
31 uncultivated vegetation:

32 (1) greater than eighteen (18) inches in height when located on vacant lots, or

33 (2) greater than seven (7) inches in height when located on developed residential or
34 developed non-residential lots;

35 as set forth in Chapter 6. All noxious weeds shall be prohibited. This term shall not include
36 cultivated flowers and gardens, or native vegetation.

37 (d) Accessory structures: All accessory structures, including detached garages, fences, walls,
38 and swimming pools shall be maintained structurally sound and in good repair.

1 (1) Water clarity in swimming pools: Water clarity shall be maintained. When standing
2 at the pool's edge at the deep end, the deepest portion of the swimming pool floor shall
3 be visible.

4 (2) Swimming pool barriers: Outdoor swimming pools shall be provided with a barrier
5 complying with the requirements set forth in the Florida Building Code, Sections
6 424.2.17.1.1 through 424.2.17.1.14.

7 **Sec. 14-33. Exterior of Structure or Building.**

8 (a) General: The exterior of a structure shall be maintained in good repair, structurally sound
9 and sanitary so as not to pose a threat to the public health, safety or welfare.

10 (b) Exterior painting: All wood and metal surfaces including but not limited to, window frames,
11 doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling,
12 flaking and chipped paint shall be eliminated and surfaces repainted.

13 (c) Street numbers: One (1) address sign shall be required for each principal building or use on
14 premises showing ~~only~~ the numerical address designation on the premises upon which they are
15 maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building
16 address shall be posted on such marquee/signboard. The address shall be posted in a color
17 contrasting that of the marquee/signboard or building a minimum of 4" for residential and 6"
18 for commercial structure, and of sufficient size to be plainly visible and legible from the
19 roadway. When the building utilizes multiple addresses, such as multiple occupant mercantile
20 buildings, the address range shall be posted as indicated above. ~~Signs shall be plainly visible~~
21 ~~from the street or right-of-way providing access to the lot and shall be installed and maintained~~
22 ~~pursuant to the Palm Beach County Building Security Code. This requirement shall apply to all~~
23 ~~new and existing structures.~~

24 (d) Structural members: All structural members shall be maintained free from deterioration, and
25 shall be capable of safely supporting the imposed dead and live loads.

26 (e) Foundation walls: All foundation walls shall be maintained plumb and free from open
27 cracks and breaks and shall be kept in such condition so as to prevent the entry of ~~rats,~~ vermin.

28 (f) Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials;
29 and maintained weatherproof and properly surface coated where required to prevent
30 deterioration.

31 (g) Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that
32 admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or
33 interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in
34 good repair and free from obstructions. Roof water shall not be discharged in a manner that
35 creates an adjacent public nuisance.

36 (h) Decorative features: All cornices, belt courses, terra cotta trim, wall facings and similar
37 decorative features shall be maintained in good repair with proper anchorage and in a safe
38 condition.

39 (i) Overhang extensions: All canopies, marquees, signs, metal awnings, fire escapes, stand
40 pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be
41 properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of
42 metal or wood shall be protected from the elements and against decay or rust by periodic
43 application of weather-coating materials, such as paint or similar surface treatment.

- 1 (j) Stairways, decks, porches and balconies: Every exterior stairway, deck, porch, balcony,
2 railings and all other appurtenances attached thereto, shall be maintained structurally sound, in
3 good repair, with proper anchorage and capable of supporting the imposed loads.
- 4 (k) Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar
5 appurtenances shall be maintained structurally safe and sound, and in good repair.
- 6 (l) Handrails and guards: Every handrail and guard shall be firmly fastened and capable of
7 supporting normally imposed loads and shall be maintained in good condition.
- 8 (m) Window and doorframes: Every window, door and frame shall be kept in sound condition,
9 good repair and weather tight.

10 (1) Glazing: All glazing materials shall be maintained free from cracks and holes.

11 (2) Openable window: Every window, other than a fixed window, shall be
12 easilyopenable and capable of being held in position by window hardware.

13 (n) Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all
14 entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

15 * * *

16 **Sec. 14-35. Rubbish and Garbage.**

17 (a) Accumulation of rubbish or garbage: It shall be unlawful for the owner or occupant of a
18 building, structure or property to utilize the premises of such property for the open storage of
19 any motor vehicle which is inoperable and in a state of disrepair, ~~ice box, refrigerator, stove, or~~
20 ~~other appliances, glass, building material, building rubbish, construction debris, automotive~~
21 ~~parts, tires, vegetative debris, garbage, trash~~ or similar items. It shall be the duty and
22 responsibility of every such owner or occupant to keep the premises of such property clean and
23 to remove from the premises all such items as listed above, ~~including but not limited to dead~~
24 ~~trees, trash, garbage, or similar items.~~

25 Exception: Open storage shall be allowed where provided for in the Palm Beach County
26 Unified Land Development Code and during active construction activity under a valid building
27 permit.

28 (b) Disposal of rubbish: Every occupant of a structure shall dispose of all rubbish in a clean and
29 sanitary manner.

30 (c) Disposal of garbage: Every occupant of a structure shall dispose of garbage in a clean and
31 sanitary manner by placing it in a garbage disposal facility or garbage or rubbish storage
32 container.

33 (1) Containers: The operator of every establishment producing garbage shall provide,
34 and at all times cause to be utilized, approved leak proof containers provided with
35 close-fitting covers for the storage of such materials until removed from the premises
36 for disposal.

37 **Sec. 14-36. Extermination.**

38 Infestation: All structures shall be kept free from insect and ~~rat~~-vermin infestation. All
39 structures in which insects or ~~rats~~-vermin are found shall be promptly exterminated by
40 approved processes that will not be injurious to human health. After extermination, proper
41 precautions shall be taken to prevent re-infestation.

1 (1) Owner: The owner of any structure shall be responsible for extermination within the
2 structure prior to renting or leasing the structure, ~~except where such responsibility is~~
3 ~~identified elsewhere in a written lease or rental agreement.~~

4 (2) Single occupant: The occupant of a single-family dwelling or of a single-tenant
5 nonresidential structure shall be responsible for extermination on the premises, except
6 where vermin or insect infestations are caused by defects in the structure, in which
7 case; the owner shall be responsible for extermination.

8 (3) Multiple occupancy: The owner of a structure containing two or more dwelling
9 units, a multiple occupancy, a rooming house or a nonresidential structure shall be
10 responsible for extermination in the public or shared areas of the structure and exterior
11 property. ~~If infestation is caused by failure of an occupant to prevent such infestation in~~
12 ~~the area occupied, the occupants shall be responsible for extermination.~~

13 (4) Occupant: ~~The occupant of any structure shall be responsible for the continued pest-~~
14 ~~free condition of the structure, or as provided for by a written lease or rental agreement.~~

15 ~~Exception: Where rat or insect infestations are caused by defects in the structure, the owner~~
16 ~~shall be responsible for extermination.~~

17

18 DIVISION 4. RESIDENTIAL REQUIREMENTS

19 **Sec. 14-41. General.**

20 (a) Scope: In addition to the General Requirements in Chapter 3, the provisions of this chapter
21 shall apply to all structures used for residential uses.

22 (b) Responsibility: The owner of the structure shall provide and maintain light, ventilation and
23 space conditions in compliance with these requirements. A person shall not occupy as owner-
24 occupant, or permit another person to occupy, any premises that ~~does~~ do not comply with the
25 requirements of this chapter.

26 * * *

27 **Sec. 14-45. Plumbing Facilities and Fixture Requirements.**

28 * * *

29 (e) Sanitary Drainage Systems

30 * * *

31 DIVISION 5. NONRESIDENTIAL REQUIREMENTS

32 * * *

33 **Sec. 14-52. Common Areas.**

34 (a) Common halls and stairways: Every common hall and stairway shall be lighted at all times
35 with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet
36 of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every
37 exterior stairway shall be illuminated with a minimum of 1 ~~footcandle~~ foot-candle at floors,
38 landings and treads.

39 (b) Other spaces: All other spaces shall be provided with natural or artificial light sufficient to
40 permit the maintenance of sanitary conditions, and the safe occupancy of the space and
41 utilization of the appliances, equipment and fixtures.

1 * * *

2 **Sec. 14-54. Plumbing Facilities and Fixture Requirements.**

3 * * *

4 (f) Sanitary Drainage Systems

5 * * *

6 DIVISION 6. LOT CLEARING AND NUISANCE ABATEMENT REQUIREMENTS &
7 PROCEDURES

8 **Sec. 14-61. Definitions.**

9 The following definitions shall apply in the interpretation and enforcement of this chapter:

10 Abate shall mean to remove, reduce, put an end to or do away with.

11 **Adjacent property** shall mean the lot or lots immediately adjacent or contiguous to a lot that is
12 subject to review under this ordinance.

13 **Department** shall mean the Palm Beach County Department of Planning, Zoning and Building.

