

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: **August 14, 2018** **[] Consent** **[] Regular**
 [X] Public Hearing **[] Workshop**

Department: PLANNING, ZONING AND BUILDING

Submitted By: PLANNING, ZONING AND BUILDING

Submitted For: DIVISION OF CODE ENFORCEMENT

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners (BCC) of Palm Beach County, Florida, amending Chapter 14 of the Palm Beach County Code (Ordinances 2003-051, 2005-061, 2009-009, and 2012-008) pertaining to property maintenance; amending Section 14-3 (Duties and Powers of the Code Official); amending Section 14-22 (General Definitions); amending Section 14-31 (General); amending Section 14-32 (Exterior Property Areas); amending Section 14-36 (Extermination); 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 14-67 (Notice Of Assessment); providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date.

Summary: This Ordinance revises provisions in the Property Maintenance Code (PMC) to improve public safety and welfare, provide for definitions consistent with recent Unified Land Development Code (ULDC) changes, ensure that developed and vacant properties and abandoned golf courses meet minimum maintenance requirements, update swimming pool barrier requirements, require owners of multiple occupancy structures to provide for extermination within the structure and make changes recommended by the County Attorney's Office. Based on multiple discussions with the BCC with regard to abandoned golf courses, this Ordinance requires grass, weeds and low-growing vegetation on abandoned or inactive golf courses to be mowed to 7 inches on the first 25 feet from the property line and 18 inches on the remainder of the property. On July 10, 2018, the BCC held a preliminary reading of this ordinance and authorized advertising for public hearing. Unincorporated (SF).


Background and Policy Issues: See page 3.

Attachments:

- ## 1. Proposed Ordinance Revisions

Recommended by [Signature]
Department Director

7/16/18
Date

Approved by: 
Assistant County Administrator

7/23/18
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT					
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE					

Is Item Included in Current Budget?

Yes

No X

Does this item include the use of federal funds?

Yes _____

No X

Budget Account No:

Fund	Agency	Organization	Object
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Fiscal impact associated with this agenda item.

C. Departmental Fiscal Review:

Let's Organize

III. REVIEW COMMENTS:

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

 [Signature] 7/25/18
 (20) 7/23 OFMB [Signature]

Contract Dev. & Control

B. Legal Sufficiency


Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Background and Policy Issues continued from page 1.

This Ordinance provides the following changes to the PMC:

- 1) Removes language relieving code enforcement officers of personal responsibility for damage occurring in the discharge of official duties as an officer's immunity from suit is as provided in Section 768.28, Florida Statutes;
- 2) Relocates definitions within the PMC and adds definitions for consistency with the Unified Land Development Code;
- 3) Provides that when vacant structures are permitted to be boarded up for security purposes, the boards must be painted white or match the exterior of the structure;
- 4) Requires grass, weeds and low-growing vegetation on abandoned golf courses to be mowed to 7 inches on the first 25 feet from the property line and 18 inches on the remainder of the property;
- 5) Requires swimming pool barriers to meet the Florida Building Code requirements in effect at the time of construction of the pool and establishes minimum barrier requirements for pools constructed prior to adoption of the Florida Building Code;
- 6) Requires owners of multiple occupancy structures to provide for extermination in the interior of the structure in addition to the exterior of the structure;
- 7) Provides that nuisances consisting of accumulations of waste, yard trash, or rubble and debris, Brazilian Pepper or uncultivated vegetation that constitutes a fire hazard must be abated in their entirety;
- 8) Removes Section 14-63(3) from the Nuisance Abatement Code;
- 9) Removes language providing that nuisance abatement liens are superior to all other private rights, interests, liens, encumbrances, titles and claims, and are equal to property taxes; and
- 10) Provides that a notice of nuisance shall be provided to the violator at the address listed in the Palm Beach County Property Appraiser's database in addition to the address listed on the ad valorem tax roll.