14 **Developed** shall mean containing building, structures, paving, or other improvements;
15 excluding solely underground utilities, pipes, wires, cables, culverts, conduits, or other similar
16 improvements or facilities; or plantings; all of which are maintained and utilized in a manner
17 permitted by the Palm Beach County Unified Land Development Code.

18 **Lot** shall mean any tract or parcel of land other than an approved landfill site, including any
19 structure thereon.

20 **Native vegetation** shall mean any plant species with a geographic distribution indigenous to all
21 or part of Palm Beach County. Plant species which have been introduced by man are not native
22 vegetation.

23 **Non-residential** shall mean any activity which occurs in any building, structure or open area
24 which is not used primarily as a private residence or dwelling. For purposes of the Chapter non-
25 residential shall exclude agricultural uses as set forth in the ULDC. (amnd 05-061)

26 **Owner** shall mean the holder of the title in fee simple and any person, group or persons,
27 company, association or corporation in whose name tax bills on the property are submitted. It
28 shall also mean owner or owners of record of a lot as such appears in the Official Records of
29 the Property Appraiser's Office in and for Palm Beach County.

30 **Rubble and debris** shall mean waste materials resulting from the construction or demolition of
31 structures or buildings. This shall include construction material left or abandoned on site.

32 **Street** shall mean any strip of land which is open to the public for the use of vehicular traffic
33 and containing delineations, signs, or other traffic control devices to channel traffic.

34 **Tree** shall mean any woody plant or palm which, in its mature state under normal growing
35 conditions, reaches a height of fifteen (15) feet or greater.

36 **Uncultivated vegetation** shall mean living plants allowed to grow in an uncontrolled manner,
37 or not cared for or maintained on a regular basis. Neither native vegetation in its natural state,
38 nor mangroves subject to Article 14 section 9.5 of the unified land development code, shall be
39 considered uncultivated vegetation.

1 **Waste** shall mean garbage, rubbish and refuse from residential, commercial, or industrial
2 activities, including kitchen and table food waste, animal, or vegetative waste that is attendant
3 with or results from the storage, preparation, cooking, or handling of food material; paper,
4 wood, and wood scraps, cardboard, cloth, glass, rubber, plastic; discarded automobiles, tires
5 and automobile fixtures; household goods and appliances; toys; tools and equipment; trash;
6 debris; lumber; appliances; machinery and similar materials.

7 **Yard trash** shall mean abandoned vegetative material from landscaping, maintenance or land
8 clearing operations, and includes such materials as tree and shrub trimmings, grass clippings,
9 palm fronds, tree limbs, tree stumps, and similar materials.

10 **Sec. 14-62. Nuisances Declared.**

11 It is hereby declared and determined by the Board of County Commissioners of Palm Beach
12 County, Florida, that the following shall each individually, or in any combination, be
13 considered nuisances when they exist upon a lot in the unincorporated area of Palm Beach
14 County.

15 (1) Accumulations of waste, yard trash, or rubble and debris;

16 (2) Accumulations of waste, yard trash, or rubble and debris that may harbor ~~rats~~
17 vermin or poisonous snakes or that may contain pools of water that may serve as
18 breeding grounds for insects or other disease vectors;

19 (3) Uncultivated vegetation when:

20 a. Greater than eighteen (18) inches in height located on vacant lot; or

21 b. Greater than seven (7) inches in height when located on developed residential
22 or developed non-residential lots.

23 (4) Schinus terebinthifolius (commonly known as Brazilian Pepper) bushes or trees; ~~if~~
24 uncultivated;

25 (5) Uncultivated vegetation that constitutes a fire hazard; ~~or~~

26 (6) Vegetation, whether or not cultivated, that impedes or obstructs adequate view of
27 intersections, traffic signs, railroad crossings or traffic from any street, road, or
28 highway;

29 (7) Any standing dead trees in close proximity to developed lots or rights-of-way;

30 (8) Swimming pools that do not meet the water clarity requirements of subsection 14-
31 32(d)(1) of this code or the safety barrier requirements of the Florida Building Code,
32 Sections 424.2.17.1.1 through 424.2.17.1.14; or

33 (9) Any premises being inhabited by or providing for vermin, insects, reptiles or other
34 wild animals.

35 **Sec. 14-63. Nuisance to be Abated.**

36 It is further determined by the Board of County Commissioners that any nuisance declared by
37 this section which is found upon a lot in the unincorporated area of Palm Beach County shall be
38 abated in the following manner:

39 (1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and
40 debris as provided in subsections 14-62(1) and (2), it shall be abated in its entirety,
41 provided that the nuisance lies upon a lot which is adjacent to a property which is

- 1 developed and used or has been used for residential, commercial or industrial purposes;
2 or
- 3 (2) If the nuisance consists solely of uncultivated vegetation as provided in subsections
4 14-62(3), (4) and (5), and the parcel is less than ½ acre in size, the nuisance shall be
5 abated in its entirety. If the parcel is greater than ½ acre in size only so much of the
6 nuisance shall be abated as lies within twenty-five (25) feet of the boundary of any
7 adjacent property which is developed and used or has been used for residential,
8 commercial or industrial purposes.
- 9 (3) In cases involving areas declared by the Board of County Commissioners as
10 blighted, pursuant to state statutes or in any cases where ~~which~~ there is evidence of
11 vagrants using the overgrown property for habitation or where ~~that~~ crimes of a violent
12 nature or crimes involving the sale or possession of illegal substances are occurring on
13 the premises, then the nuisance may be abated in its entirety, regardless of lot size,
14 ~~provided that the nuisance lies upon a lot which is adjacent to property which is~~
15 ~~developed.~~ The evidence required must be documented by the county sheriff's
16 department or other appropriate law enforcement agency. ~~For purposes of this section~~
17 ~~only, rights-of-way shall be considered adjacent, developed property.~~ The owner and
18 the department are encouraged to preserve, and need not clear native trees such as *Pinus*
19 *elliottii* var. *densa* (commonly known as Slash Pine), *Ilex cassine* (commonly known as
20 Dahoon Holly), *Sabal palmetto* (commonly known as Cabbage Palm), any species of
21 naturally occurring oaks or bay trees and native understory such as *Serenoa repens*
22 (commonly known as Saw Palmetto), *Rapanea punctata* (commonly known as
23 myrsine), *Ardisia escallonioides* (commonly known as Wild Coffee), and *Myrica*
24 *cerifera* (commonly known as Wax Myrtle); and provided further that the owner and
25 the department are encouraged to clear Prohibited Invasive Non-Native Vegetation
26 listed in Appendix 6 of Article 14.C of the unified land development code and
27 *Melaleuca quinquenervia* (commonly known as Punk Tree, Cajeput, or Paper Bark
28 Tree), *Casurina* Spp. (commonly known as Australian Pine); *Acacia Ariculaeformis*
29 (commonly known as Earleaf Acacia), *Cupaniopsis anacardioides* (commonly known
30 as Carrotwood), *Schefflera actinophylla* (commonly known as Schefflera), *Lygodium*
31 *microphyllum* (commonly known as Old World Climbing Fern), *Discorea bulbifera*
32 (commonly known as Air Potato Vine); and provided further that the owner and the
33 department shall clear *Schinus terebinthifolius* (commonly known as Brazilian Pepper).
- 34 (4) If the nuisance consists of the obstruction of adequate view of intersections,
35 crossings, or traffic signs as provided in subsection 14-62(6), the nuisance shall be
36 abated in accordance with the provisions of Article 7, ~~Section 7.3. E.13~~ of the Unified
37 Land Development Code (~~Safe Sight Distance Triangles~~), or, when not provided in that
38 section, the nuisances shall be abated so as to afford a clear, unobstructed view.
- 39 (5) If the nuisance consists of dead trees, only those standing dead trees located in an
40 area that, if they fell, would likely cause damage to adjacent developed lots, sidewalks,
41 or rights-of-way, need be removed.
- 42 (6) If the nuisance consists in part of uncultivated vegetation and in part of other
43 nuisances declared by this Chapter, the provisions of subsections (1), (2) and (3) shall
44 each apply to its abatement.
- 45 (7) If the nuisance consists of an infestation of vermin or insects or of a swimming pool
46 without an adequate safety barrier and/or proper water clarity, as provided in
47 subsections 14-62(8) and (9), then the nuisance shall be considered a threat to public
48 health safety and welfare and shall be abated in its entirety.

1 **Sec. 14-64. Procedure for Enforcement.**

2 (a) The Department is empowered to enter upon and inspect lots on which a nuisance is
3 suspected to exist. Any code officer shall be immune from prosecution, civil or criminal, for
4 reasonable, good faith entry upon residential, commercial or industrial ~~lots~~ property while in
5 the discharge of duties imposed by these regulations. If inspection reveals the presence of a
6 nuisance, the Department shall notify the owner ~~by registered or certified mail, return receipt~~
7 ~~requested, sent to the last known address of the owner~~ that a nuisance exists which is a
8 violation of this ordinance. The notice shall also:

9 (1) advise the owner of the right to a hearing as provided in section 14-65;

10 (2) advise the owner that unless the owner files a timely request for hearing pursuant to
11 section 14-65, the owner shall be deemed to have waived the right to contest the notice
12 of violation;

13 (3) ~~(2)~~ specify what corrective action must be taken;

14 (4) ~~(3)~~ state that a failure to abate the nuisance will result in the Department abating it,
15 the cost of which action shall be assessed against the property lot;

16 (5) advise the owner that the assessment will be recorded as a lien against the lot if not
17 timely paid within twenty (20) business days of receipt of the notice of assessment,
18 which will accrue interest at the maximum rate allowed by law;

19 (6) advise the owner that the assessment shall be declared delinquent if not paid by the
20 following September 1st and placed on the tax roll as a non-ad valorem assessment
21 superior to all other private rights, interests, liens, encumbrances, titles and claims upon
22 the lot and equal in rank and dignity with a lien for ad valorem taxes; and and

23 (7) ~~(4)~~ state the potential for the property to be sold and conveyed by tax deed if the tax
24 certificate is not redeemed by payment of the non-ad valorem assessment in full, plus
25 interest, as required by Florida law, that a lien shall be recorded against the property.

26 Notice shall be delivered to the owner by registered or certified mail, return receipt requested,
27 sent to the address listed on the ad valorem tax roll. The appeal forms required in section 14-65
28 shall be included in the notice, along with a statement that such must be used to appeal the
29 administrative determination. The owner shall have thirty (30) days from the date notice is
30 mailed received to abate the nuisance. For registered or certified mail, notice is received on the
31 date the owner or the owner's agent initials or otherwise indicates receipt of the notice on the
32 return receipt. In the event that registered or certified mail delivery cannot be accomplished,
33 and after reasonable search by the Department for such owner, or if the notice is not accepted
34 or is returned to the Department, the notice shall be posted on the lot and the notice shall be
35 deemed received on the date posted.

36 The appeal forms required in section 14-65 shall be included in the notice, along with a
37 statement that such must be used to appeal the administrative determination. The owner shall
38 have thirty (30) days from the date notice is received to abate the nuisance.

39 (b) If an appeal is timely filed, enforcement action shall proceed as provided in section 14-65.

40 (c) If no appeal is timely filed as provided herein in section 14-65, or if the notice sent as
41 ~~provided in subsection 14-64(a) of this section is returned unclaimed~~, the Department shall,
42 upon the expiration of the notification period, reinspect the lot to determine whether or not the
43 nuisance has been abated. If the Department determines that the lot still harbors a nuisance, it
44 shall cause its abatement according to the provisions of this part Chapter. To accomplish that

1 goal, the Department or its agents are authorized by the Board of County Commissioners to
2 enter upon the lot and to take steps reasonably necessary to effect abatement.

3 ~~(d) If abatement is effected by the Department as provided in subsection 604.3, the cost to the~~
4 ~~County of abating the nuisance on each lot, including an administrative and operating fee of~~
5 ~~five hundred forty dollars (\$540.00) shall be calculated and assessed against the lot by the~~
6 ~~Director of Planning, Zoning and Building or the Code Enforcement Director. The assessment~~
7 ~~shall describe the lot, show the cost of abatement, and specify the administrative and operating~~
8 ~~fee. The Department shall mail a notice of the assessment to the owner at the owner's last~~
9 ~~known address. Until full payment is received, assessments shall be legal, valid and binding~~
10 ~~obligations upon the property. The assessment shall become due and payable to Palm Beach~~
11 ~~County as of the date of the mailing of the notice of assessment, interest shall begin to accrue at~~
12 ~~the rate of twelve (12) percent per annum on any unpaid portion thereof.~~

13 ~~(e) As soon as possible after the assessment has been made by the Director of Planning, Zoning~~
14 ~~and Building or Code Enforcement Director a certified copy of the assessment shall be~~
15 ~~recorded by way of a claim of lien for assessments in the Official Records of Palm Beach~~
16 ~~County maintained by the Clerk to the Board of County Commissioners. The lien shall become~~
17 ~~effective on the date that a copy of the lien is recorded.~~

18 ~~(f) Such lien assessments, together with interest thereon, may be enforced by civil action in the~~
19 ~~appropriate court of Palm Beach County. The lien created hereby shall be a first lien, equal to a~~
20 ~~lien for nonpayment of property taxes, on any lot against which an assessment for costs to abate~~
21 ~~a nuisance has been recorded. The lien shall continue in full force until discharge by payment~~
22 ~~or otherwise, until settled and released by the Director of Planning, Zoning and Building, the~~
23 ~~Code Enforcement Director, or the Office of Financial Management and Budget.~~

24 ~~(g) The Department shall mail a notice that a lien has been recorded to the owner of each record~~
25 ~~of each lot described in the lien for assessments. The notice shall be sent by certified or~~
26 ~~registered mail, return receipt requested, to the owner's last known address. The notice shall be~~
27 ~~in a form prepared by the Department which shall include the following information:~~

28 ~~Name and address of the owner;~~

29 ~~Legal description of the lot where the nuisance has been abated;~~

30 ~~Date of mailing of the notice of the lien;~~

31 ~~A brief description of the nuisance;~~

32 ~~Date that notice was originally sent to abate the nuisance;~~

33 ~~A statement of the actual costs of abatement, the administrative fee, and any interest due;~~

34 ~~Instructions regarding payment and removal of the lien; and~~

35 ~~Additional information as necessary and appropriate.~~

36 ~~(h) (d)~~ Nothing in this part shall prevent the Department from pursuing enforcement of this
37 Ordinance through other processes.

38 **Sec. 14-65. Appeal Procedures.**

39 Within twenty five (25) days after the initial notice of a nuisance is sent by the Department as
40 provided in section 14-64, the lot owner may make written request to the County
41 Environmental Control Hearing Board Department for a hearing before a special magistrate to
42 show that the condition alleged in the notice does not exist, or to show that the condition does
43 not constitute a nuisance. Notice of the right to a hearing shall be included in the initial notice

1 to the lot owner. The owner's appeal request for a hearing shall be submitted upon forms to be
2 provided by the Department, and shall be accompanied by a certified check or money order
3 payment in the amount of two hundred dollars (\$200.00) of one hundred dollars (\$100.00)
4 made payable to Palm Beach County, which amount shall constitute a fee necessary to defray
5 the costs to the County, the Department, and for the Environmental Control Hearing Board of
6 processing and administering the appeal. Failure to timely file an appeal or to appear before the
7 Environmental Control Hearing Board Special Magistrate in a timely way shall be deemed a
8 waiver of the lot owner's rights to appeal the administrative action. A The Palm Beach County
9 Environmental Control Hearing Board Code Enforcement Division Special Magistrate shall
10 hear the appeal on its regularly scheduled agenda or the appeal may be specially set by the
11 Department. The Environmental Control Hearing Board Department shall give the lot owner
12 seeking an appeal written notice of the date and location of the scheduled hearing. At the
13 hearing, the County and the lot owner may introduce such evidence as is relevant. The hearing
14 shall be conducted in accordance with the rules of procedure of the Environmental Control
15 Hearing Board as set forth in Resolution R-99-2057, as may be amended from time to time.
16 The decision of the Palm Beach County Environmental Control Hearing Board Special
17 Magistrate shall be final. If the appeal is unsuccessful, the Special Magistrate may provide the
18 owner a reasonable period of time to correct the violation before the Department is authorized
19 to effect the abatement and to assess all costs of abatement against the lot as provided in this
20 part.

21 **Sec. 14-66. Special Assessment Imposed.**

22 In the event that an appeal is not timely made after notice is received and the violation is not
23 remedied or a timely appeal is made but is unsuccessful and the violation is not remedied, the
24 Department may enter upon the lot to take steps reasonably necessary to effect abatement. The
25 costs incurred by the County to effect abatement shall be assessed against the lot as authorized
26 by this part. All assessments shall be paid in full no later than the close of business on the
27 twentieth (20) business day after the owner has received notice of the assessment. Thereafter,
28 the unpaid amount of the assessment will accrue interest at the maximum rate allowed by law.

29 **Sec. 14-67. Notice of Assessment.**

30 Upon completion of the actions undertaken by the County to effect abatement, the Department
31 shall notify in writing the owner that a special assessment has been imposed on the lot. The
32 notice shall be delivered to the owner in the manner set forth for delivery of the notice of
33 violation in section 14-64. The notice of assessment shall set forth the following:

- 34 (1) A description of the nuisance(s), a description of the actions taken by the County
35 to abate the nuisance(s), and notification that the property has been assessed for
36 the costs incurred by the County to abate the nuisance.
- 37 (2) The aggregate amount of such costs and an itemized list of such costs.
- 38 (3) The intent of the County to record the assessment as a lien against the lot if not
39 timely paid within twenty (20) business days of receipt of the notice of
40 assessment, which will accrue interest at the maximum rate allowed by law.
- 41 (4) The intent of the County to declare the assessment delinquent if not paid by the
42 following September 1st and to place the assessment on the tax roll as a non-ad
43 valorem assessment superior to all other private rights, interests, liens,
44 encumbrances, titles and claims upon the lot and equal in rank and dignity with
45 a lien for ad valorem taxes.
- 46 (5) The potential for the lot to be subject to the sale of a tax certificate, bearing
47 interest by law at a rate as high as 18% per annum, if the non-ad valorem
48 assessment is not paid as part of the tax bill on the lot.