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ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE PALM BEACH COUNTY CODE (ORDINANCES 2003-051, 2005-061, 2009-009, AND 2012-008) PERTAINING TO PROPERTY MAINTENANCE; AMENDING SECTION 14-3 (DUTIES AND POWERS OF THE CODE OFFICIAL); AMENDING SECTION 14-22 (GENERAL DEFINITIONS); AMENDING SECTION 14-31 (GENERAL); AMENDING SECTION 14-32 (EXTERIOR PROPERTY AREAS); AMENDING SECTION 14-36 (EXTERMINATION); 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 14-67 (NOTICE OF ASSESSMENT); PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; 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 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 it necessary to revise requirements pertaining to exterior maintenance of developed lots and maintenance of abandoned property and golf courses; update swimming pool barrier and water clarity requirements; require owners of multiple occupancy structures to provide for extermination within the structure; revise nuisance abatement requirements; and provide other necessary amendments.

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

SECTION 1. DUTIES AND POWERS OF THE CODE OFFICIAL. Section 14-3 of the Palm Beach County Code is amended as follows:

~~(g) Relief from personal responsibility. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered~~

1 ~~liable personally, and is hereby relieved from all personal liability for any damage accruing~~
2 ~~to persons or property as a result of any act required or permitted in the discharge of official~~
3 ~~duties. Any suit instituted against an officer or employee because of an act performed by that~~
4 ~~officer or employee in the lawful discharge of duties and under the provisions of this code~~
5 ~~shall be defended by the legal representative of the jurisdiction until the final termination of~~
6 ~~the proceedings. The code official or any subordinate shall not be liable for costs in any~~
7 ~~action, suit or proceeding that is instituted in pursuance of the provisions of this code; and~~
8 ~~any officer of the department of building inspection or code enforcement, acting in good~~
9 ~~faith and without malice, shall be free from liability for acts performed under any of its~~
10 ~~provisions or by reason of any act or omission in the performance of official duties in~~
11 ~~connection therewith.~~

12 **SECTION 2. GENERAL DEFINITIONS. Section 14-22 of the Palm Beach County Code**
13 **is amended as follows:**

14 Abate. To remove, put an end to or reduce in amount, degree or intensity.

15 Adjacent. Next to, adjoining or contiguous.

16 ***

17 Department. The county department of planning, zoning and building.

18 Developed. Containing a building, structure, paving, or other improvements. The term
19 developed excludes underground utilities, pipes, wires, cables, culverts, conduits, or other similar
20 improvements or facilities and plantings.

21 Exterior. The outside surfaces of a building and open space on the premises and on adjoining
22 property under the control of owners or operator of such premises.

23 ***

24 Lot. a. The smallest division of land identified as a single unit of ownership for conveyance
25 and legal development purposes, and delineated by a closed boundary, which is either:

26 1) Depicted on a recorded plat;

27 2) Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of
28 exemption has been recorded; or

29 b. The total area of abutting lands joined pursuant to a recorded unity of title shall be deemed
30 a single lot for the purposes of this Code. As used herein, the term shall be synonymous with the

1 terms "plot," "parcel," or "tract" when referring to lands within a closed boundary not further
2 divided by one or more interior property lines.

3 *Native vegetation.* Any plant species with a geographic distribution indigenous to all or part
4 of the State of Florida. Plant species that have been introduced into the State of Florida by man
5 are not native vegetation.

6 *Nonresidential.* Activity that occurs in any building, structure or open area which is not used
7 primarily as a private residence or dwelling.

8 ***

9 *Owner.* The title-holder of a freehold estate, as appears by deed of record. It shall not include
10 lessees, reversioners, remainderman, or mortgagees. The holder of the title in fee simple and any
11 person, group or persons, company, association or corporations in whose name tax bills on the
12 property are submitted. It shall also mean any person who, alone or jointly or severally with
13 others:

14 (a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying
15 actual possession thereof; or

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

24 ***

25 *Rubble and debris.* Waste materials resulting from the construction or demolition of
26 structures or buildings. This shall include construction material left or abandoned on site.

27 *Street.* A strip of land, owned privately or publicly, which affords legal access to abutting
28 land and is designated for vehicular traffic. "Street" includes a road, thoroughfare, parkway,
29 avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise
30 designated.

1 ***

2 Tree. A woody perennial plant commonly with a single stem and having a minimum
3 diameter at breast height (DBH) of three inches, having a more or less defined crown that usually
4 grows to at least four meters or 13 feet in height at maturity.

5 Uncultivated vegetation. Living plants allowed to grow in an uncontrolled manner or not
6 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 Vacant lot. Premises upon which a home or principal structure has been demolished and not
10 redeveloped or has not been developed or redeveloped since July 28, 1986. A vacant lot shall
11 not include a preserve area, conservation easement, or natural area when managed in accordance
12 with best management practices.

13 Vegetation. Plant life including groundcover, grasses, herbs, vines, shrubs and trees.

14 ***

15 Waste. Discarded material including but not limited to garbage, rubbish, yard trash, litter,
16 noncombustible refuse and industrial waste.

17 ***

18 Yard trash. Abandoned vegetation from landscaping, maintenance or land clearing
19 operations, including but not limited to tree and shrub trimmings, grass clippings, palm fronds,
20 tree limbs, tree stumps, and similar materials.

21 **SECTION 3. GENERAL. Section 14-31 of the Palm Beach County Code is amended as**
22 **follows:**

23 (a) *Scope.* The provisions of this chapter shall govern the minimum conditions and the
24 responsibilities of persons for maintenance of structures, equipment and exterior property.

25 (b) *Responsibility.* The owner or occupant of the premises shall maintain the structures and
26 exterior property in compliance with these requirements, ~~except as otherwise provided for~~
27 ~~in subsections 14-35(c) and 14-36(a).~~ A person shall not occupy as owner-occupant or permit
28 another person to occupy premises which do not comply with the requirements of this
29 chapter.

1 (c) *Vacant structures and premises land*. All vacant structures and premises ~~thereof or vacant~~
2 land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so
3 as not to cause a deteriorating problem or adversely affect the public health, safety or
4 welfare.

5 (1) The exterior of all vacant structures shall be maintained in a manner required of
6 occupied structures as provided in this code: window areas shall be maintained with
7 appropriate glass and glazing treatment; exterior doors shall be water- and weather-
8 tight; and walls and roof areas shall be maintained in a clean, safe and intact condition,
9 and water- and weather-tight.

10 (2) In cases where the property owner presents proof of two (2) instances of vandalism or
11 unauthorized entry resulting in violations of subparagraph (1) above, within any three-
12 month period, the property owner may secure the structure by boarding up all exterior
13 openings in lieu of replacing broken, shattered and/or broken windows or glass doors
14 with new glass or glazing treatments. Such proof may consist of county sheriff reports
15 and/or affidavits from at least two (2) neighbors. When a vacant structure is boarded,
16 the boards shall be white or match the exterior color of the structure.

17 **SECTION 4. EXTERIOR PROPERTY AREAS. Section 14-32 of the Palm Beach County**
18 **Code is amended as follows:**
19

20 Sec. 14-32. – Exterior premises property areas.

21 (a) *Sanitation*. All exterior ~~property and~~ premises shall be maintained in a clean, safe and
22 sanitary condition. The occupant shall keep that part of the exterior premises ~~property~~ which
23 such occupant occupies or controls in a clean and sanitary condition.

24 (b) *Sidewalks and driveways*. All sidewalks, walkways, stairs, driveways, parking lots, parking
25 spaces and similar areas shall be kept in a proper state of repair, and maintained free from
26 hazardous conditions. Stairs shall comply with the requirements of section 13-34(g).

27 (c) Excessive growth of grass, weeds and low-growing vegetation.

28 (1) Grass, weeds and low-growing vegetation shall be maintained as follows:

29 ~~Weeds. All premises and exterior property shall be maintained free from weeds or uncultivated~~
30 ~~vegetation:~~

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

~~(2) greater than seven (7) inches, in height when located on developed residential or~~
~~developed nonresidential lots;~~

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

5 Table 14-32(c)

<u>Lot and Use</u>	<u>Size of Lot</u>	<u>Maximum Maintenance Height</u>
<u>Vacant – Residential and Non-Residential</u>	<u>One-half acre or less</u>	<u>18 inches on the entire lot.</u>
<u>Vacant – Residential and Non-Residential</u>	<u>Greater than one-half acre</u>	<u>18 inches on the first 25 feet measuring from property line or pod line of the lot on any side of the lot adjacent to a developed lot.</u>
<u>Developed or Partially Developed – Residential and Non-Residential</u>	<u>One-half acre or less</u>	<u>7 inches on the entire lot.</u>
<u>Developed or Partially Developed – Residential and Non-Residential</u>	<u>Greater than one-half acre</u>	<u>7 inches on the first 25 feet measuring from property line or pod line of the lot on any side of the lot adjacent to a developed lot.</u>
<u>Golf Course – Inactive or Abandoned (Prior to Redevelopment)</u>	<u>Any size</u>	<u>7 inches on the first 25 feet measuring from property line or pod line of the lot and 18 inches on the remainder of the lot.</u>

(2) Maintenance of grassed areas and low-growing vegetation shall include weeding, watering, fertilizing, pruning, mowing, edging or any other actions needed consistent with acceptable horticultural practices.