1
2 (6) The potential for the lot to be sold and conveyed by tax deed if the tax certificate
3 is not redeemed by payment of the non-ad valorem assessment in full, plus
4 interest, as required by Florida law.
5

6 **Sec. 14-68. Collection of Non-ad Valorem Assessment.**

7 (a) The board elects to use the uniform method to impose and collect non-ad valorem
8 assessments against properties on which violations of this part have occurred. The board has
9 adopted Resolution 2011-1833, which declares its intent to use the uniform method of
10 collecting non-ad valorem assessments as provided in section 197.3632, Florida Statutes.

11 (b) All assessments imposed pursuant to this part that are not paid by the following September
12 1 will be included in the combined notice of ad valorem taxes and non-ad valorem assessments
13 as provided in section 197.3635, Florida Statutes. Non-ad valorem assessments collected
14 pursuant to this part are subject to all collection provisions in section 197.3632, Florida
15 Statutes, including provisions relating to discount for early payment, prepayment by installment
16 method, deferred payment, penalty for delinquent payment, and issuance and sale of tax
17 certificates and tax deeds for nonpayment.

18 **Sec. 14-69 Alternative Method to Collect Assessment.**

19 In lieu of using section 197.3632, Florida Statutes, the County may elect to collect an
20 assessment imposed pursuant to this part by any other method authorized by law.

21
22 SECTION 3. APPLICABILITY

23 This Ordinance shall be applicable in the unincorporated areas of Pam Beach County, Fl.

24 SECTION 4. SAVINGS CLAUSE

25 Notwithstanding anything to the contrary, all provisions of Palm Beach County
26 Ordinance No. 2003-051 as amended by Ordinances 2005-061 and 2009-009 are specifically
27 preserved and remain in full force and effect for the limited purpose of enforcing any alleged
28 violations of said Ordinance which occurred prior to its repeal or amendment.

29 SECTION 5. REPEAL OF LAWS IN CONFLICT

30 All local laws and ordinances in conflict with any provisions of the Ordinance are hereby
31 repealed to the extent of such conflict.

32 SECTION 6. SEVERABILITY

33 If any section, paragraph, sentence, clause phrase, or word of this Ordinance is for any reason
34 held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the
35 remainder of this Ordinance. Further, if any provision of this Ordinance is found to be in
36 conflict with the Florida Building Code, the Florida Building Code shall prevail as to that
37 specific provision.

38 SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

39 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
40 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered
41 or re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"
42 article," or other appropriate word.

1 SECTION 8. CAPTIONS

2 The captions, section headings, and section designations used in this Ordinance are for
3 convenience only and shall have no effect on the interpretation of the provisions of this
4 Ordinance.

5 SECTION 9. EFFECTIVE DATE

6 The provisions of this Ordinance shall become effective upon filing with the Secretary of State.

7

8 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach

9 County, Florida, on this the ____ day of _____, 2012.

10 SHARON R. BOCK
11 CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

12

13

14 By: _____
15 Deputy Clerk

By: _____
Shelley Vana, Chair

16

17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

19

20

21 By: _____
22 County Attorney

23

24

25 EFFECTIVE DATE: Filed with the Department of State on the ____ day of

26 _____, 20____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY FLORIDA AMENDING PALM BEACH COUNTY CODE CHAPTER 14, ARTICLE I, PROPERTY MAINTENANCE CODE (ORDINANCE 2003-051, AS AMENDED BY ORDINANCE 2005-061 AND ORDINANCE 2009-009); AMENDING SECTION 14-1 (GENERAL); AMENDING SECTION 14-3 (DUTIES AND POWERS OF CODE OFFICIAL); AMENDING SECTION 14-4 (VIOLATIONS); AMENDING SECTION 14-22 (GENERAL DEFINITIONS); AMENDING SECTION 14-32 (EXTERIOR PROPERTY AREAS); AMENDING SECTION 14-33 (EXTERIOR OF STRUCTURE OR BUILDING); AMENDING SECTION 14-35 (RUBBISH AND GARBAGE); AMENDING SECTION 14-36 (EXTERMINATION); AMENDING SECTION 14-41 (GENERAL); AMENDING SECTION 14-45 (PLUMBING FACILITIES AND FIXTURE REQUIREMENTS); AMENDING SECTION 14-52 (COMMON AREAS); AMENDING SECTION 14-54 (PLUMBING FACILITIES AND FIXTURE REQUIREMENTS); AMENDING SECTION 14-61 (DEFINITIONS); AMENDING SECTION 14-62 (NUISANCES DECLARED); AMENDING SECTION 14-63 (NUISANCE TO BE ABATED); AMENDING SECTION 14-64 (PROCEDURE FOR ENFORCEMENT); AMENDING SECTION 14-65 (APPEAL PROCEDURES); ADDING SECTION 14-66 (SPECIAL ASSESSMENT IMPOSED); ADDING SECTION 14-67 (NOTICE OF ASSESSMENT); ADDING SECTION 14-68 (COLLECTION OF NON-AD VALOREM ASSESSMENT); ADDING SECTION 14-69 (ALTERNATIVE METHOD TO COLLECT ASSESSMENT); PROVIDING FOR APPLICABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1), Florida Statutes, empowers Palm Beach County to adopt ordinances necessary for the exercise of its powers and to prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, Section 125.01(1), Florida Statutes, enables Palm Beach County to perform acts not inconsistent with law that are in the common interest of the people of the County; and

WHEREAS, the Palm Beach County Board of County Commissioners enacted the Property Maintenance Code by Ordinance No. 2003-051 (the "Ordinance"), as amended, to promote, protect and improve the health, safety and welfare of the citizens of Palm Beach County; and

WHEREAS, the Board of County Commissioners finds that certain nuisances, as defined in the Ordinance, place a substantial, unacceptable threat and burden on the health, safety and welfare of the residents and businesses within the county; and

WHEREAS, the abatement of such nuisances by the County is a governmental service that provides a direct, special benefit to real property; and

1 WHEREAS, the Board of County Commissioners finds that there is a logical relationship
2 between the provision of nuisance abatement services by the County and an enhancement in the
3 value and desirability of the assessed real property; and

4 WHEREAS, the Board of County Commissioners finds that the cost of abating such
5 nuisances should be entirely apportioned to the benefitted real property receiving the nuisance
6 abatement services; and

7 WHEREAS, the Board of County Commissioners finds that, if not timely paid, the cost
8 of abating such nuisances should be levied against the benefitted real property as a special
9 assessment superior to all other private rights, interests, liens, encumbrances, titles and claims
10 upon the property and equal in rank and dignity with a lien for ad valorem taxes; and

11 WHEREAS, the special assessments to be levied using the procedures provided in the
12 Ordinance shall constitute non-ad valorem assessments within the meaning of Section 197.3632,
13 Florida Statutes; and

14 WHEREAS, the Board of County Commissioners has the authority to use the uniform
15 method for the levy, collection and enforcement of non-ad valorem assessments as set forth in
16 Chapter 197, Florida Statutes; and

17 WHEREAS, the Board of County Commissioners has adopted a Resolution (R-2011-
18 1833) declaring its intent to use the uniform method of collecting non-ad valorem assessments
19 within the unincorporated area of the county in furtherance of this Ordinance and has entered
20 into agreements for the same with the Tax Collector (R-2012-0332) and the Property Appraiser
21 (R-2012-0333).

22 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
23 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

24 SECTION 1.

25 The foregoing recitals set forth above are adopted herein as findings of fact.

26 SECTION 2.

27 **CHAPTER 14 (HOUSING CODE) ARTICLE I (PROPERTY MAINTENANCE CODE)**
28 **OF THE PALM BEACH COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:**

29 **DIVISION 1. ADMINISTRATION**

30 **Sec. 14.1 – General.**

31 (a) Title: These regulations shall be known as the Palm Beach County Property Maintenance
32 Code hereinafter referred to as “Maintenance Code.”

33 (b) Scope: The purpose of this code is to protect the public health, safety and welfare in all
34 structures, residential and nonresidential, and on all premises by establishing minimum
35 requirements and standards for premises, structures, equipment, and facilities for light,
36 ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire
37 and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners,
38 operators and occupants; regulating the occupancy of structures and premises, and providing for
39 administration, enforcement and penalties.

40 (c) Intent: This code shall be construed to secure its expressed intent, which is to ensure public
41 health, safety and welfare insofar as they are affected by the continued occupancy and/or
42 maintenance of structures and premises. Existing structures and premises that do not comply
43 with these provisions shall be altered or repaired to provide a minimum level of health and safety
44 as required herein.