9 (3) All noxious weeds are prohibited. Noxious weeds shall not include cultivated flowers
10 and gardens or native vegetation.

(4) Vacant Lots with Pending Redevelopment Permits. A property owner shall initiate redevelopment of a vacant lot within 120 days of demolition or shall actively proceed in good faith to redevelop based on submittal of a building permit application or other applicable development permit application. The applicant shall submit evidence demonstrating good faith efforts to redevelop within 120 days of completion of the

1 demolition or shall submit a Planting Plan within 30 days of the expiration of the 120-
2 day period. The property owner shall execute an affidavit in conjunction with the
3 demolition permit on a form established by the Zoning Division, indicating his or her
4 acknowledgement of these requirements and an agreement to be bound by them. The
5 requirements of Table 14-32(c) and sections 14-32(c)(1), (2) and (3) shall not apply while
6 redevelopment is proceeding in accordance with this paragraph.

7 (5) Table 14-32(c) and sections 14-32(c)(1),(2) and (3) shall not apply to vacant premises
8 not developed or redeveloped since July 28, 1986.

9 (d) Vegetation. The following vegetation is prohibited:

10 (1) All diseased or damaged limbs or foliage that present a hazard.

11 (2) Vegetation that constitutes a fire hazard.

12 (3) Vegetation that impedes or obstructs adequate view of an intersection, traffic sign,
13 railroad crossing or traffic from any street, road or highway.

14 ~~(d)~~(e) Accessory structures. All accessory structures, including detached garages, fences, walls,
15 and swimming pools shall be maintained in a structurally sound condition and in good repair.

16 (1) *Water clarity in swimming pools.* Water clarity shall be maintained. ~~When standing at~~
17 ~~the pool's edge at the deep end, so that the water is clear and free from algae the deepest~~
18 ~~portion of the swimming pool floor shall be visible.~~

19 (2) *Swimming pool barriers.* ~~Outdoor swimming pools shall be provided with a barrier~~
20 ~~complying with the requirements set forth in the Florida Building Code in effect at the~~
21 ~~time of construction of the barrier.~~ Sections 424.2.17.1.1 through 424.2.17.1.14. A
22 swimming pool shall have a pool barrier that meets the requirements of the Florida
23 Building Code pool barrier requirements in effect at the time of construction of the pool,
24 or, if constructed before such requirements went into effect, shall have a barrier that
25 meets all of the following minimum requirements:

26 (a) The barrier must be at least 4 feet high on the outside.

27 (b) The barrier may not have any gaps, openings, indentations, protrusions, or structural
28 components that could allow a young child to crawl under, squeeze through, or climb
29 over the barrier.

1 (c) The barrier must be placed around the perimeter of the pool and must be separate
2 from any fence, wall, or other enclosure surrounding the yard unless the fence, wall,
3 or other enclosure or portion thereof is situated on the perimeter of the pool, is being
4 used as part of the barrier, and meets the barrier requirements of this section. A wall
5 of a dwelling may serve as part of the barrier if it does not contain any door or window
6 that opens to provide direct access from the home to the swimming pool.

7 (d) The barrier must be placed sufficiently away from the water's edge to prevent a young
8 child or medically frail person who may have managed to penetrate the barrier from
9 immediately falling into the water. Sufficiently away from the water's edge shall
10 mean no less than 20 inches from the barrier to the water's edge.

11 (f) Demolition. Whenever a structure is demolished, the slab foundation and other structural
12 features of the demolished structure must be removed from the premises.