1 (d) Existing remedies: The provisions in this code shall not be construed to abolish or impair
2 existing remedies of the jurisdiction or its officers or agencies relating to the removal or
3 demolition of any structure that is dangerous, unsafe or unsanitary.

4 (e) Workmanship: All repairs, maintenance work, alterations or installations that are caused
5 directly or indirectly by the enforcement of this code shall be executed and installed in a
6 workmanlike manner.

7 (f) Application of other codes: Any repairs, additions or alterations to a structure, or changes of
8 occupancy, shall be done in accordance with the procedures and provisions of all laws, rules and
9 regulations in Palm Beach County.

10 ***

11 **Sec. 14-3. Duties and powers of the code official.**

12 (a) General: The code official shall be responsible for enforcement of all of the provisions of this
13 code.

14 (b) Notices and orders: The code official shall issue all necessary notices or orders to ensure
15 compliance with the code.

16 (c) Right of entry: The code official is authorized to enter the structure or premises at reasonable
17 times to inspect subject to constitutional restrictions. If entry is refused or not obtained, the code
18 official is authorized to pursue recourse as provided by law.

19 (d) Access by owner or operator: Every occupant of a structure or premises shall give the owner
20 or operator thereof, or agent or employee, access to any part of such structure or its premises at
21 reasonable times for the purpose of making such inspection, maintenance, repairs or alterations
22 as are necessary to comply with the provisions of this code.

23 (e) Interpretive authority: The code enforcement director shall have power as necessary in the
24 interest of public health, safety and general welfare, to interpret and implement the provisions of
25 this code.

26 (f) Restriction of employees: An official or employee connected with the enforcement of this
27 code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor,
28 materials or appliances for the construction, alteration or maintenance of a building, maintenance
29 of the premises, or the preparation of construction documents thereof, unless that person is the
30 owner of the building; nor shall such officer or employee engage in any work that conflicts with
31 official duties or with the interests of the department.

32 (g) Relief from personal responsibility: The code official, officer or employee charged with the
33 enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable
34 personally, and is hereby relieved from all personal liability for any damage accruing to persons
35 or property as a result of any act required or permitted in the discharge of official duties. Any
36 suit instituted against an officer or employee because of an act performed by that officer or
37 employee in the lawful discharge of duties and under the provisions of this code shall be
38 defended by the legal representative of the jurisdiction until the final termination of the
39 proceedings. The code official or any subordinate shall not be liable for costs in any action, suit
40 or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the
41 department of building inspection or code enforcement, acting in good faith and without malice,
42 shall be free from liability for acts performed under any of its provisions or by reason of any act
43 or omission in the performance of official duties in connection therewith.

44
45 **Sec. 14-4. Violations.**

1 (a) Unlawful acts: It shall be unlawful for any person, firm or corporation to maintain, fail to
2 maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to
3 occupy any premises, property, structure or equipment regulated by this code, or cause same to
4 be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to
5 fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted
6 under the provisions of this code.

7 (b) Enforcement: The provisions of this Code shall be enforced by:

8 (1) Special Magistrate pursuant to the authority granted by Sec. 162.01 et. seq., Florida
9 Statute, as may be amended;

10 (2) the Board of County Commissioners through its authority to enjoin and restrain any
11 person violating the Code;

12 (3) Palm Beach County through the prosecution of violations in the name of the State of
13 Florida pursuant to the authority granted by Sec. 125.69, Florida Statutes, as may be
14 amended. The Code Enforcement Director may pursue these or any other enforcement
15 remedies available to and applicable to Palm Beach County;

16 (4) Article 10 of the Palm Beach County Unified Land Development Code; or

17 (5) Chapter 8.5, the Citation System Ordinance.
18

19 (c) Transfer of ownership: If the owner of property that is subject to an enforcement proceeding
20 before an enforcement board, special magistrate, or court transfers ownership of such property
21 between the time the initial notice or pleading was served and the time of the hearing, such
22 owner shall:

23 (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective
24 transferee.

25 (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other
26 materials relating to the code enforcement proceeding received by the transferor.

27 (3) Disclose, in writing, to the prospective transferee that the new owner will be
28 responsible for compliance with the applicable code and with orders issued in the code
29 enforcement proceeding.

30 (4) File a notice with the code enforcement official of the transfer of the property, with
31 the identity and address of the new owner and copies of the disclosures made to the new
32 owner, within 5 days after the date of the transfer.

33 A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer
34 creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the
35 proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of
36 time to correct the violation before the hearing is held.

37 * * *
38

39 **DIVISION 2. DEFINITIONS.**

40 **Sec. 14-22. General Definitions.**

41 Alteration: Means any change or modification in construction or occupancy.

42 Approved: Approved by the code enforcement director.

43 Basement: That portion of a building which is partly or completely below grade.

44 Bathroom: A room containing plumbing fixtures including a bathtub or shower.

45 Boarding house: A dwelling, or part thereof, in which lodging is provided by the owner or
46 operator to three (3) or more boarders.

- 1 Building: Shall mean any structure built for the support, shelter, or enclosure of persons, animals,
2 chattels, or property of any kind.
- 3 Building Code: Shall mean the Florida Building Code.
- 4 Code official: The code enforcement director or any duly authorized representative.
- 5 Condemn: To adjudge unfit for occupancy.
- 6 Construction documents: All the written, graphic and pictorial documents prepared or assembled
7 for describing the design, location and physical characteristics of the elements of the project
8 necessary for obtaining a building permit. The construction drawings shall be drawn to an
9 appropriate scale.
- 10 Exterior property: The open space on the premises and on adjoining property under the control of
11 owners or operator of such premises.
- 12 Extermination: The control and elimination of insects, rats or other pests by eliminating their
13 harborage places; by removing or making inaccessible materials that serve as their food; by
14 poison spraying, fumigating, trapping or by any other approved pest elimination methods.
- 15 Family: Means either a single person occupying a dwelling unit and maintaining a household,
16 including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or
17 more persons related by blood, marriage, or adoption occupying a dwelling, living together and
18 maintaining a common household, including not more than one (1) such boarder, roomer, or
19 lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and
20 maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding
21 or lodging house, hotel, club or similar dwelling for group use. A common household shall be
22 deemed to exist if all members thereof have access to all parts of the dwelling.
- 23 Floor area: Shall mean the total gross area of all habitable space in a building or structure
24 measured to the outside of exterior walls.
- 25 Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and
26 consumption of food.
- 27 Habitable space: Space in a residential structure or unit for living, sleeping, eating or cooking.
28 Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not
29 considered habitable spaces.
- 30 Infestation: The presence, within or contiguous to, a structure, building or premises of insects,
31 rats, vermin or other pests.
- 32 Inoperable vehicle: Shall mean one which cannot be driven upon the public streets for reasons
33 including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or in a
34 state of being incapable of being moved under its own power.
- 35 Let for occupancy or let: To permit, provide or offer possession or occupancy of a dwelling unit,
36 rooming unit, building, premise or structure by a person who is or is not the legal owner of
37 record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a
38 recorded or unrecorded agreement of contract for the sale of land.
- 39 Occupancy: The purpose for which a building or portion thereof is utilized or occupied.
- 40 Occupant: Any person living or sleeping in a building; or having possession of a space within a
41 building, including employees.
- 42 Openable area: That part of a window or door which is available for unobstructed ventilation and
43 which opens directly to the outdoors.

1 Operator: Any person who has charge, care or control of a structure or premises which is let or
2 offered for occupancy.

3 Owner: Shall mean the holder of the title in fee simple and any person, group or persons,
4 company, association or corporations in whose name tax bills on the property are submitted. It
5 shall also mean any person who, alone or jointly or severally with others:

6 (a) shall have legal title to any dwelling or dwelling unit, with or without accompanying
7 actual possession thereof; or

8 (b) shall have charge, care or control of any dwelling or dwelling unit, as owner,
9 executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee
10 or vendee in possessions, assignee of rents, lessee, or other person, firm or corporation in
11 control of a building; or their duly authorized agents. Any such person thus representing
12 the actual owner shall be bound to comply with the provision of this ordinance, and of
13 rules and regulations adopted pursuant thereto, to the same extent as if he were the
14 owner. It is his responsibility to notify the actual owner of the reported infractions of
15 these regulations pertaining to the property which shall apply to the owner.

16 Person: An individual, corporation, partnership or any other entity or group acting as a unit.

17 Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension
18 and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the
19 following: sanitary drainage or storm drainage facilities, the venting system and the public or
20 private water supply systems, within or adjacent to any building, structure, or conveyance; also
21 the practice and materials used in the installation, maintenance, extension or alteration of the
22 storm water, liquid waste, or sewerage, and water supply systems of any premises to their
23 connection with any point of public disposal.

24 Plumbing fixture: A receptacle or device which is either permanently or temporarily connected
25 to the water distribution system of the premises, and demands a supply of water there from; or
26 discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to
27 the drainage system of the premises; or which requires both a water supply connection and a
28 discharge to the drainage system of the premises.

29 Premises: A lot, plot or parcel of land including any structures thereon, regardless of whether
30 vacant or occupied.

31 Registered design professional: An architect or engineer, registered or licensed to practice
32 professional architecture or engineering, as defined by the statutory requirements of the
33 professional registration laws in the state of Florida.

34 Repair: The reconstruction or renewal of any part of any existing building for the purpose of its
35 maintenance.

36 Rubbish: Combustible and noncombustible waste materials, except garbage; including paper,
37 rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals,
38 mineral matter, glass, crockery, trash and debris and other similar materials and shall include the
39 residue from the burning of wood, coal, coke and other combustible materials.

40 Structure: That which is built or constructed or a portion thereof, including the term building.

41 Tenant: A person, corporation, partnership, entity or group, whether or not the legal owner of
42 record, occupying a building or portion thereof as a unit.

43 Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

1 Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to,
2 or removing such air from, any space.

3 Workmanlike: Executed in a skilled manner; e.g. generally plumb, level, square, in line,
4 undamaged, and without marring adjacent work.

5 Yard: any area that lies between the principal building or buildings and the nearest lot line.

6 * * *

7 DIVISION 3. GENERAL REQUIREMENTS.

8 * * *

9 **Sec. 14-32. Exterior Property Areas.**

10 (a) Sanitation: All exterior property and premises shall be maintained in a clean, safe and
11 sanitary condition. The occupant shall keep that part of the exterior property which such
12 occupant occupies or controls in a clean and sanitary condition.

13 (b) Sidewalks and driveways: All sidewalks, walkways, stairs, driveways, parking lots, parking
14 spaces and similar areas shall be kept in a proper state of repair, and maintained free from
15 hazardous conditions. Stairs shall comply with the requirements of Section 304.7.

16 (c) Weeds: All premises and exterior property shall be maintained free from weeds or
17 uncultivated vegetation:

18 (1) greater than eighteen (18) inches in height when located on vacant lots, or

19 (2) greater than seven (7) inches in height when located on developed residential or
20 developed non-residential lots;

21 as set forth in Chapter 6. All noxious weeds shall be prohibited. This term shall not include
22 cultivated flowers and gardens, or native vegetation.

23 (d) Accessory structures: All accessory structures, including detached garages, fences, walls, and
24 swimming pools shall be maintained structurally sound and in good repair.

25 (1) Water clarity in swimming pools: Water clarity shall be maintained. When standing at
26 the pool's edge at the deep end, the deepest portion of the swimming pool floor shall be
27 visible.

28 (2) Swimming pool barriers: Outdoor swimming pools shall be provided with a barrier
29 complying with the requirements set forth in the Florida Building Code, Sections
30 424.2.17.1.1 through 424.2.17.1.14.

31 **Sec. 14-33. Exterior of Structure or Building.**

32 (a) General: The exterior of a structure shall be maintained in good repair, structurally sound
33 and sanitary so as not to pose a threat to the public health, safety or welfare.

34 (b) Exterior painting: All wood and metal surfaces including but not limited to, window frames,
35 doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling,
36 flaking and chipped paint shall be eliminated and surfaces repainted.

37 (c) Street numbers: One (1) address sign shall be required for each principal building or use on
38 premises showing the numerical address designation on the premises upon which they are
39 maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building
40 address shall be posted on such marquee/signboard. The address shall be posted in a color
41 contrasting that of the marquee/signboard or building a minimum of 4" for residential and 6" for

1 commercial structure, and of sufficient size to be plainly visible and legible from the roadway.
2 When the building utilizes multiple addresses, such as multiple occupant mercantile buildings,
3 the address range shall be posted as indicated above. (d) Structural members: All structural
4 members shall be maintained free from deterioration, and shall be capable of safely supporting
5 the imposed dead and live loads.

6 (e) Foundation walls: All foundation walls shall be maintained plumb and free from open cracks
7 and breaks and shall be kept in such condition so as to prevent the entry of vermin.

8 (f) Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials;
9 and maintained weatherproof and properly surface coated where required to prevent
10 deterioration.

11 (g) Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that
12 admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or
13 interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in
14 good repair and free from obstructions. Roof water shall not be discharged in a manner that
15 creates an adjacent public nuisance.

16 (h) Decorative features: All cornices, belt courses, terra cotta trim, wall facings and similar
17 decorative features shall be maintained in good repair with proper anchorage and in a safe
18 condition.

19 (i) Overhang extensions: All canopies, marquees, signs, metal awnings, fire escapes, stand pipes,
20 exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly
21 anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or
22 wood shall be protected from the elements and against decay or rust by periodic application of
23 weather-coating materials, such as paint or similar surface treatment.

24 (j) Stairways, decks, porches and balconies: Every exterior stairway, deck, porch, balcony,
25 railings and all other appurtenances attached thereto, shall be maintained structurally sound, in
26 good repair, with proper anchorage and capable of supporting the imposed loads.

27 (k) Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar
28 appurtenances shall be maintained structurally safe and sound, and in good repair.

29 (l) Handrails and guards: Every handrail and guard shall be firmly fastened and capable of
30 supporting normally imposed loads and shall be maintained in good condition.

31 (m) Window and doorframes: Every window, door and frame shall be kept in sound condition,
32 good repair and weather tight.

33 (1) Glazing: All glazing materials shall be maintained free from cracks and holes.

34 (2) Openable window: Every window, other than a fixed window, shall be easily
35 openable and capable of being held in position by window hardware.

36 (n) Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all
37 entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

38 * * *

39 **Sec. 14-35. Rubbish and Garbage.**

40 (a) Accumulation of rubbish or garbage: It shall be unlawful for the owner or occupant of a
41 building, structure or property to utilize the premises of such property for the open storage of any
42 motor vehicle which is inoperable and in a state of disrepair, appliances, glass, building material,
43 construction debris, automotive parts, tires, vegetative debris, garbage, trash or similar items. It
44 shall be the duty and responsibility of every such owner or occupant to keep the premises of such

1 property clean and to remove from the premises all such items as listed above. Exception: Open
2 storage shall be allowed where provided for in the Palm Beach County Unified Land
3 Development Code and during active construction activity under a valid building permit.

4 (b) Disposal of rubbish: Every occupant of a structure shall dispose of all rubbish in a clean and
5 sanitary manner.

6 (c) Disposal of garbage: Every occupant of a structure shall dispose of garbage in a clean and
7 sanitary manner by placing it in a garbage disposal facility or garbage or rubbish storage
8 container.

9 (1) Containers: The operator of every establishment producing garbage shall provide, and
10 at all times cause to be utilized, approved leak proof containers provided with close-
11 fitting covers for the storage of such materials until removed from the premises for
12 disposal.

13 **Sec. 14-36. Extermination.**

14 Infestation: All structures shall be kept free from insect and vermin infestation. All structures in
15 which insects or vermin are found shall be promptly exterminated by approved processes that
16 will not be injurious to human health. After extermination, proper precautions shall be taken to
17 prevent re-infestation.

18 (1) Owner: The owner of any structure shall be responsible for extermination within the
19 structure prior to renting or leasing the structure.

20 (2) Single occupant: The occupant of a single-family dwelling or of a single-tenant
21 nonresidential structure shall be responsible for extermination on the premises except
22 where vermin or insect infestations are caused by defects in the structure, in which case
23 the owner shall be responsible for extermination.

24 (3) Multiple occupancy: The owner of a structure containing two or more dwelling units, a
25 multiple occupancy, a rooming house or a nonresidential structure shall be responsible for
26 extermination in the public or shared areas of the structure and exterior property.

27 **DIVISION 4. RESIDENTIAL REQUIREMENTS**

28 **Sec. 14-41. General.**

29 (a) Scope: In addition to the General Requirements in Chapter 3, the provisions of this chapter
30 shall apply to all structures used for residential uses.

31 (b) Responsibility: The owner of the structure shall provide and maintain light, ventilation and
32 space conditions in compliance with these requirements. A person shall not occupy as owner-
33 occupant, or permit another person to occupy, any premises that do not comply with the
34 requirements of this chapter.

35 * * *

36 **Sec. 14-45. Plumbing Facilities and Fixture Requirements.**

37 * * *

38 (e) Sanitary Drainage Systems

39 * * *

40 **DIVISION 5. NONRESIDENTIAL REQUIREMENTS**

41 * * *

1 **Sec. 14-52. Common Areas.**

2 (a) Common halls and stairways: Every common hall and stairway shall be lighted at all times
3 with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of
4 floor area, provided that the spacing between lights shall not be greater than 30 feet. Every
5 exterior stairway shall be illuminated with a minimum of 1 foot-candle at floors, landings and
6 treads.

7 (b) Other spaces: All other spaces shall be provided with natural or artificial light sufficient to
8 permit the maintenance of sanitary conditions, and the safe occupancy of the space and
9 utilization of the appliances, equipment and fixtures.