13 **SECTION 5. EXTERMINATION. Section 14-36 of the Palm Beach County Code is**
14 **amended as follows:**

15 *Infestation.* All structures shall be kept free from insect and vermin infestation. All structures
16 in which insects or vermin are found shall be promptly exterminated by approved processes that
17 will not be injurious to human health. After extermination, proper precautions shall be taken to
18 prevent re-infestation.
19

20 (1) *Owner.* The owner of any structure shall be responsible for extermination within the
21 structure prior to renting or leasing the structure.

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

26 (3) *Multiple occupancy.* The owner of a structure containing two (2) or more dwelling units,
27 a multiple occupancy, a rooming house or a nonresidential structure shall be responsible
28 for extermination within the structure and in the public or shared areas of the structure
29 and exterior property.

30 **SECTION 6. DEFINITIONS. Section 14-61 of the Palm Beach County Code is amended**
31 **as follows:**

32 See section 14-22. - General definitions.
33

1 The following definitions shall apply in the interpretation and enforcement of this article:

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

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

5 ~~*Department* shall mean the county department of planning, zoning and building.~~

6 ~~*Developed* shall mean containing building, structures, paving, or other improvements;~~
7 ~~excluding solely underground utilities, pipes, wires, cables, culverts, conduits, or other similar~~
8 ~~improvements or facilities; or plantings; all of which are maintained and utilized in a manner~~
9 ~~permitted by the county Unified Land Development Code.~~

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

12 ~~*Native vegetation* shall mean any plant species with a geographic distribution indigenous to~~
13 ~~all or part of the county. Plant species which have been introduced by man are not native~~
14 ~~vegetation.~~

15 ~~*Nonresidential* shall mean any activity which occurs in any building, structure or open area~~
16 ~~which is not used primarily as a private residence or dwelling. For purposes of this article,~~
17 ~~nonresidential shall exclude agricultural uses as set forth in the ULDC.~~

18 ~~*Owner* shall mean the holder of the title in fee simple and any person, group or persons,~~
19 ~~company, association or corporation in whose name tax bills on the property are submitted. It~~
20 ~~shall also mean owner or owners of record of a lot as such appears in the official records of the~~
21 ~~property appraiser's office in and for the county.~~

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

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

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

28 ~~*Uncultivated vegetation* shall mean living plants allowed to grow in an uncontrolled manner,~~
29 ~~or not cared for or maintained on a regular basis. Neither native vegetation in its natural state,~~

1 nor mangroves subject to Article 14 of the Unified Land Development Code, shall be considered
2 uncultivated vegetation.

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

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

12 **SECTION 7. NUISANCES DECLARED. Section 14-62 of the Palm Beach County Code**
13 **is amended as follows:**
14

15 It is hereby declared and determined by the board of county commissioners of Palm Beach
16 County, Florida, that the following shall each individually, or in any combination, be considered
17 nuisances when they existing upon a lot in the unincorporated area of the county.

- 18 (1) Accumulations of waste, yard trash, or rubble and debris;
- 19 (2) Accumulations of waste, yard trash, or rubble and debris that may harbor vermin or
20 poisonous snakes or that may contain pools of water that may serve as breeding grounds
21 for insects or other disease vectors;
- 22 (3) Failure to maintain grass, weeds and low growing vegetation in accordance with section
23 14-32(c); Uncultivated vegetation when:
- 24 a. ~~Greater than eighteen (18) inches in height located on vacant lot; or~~
- 25 b. ~~Greater than seven (7) inches in height when located on developed residential or~~
26 ~~developed nonresidential lots.~~
- 27 (4) *Schinus terebinthifolius* (commonly known as Brazilian Pepper) bushes or trees;
- 28 (5) Uncultivated vegetation that constitutes a fire hazard;
- 29 (6) Vegetation, whether or not cultivated, that impedes or obstructs adequate view of
30 intersections, traffic signs, railroad crossings or traffic from any street, road, or highway;
- 31 (7) Any standing dead trees in close proximity to a developed lots or rights-of-way;

1 (8) Swimming pools that do not meet the water clarity requirements of section 14-
2 32(e)(d)(1) of this Code or the safety barrier requirements of section 14-32(e)(2) the
3 Florida Building Code, Sections 424.2.17.1.1 through 424.2.17.1.14; or

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

6 **SECTION 8. NUISANCE TO BE ABATED. Section 14-63 of the Palm Beach County Code**
7 **is amended as follows:**
8