10 * * *

11 **Sec. 14-54. Plumbing Facilities and Fixture Requirements.**

12 * * *

13 (f) Sanitary Drainage Systems

14 * * *

15 DIVISION 6. LOT CLEARING AND NUISANCE ABATEMENT REQUIREMENTS &
16 PROCEDURES

17 **Sec. 14-61. Definitions.**

18 The following definitions shall apply in the interpretation and enforcement of this chapter:

19 **Abate** shall mean to remove, reduce, put an end to or do away with.

20 **Adjacent property** shall mean the lot or lots immediately adjacent or contiguous to a lot that is
21 subject to review under this ordinance.

22 **Department** shall mean the Palm Beach County Department of Planning, Zoning and Building.

23 **Developed** shall mean containing building, structures, paving, or other improvements; excluding
24 solely underground utilities, pipes, wires, cables, culverts, conduits, or other similar
25 improvements or facilities; or plantings; all of which are maintained and utilized in a manner
26 permitted by the Palm Beach County Unified Land Development Code.

27 **Lot** shall mean any tract or parcel of land other than an approved landfill site, including any
28 structure thereon.

29 **Native vegetation** shall mean any plant species with a geographic distribution indigenous to all
30 or part of Palm Beach County. Plant species which have been introduced by man are not native
31 vegetation.

32 **Non-residential** shall mean any activity which occurs in any building, structure or open area
33 which is not used primarily as a private residence or dwelling. For purposes of the Chapter non-
34 residential shall exclude agricultural uses as set forth in the ULDC. (amnd 05-061)

35 **Owner** shall mean the holder of the title in fee simple and any person, group or persons,
36 company, association or corporation in whose name tax bills on the property are submitted. It
37 shall also mean owner or owners of record of a lot as such appears in the Official Records of the
38 Property Appraiser's Office in and for Palm Beach County.

39 **Rubble and debris** shall mean waste materials resulting from the construction or demolition of
40 structures or buildings. This shall include construction material left or abandoned on site.

1 **Street** shall mean any strip of land which is open to the public for the use of vehicular traffic and
2 containing delineations, signs, or other traffic control devices to channel traffic.

3 **Tree** shall mean any woody plant or palm which, in its mature state under normal growing
4 conditions, reaches a height of fifteen (15) feet or greater.

5 **Uncultivated vegetation** shall mean living plants allowed to grow in an uncontrolled manner, or
6 not cared for or maintained on a regular basis. Neither native vegetation in its natural state, nor
7 mangroves subject to Article 14 of the unified land development code, shall be considered
8 uncultivated vegetation.

9 **Waste** shall mean garbage, rubbish and refuse from residential, commercial, or industrial
10 activities, including kitchen and table food waste, animal, or vegetative waste that is attendant
11 with or results from the storage, preparation, cooking, or handling of food material; paper, wood,
12 and wood scraps, cardboard, cloth, glass, rubber, plastic; discarded automobiles, tires and
13 automobile fixtures; household goods and appliances; toys; tools and equipment; trash; debris;
14 lumber; appliances; machinery and similar materials.

15 **Yard trash** shall mean abandoned vegetative material from landscaping, maintenance or land
16 clearing operations, and includes such materials as tree and shrub trimmings, grass clippings,
17 palm fronds, tree limbs, tree stumps, and similar materials.

18 **Sec. 14-62. Nuisances Declared.**

19 It is hereby declared and determined by the Board of County Commissioners of Palm Beach
20 County, Florida, that the following shall each individually, or in any combination, be considered
21 nuisances when they exist upon a lot in the unincorporated area of Palm Beach County.

22 (1) Accumulations of waste, yard trash, or rubble and debris;

23 (2) Accumulations of waste, yard trash, or rubble and debris that may harbor vermin or
24 poisonous snakes or that may contain pools of water that may serve as breeding grounds
25 for insects or other disease vectors;

26 (3) Uncultivated vegetation when:

27 a. Greater than eighteen (18) inches in height located on vacant lot; or

28 b. Greater than seven (7) inches in height when located on developed residential
29 or developed non-residential lots.

30 (4) *Schinus terebinthifolius* (commonly known as Brazilian Pepper) bushes or trees;

31 (5) Uncultivated vegetation that constitutes a fire hazard; or

32 (6) Vegetation, whether or not cultivated, that impedes or obstructs adequate view of
33 intersections, traffic signs, railroad crossings or traffic from any street, road, or highway;

34 (7) Any standing dead trees in close proximity to developed lots or rights-of-way;

35 (8) Swimming pools that do not meet the water clarity requirements of subsection 14-
36 32(d)(1) of this code or the safety barrier requirements of the Florida Building Code,
37 Sections 424.2.17.1.1 through 424.2.17.1.14; or

38 (9) Any premises being inhabited by or providing for vermin, insects, reptiles or other
39 wild animals.

40 **Sec. 14-63. Nuisance to be Abated.**

1 It is further determined by the Board of County Commissioners that any nuisance declared by
2 this section which is found upon a lot in the unincorporated area of Palm Beach County shall be
3 abated in the following manner:

4 (1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and
5 debris as provided in subsections 14-62(1) and (2), it shall be abated in its entirety,
6 provided that the nuisance lies upon a lot which is adjacent to a property which is
7 developed and used or has been used for residential, commercial or industrial purposes;
8 or

9 (2) If the nuisance consists solely of uncultivated vegetation as provided in subsections
10 14-62(3), (4) and (5), and the parcel is less than ½ acre in size, the nuisance shall be
11 abated in its entirety. If the parcel is greater than ½ acre in size only so much of the
12 nuisance shall be abated as lies within twenty-five (25) feet of the boundary of any
13 adjacent property which is developed and used or has been used for residential,
14 commercial or industrial purposes.

15 (3) In cases involving areas declared by the Board of County Commissioners as blighted,
16 pursuant to state statutes or in any cases where there is evidence of vagrants using the
17 overgrown property for habitation or where crimes of a violent nature or crimes involving
18 the sale or possession of illegal substances are occurring on the premises, then the
19 nuisance may be abated in its entirety, regardless of lot size. The evidence required must
20 be documented by the county sheriff's department or other appropriate law enforcement
21 agency. The owner and the department are encouraged to preserve, and need not clear
22 native trees such as *Pinus elliottii var. densa* (commonly known as Slash Pine), *Ilex*
23 *cassine* (commonly known as Dahoon Holly), *Sabal palmetto* (commonly known as
24 Cabbage Palm), any species of naturally occurring oaks or bay trees and native
25 understory such as *Serenoa repens* (commonly known as Saw Palmetto), *Rapanea*
26 *punctata* (commonly known as myrsine), *Ardisia escallonioides* (commonly known as
27 Wild Coffee), and *Myrica cerifera* (commonly known as Wax Myrtle); and provided
28 further that the owner and the department are encouraged to clear Prohibited Invasive
29 Non-Native Vegetation listed in Appendix 6 of Article 14.C of the unified land
30 development code and *Melaleuca quinquenervia* (commonly known as Punk Tree,
31 Cajeput, or Paper Bark Tree), *Casurina* Spp. (commonly known as Australian Pine);
32 *Acacia Ariculaeformis* (commonly known as Earleaf Acacia), *Cupaniopsis anacardioides*
33 (commonly known as Carrotwood), *Schefflera actinophylla* (commonly known as
34 Schefflera), *Lygodium microphyllum* (commonly known as Old World Climbing Fern),
35 *Discorea bulbifera* (commonly known as Air Potato Vine); and provided further that the
36 owner and the department shall clear *Schinus terebinthifolius* (commonly known as
37 Brazilian Pepper).

38 (4) If the nuisance consists of the obstruction of adequate view of intersections, crossings,
39 or traffic signs as provided in subsection 14-62(6), the nuisance shall be abated in
40 accordance with the provisions of Article 7 of the Unified Land Development Code, or,
41 when not provided in that section, the nuisances shall be abated so as to afford a clear,
42 unobstructed view.

43 (5) If the nuisance consists of dead trees, only those standing dead trees located in an area
44 that, if they fell, would likely cause damage to adjacent developed lots, sidewalks, or
45 rights-of-way, need be removed.

46 (6) If the nuisance consists in part of uncultivated vegetation and in part of other
47 nuisances declared by this Chapter, the provisions of subsections (1), (2) and (3) shall
48 each apply to its abatement.

1 (7) If the nuisance consists of an infestation of vermin or insects or of a swimming pool
2 without an adequate safety barrier and/or proper water clarity, as provided in subsections
3 14-62(8) and (9), then the nuisance shall be considered a threat to public health safety and
4 welfare and shall be abated in its entirety.

5 **Sec. 14-64. Procedure for Enforcement.**

6 (a) The Department is empowered to enter upon and inspect lots on which a nuisance is
7 suspected to exist. Any code officer shall be immune from prosecution, civil or criminal, for
8 reasonable, good faith entry upon residential, commercial or industrial lots while in the discharge
9 of duties imposed by these regulations. If inspection reveals the presence of a nuisance, the
10 Department shall notify the owner that a nuisance exists which is a violation of this ordinance.
11 The notice shall:

12 (1) advise the owner of the right to a hearing as provided in section 14-65;

13 (2) advise the owner that unless the owner files a timely request for hearing pursuant to
14 section 14-65, the owner shall be deemed to have waived the right to contest the notice of
15 violation;

16 (3) specify what corrective action must be taken;

17 (4) state that a failure to abate the nuisance will result in the Department abating it, the
18 cost of which action shall be assessed against the lot;

19 (5) advise the owner that the assessment will be recorded as a lien against the lot if not
20 timely paid within twenty (20) business days of receipt of the notice of assessment, which
21 will accrue interest at the maximum rate allowed by law;

22 (6) advise the owner that the assessment shall be declared delinquent if not paid by the
23 following September 1st and placed on the tax roll as a non-ad valorem assessment
24 superior to all other private rights, interests, liens, encumbrances, titles and claims upon
25 the lot and equal in rank and dignity with a lien for ad valorem taxes; and

26 (7) state the potential for the property to be sold and conveyed by tax deed if the tax
27 certificate is not redeemed by payment of the non-ad valorem assessment in full, plus
28 interest, as required by Florida law.

29 Notice shall be delivered to the owner by certified mail, return receipt requested, sent to the
30 address listed on the ad valorem tax roll. For certified mail, notice is received on the date the
31 owner or the owner's agent initials or otherwise indicates receipt of the notice on the return
32 receipt. In the event that certified mail delivery cannot be accomplished, and after reasonable
33 search by the Department for such owner, or if the notice is not accepted or is returned to the
34 Department, the notice shall be posted on the lot and the notice shall be deemed received on the
35 date posted.

36 The appeal forms required in section 14-65 shall be included in the notice, along with a
37 statement that such must be used to appeal the administrative determination. The owner shall
38 have thirty (30) days from the date notice is received to abate the nuisance.

39 (b) If an appeal is timely filed, enforcement action shall proceed as provided in section 14-65.

40 (c) If no appeal is timely filed as provided herein, the Department shall, upon the expiration of
41 the notification period, reinspect the lot to determine whether or not the nuisance has been
42 abated. If the Department determines that the lot still harbors a nuisance, it shall cause its
43 abatement according to the provisions of this part. To accomplish that goal, the Department or its
44 agents are authorized by the Board of County Commissioners to enter upon the lot and to take
45 steps reasonably necessary to effect abatement.

1 (d) Nothing in this part shall prevent the Department from pursuing enforcement of this
2 Ordinance through other processes.

3 **Sec. 14-65. Appeal Procedures.**

4 Within twenty five (25) days after the initial notice of a nuisance is sent by the Department as
5 provided in section 14-64, the lot owner may make written request to the Department for a
6 hearing before a special magistrate to show that the condition alleged in the notice does not exist,
7 or to show that the condition does not constitute a nuisance. Notice of the right to a hearing shall
8 be included in the initial notice to the lot owner. The owner's request for a hearing shall be
9 submitted upon forms to be provided by the Department, and shall be accompanied by payment
10 in the amount of two hundred dollars (\$200.00) made payable to Palm Beach County, which
11 amount shall constitute a fee necessary to defray the costs to the County for processing and
12 administering the appeal. Failure to timely file an appeal or to appear before the Special
13 Magistrate shall be deemed a waiver of the lot owner's rights to appeal the administrative action.
14 A Palm Beach County Code Enforcement Division Special Magistrate shall hear the appeal on
15 its regularly scheduled agenda or the appeal may be specially set by the Department. The
16 Department shall give the lot owner seeking an appeal written notice of the date and location of
17 the scheduled hearing. At the hearing, the County and the lot owner may introduce such evidence
18 as is relevant. The hearing shall be conducted in accordance with the rules of procedure as set
19 forth in Resolution R-99-2057, as may be amended from time to time. The decision of the Palm
20 Beach County Special Magistrate shall be final. If the appeal is unsuccessful, the Special
21 Magistrate may provide the owner a reasonable period of time to correct the violation before the
22 Department is authorized to effect the abatement and to assess all costs of abatement against the
23 lot as provided in this part.

24 **Sec. 14-66. Special Assessment Imposed.**

25 In the event that an appeal is not timely made after notice is received and the violation is not
26 remedied or a timely appeal is made but is unsuccessful and the violation is not remedied, the
27 Department may enter upon the lot to take steps reasonably necessary to effect abatement. The
28 costs incurred by the County to effect abatement shall be assessed against the lot as authorized
29 by this part. All assessments shall be paid in full no later than the close of business on the
30 twentieth (20) business day after the owner has received notice of the assessment. Thereafter,
31 the unpaid amount of the assessment will accrue interest at the maximum rate allowed by law.

32 **Sec. 14-67. Notice of Assessment.**

33 Upon completion of the actions undertaken by the County to effect abatement, the Department
34 shall notify in writing the owner that a special assessment has been imposed on the lot. The
35 notice shall be delivered to the owner in the manner set forth for delivery of the notice of
36 violation in section 14-64. The notice of assessment shall set forth the following:

- 37 (1) A description of the nuisance(s), a description of the actions taken by the County
38 to abate the nuisance(s), and notification that the property has been assessed for
39 the costs incurred by the County to abate the nuisance.
40
41 (2) The aggregate amount of such costs and an itemized list of such costs.
42
43 (3) The intent of the County to record the assessment as a lien against the lot if not
44 timely paid within twenty (20) business days of receipt of the notice of
45 assessment, which will accrue interest at the maximum rate allowed by law.
46
47 (4) The intent of the County to declare the assessment delinquent if not paid by the
48 following September 1st and to place the assessment on the tax roll as a non-ad
49 valorem assessment superior to all other private rights, interests, liens,
50 encumbrances, titles and claims upon the lot and equal in rank and dignity with a
51 lien for ad valorem taxes.

1
2 (5) The potential for the lot to be subject to the sale of a tax certificate, bearing
3 interest by law at a rate as high as 18% per annum, if the non-ad valorem
4 assessment is not paid as part of the tax bill on the lot.

5
6 (6) The potential for the lot to be sold and conveyed by tax deed if the tax certificate
7 is not redeemed by payment of the non-ad valorem assessment in full, plus
8 interest, as required by Florida law.
9

10 **Sec. 14-68. Collection of Non-ad Valorem Assessment.**

11 (a) The board elects to use the uniform method to impose and collect non-ad valorem
12 assessments against properties on which violations of this part have occurred. The board has
13 adopted Resolution 2011-1833, which declares its intent to use the uniform method of collecting
14 non-ad valorem assessments as provided in section 197.3632, Florida Statutes.

15 (b) All assessments imposed pursuant to this part that are not paid by the following September 1
16 will be included in the combined notice of ad valorem taxes and non-ad valorem assessments as
17 provided in section 197.3635, Florida Statutes. Non-ad valorem assessments collected pursuant
18 to this part are subject to all collection provisions in section 197.3632, Florida Statutes, including
19 provisions relating to discount for early payment, prepayment by installment method, deferred
20 payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds
21 for nonpayment.

22 **Sec. 14-69 Alternative Method to Collect Assessment.**

23 In lieu of using section 197.3632, Florida Statutes, the County may elect to collect an assessment
24 imposed pursuant to this part by any other method authorized by law.
25

26 SECTION 3. APPLICABILITY

27 This Ordinance shall be applicable in the unincorporated areas of Pam Beach County, Fl.

28 SECTION 4. SAVINGS CLAUSE

29 Notwithstanding anything to the contrary, all provisions of Palm Beach County
30 Ordinance No. 2003-051 as amended by Ordinances 2005-061 and 2009-009 are specifically
31 preserved and remain in full force and effect for the limited purpose of enforcing any alleged
32 violations of said Ordinance which occurred prior to its repeal or amendment.

33 SECTION 5. REPEAL OF LAWS IN CONFLICT

34 All local laws and ordinances in conflict with any provisions of the Ordinance are hereby
35 repealed to the extent of such conflict.

36 SECTION 6. SEVERABILITY

37 If any section, paragraph, sentence, clause phrase, or word of this Ordinance is for any reason
38 held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the
39 remainder of this Ordinance. Further, if any provision of this Ordinance is found to be in conflict
40 with the Florida Building Code, the Florida Building Code shall prevail as to that specific
41 provision.

42 SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

43 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
44 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered

1 or re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"
2 article," or other appropriate word.

3 SECTION 8. CAPTIONS

4 The captions, section headings, and section designations used in this Ordinance are for
5 convenience only and shall have no effect on the interpretation of the provisions of this
6 Ordinance.

7 SECTION 9. EFFECTIVE DATE

8 The provisions of this Ordinance shall become effective upon filing with the Secretary of State.

9
10 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
11 County, Florida, on this the ____ day of _____, 2012.

12 SHARON R. BOCK
13 CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

14
15
16 By: _____
17 Deputy Clerk

By: _____
Shelley Vana, Chair

18
19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY

21
22
23 By:  _____
24 County Attorney

25
26
27 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
28 _____, 20 ____.