9 It is further determined by the board of county commissioners that any nuisance declared by
10 this section which is found upon a lot in the unincorporated area of the county shall be abated in
11 the following manner:

12 (1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and debris
13 as provided in section 14-62(1) and or (2), it shall be abated in its entirety, ~~provided that~~
14 ~~the nuisance lies upon a lot which is adjacent to a property which is developed and used~~
15 ~~or has been used for residential, commercial or industrial purposes.~~

16 (2) If the nuisance consists solely of grass, weeds and low growing vegetation ~~uncultivated~~
17 ~~vegetation as provided in section 14-62(3)), (4) and (5), and the parcel is less than one-~~
18 ~~half (1/2) acre in size, the nuisance shall be abated as provided in section 14-32(c), in its~~
19 ~~entirety. If the parcel is greater than one-half (1/2) acre in size only so much of the~~
20 ~~nuisance shall be abated as lies within twenty-five (25) feet of the boundary of any~~
21 ~~adjacent property which is developed and used or has been used for residential,~~
22 ~~commercial or industrial purposes.~~

23 (3) If the nuisance consists of Schinus terebinthifolius (commonly known as Brazilian
24 Pepper) bushes or trees as provided in section 14-62(4) or uncultivated vegetation that
25 constitutes a fire hazard as provided in section 14-62(5), the nuisance shall be abated in
26 its entirety.

27 (3) ~~In cases involving areas declared by the board of county commissioners as blighted,~~
28 ~~pursuant to state statutes or in any cases where there is evidence of vagrants using the~~
29 ~~overgrown property for habitation or where crimes of a violent nature or crimes~~
30 ~~involving the sale or possession of illegal substances are occurring on the premises, then~~
31 ~~the nuisance may be abated in its entirety, regardless of lot size. The evidence required~~
32 ~~must be documented by the county sheriff's department or other appropriate law~~

1 enforcement agency. The owner and the department are encouraged to preserve, and
2 need not clear native trees such as *Pinus elliottii* var. *densa* (commonly known as Slash
3 Pine), *Ilex cassine* (commonly known as Dahoon Holly), *Sabal palmetto* (commonly
4 known as Cabbage Palm), any species of naturally occurring oaks or bay trees and native
5 understory such as *Serenoa repens* (commonly known as Saw Palmetto), *Rapanea*
6 *punctata* (commonly known as myrsine), *Ardisia escallonioides* (commonly known as
7 Wild Coffee), and *Myrica cerifera* (commonly known as Wax Myrtle); and provided
8 further that the owner and the department are encouraged to clear Prohibited Invasive
9 Non-Native Vegetation listed in Appendix 6 of Article 14.C of the Unified Land
10 Development Code, and *Melaleuca quinquenervia* (commonly known as Punk Tree,
11 Cajeput, or Paper Bark Tree), *Casurina* Spp. (commonly known as Australian Pine);
12 *Acacia Ariculaeformis* (commonly known as Earleaf Acacia), *Cupaniopsis*
13 *anacardioides* (commonly known as Carrotwood), *Schefflera aetnophylla* (commonly
14 known as Schefflera), *Lygodium microphyllum* (commonly known as Old World
15 Climbing Fern), *Discorea bulbifera* (commonly known as Air Potato Vine); and
16 provided further that the owner and the department shall clear *Schinus terebinthifolius*
17 (commonly known as Brazilian Pepper).

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

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

26 ~~(6) If the nuisance consists in part of uncultivated vegetation and in part of other nuisances~~
27 ~~declared by this article, the provisions of subsections (1), (2) and (3) shall each apply to~~
28 ~~its abatement.~~

29 ~~(6)(7)~~—If the nuisance consists of an infestation of vermin or insects, ~~or of a swimming~~
30 ~~pool without an adequate safety barrier, and/or a swimming pool without proper water~~

1 clarity, as provided in section 14-62(8) and (9), then the nuisance shall be considered a
2 threat to public health safety and welfare and shall be abated in its entirety.

3
4 **SECTION 9. PROCEDURE FOR ENFORCEMENT. Section 14-64 of the Palm Beach**
5 **County Code is amended as follows:**
6

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

13 ***

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

18 ***

19 Notice shall be delivered to the owner by certified mail, return receipt requested, sent to the
20 address listed ~~in on~~ in the Palm Beach County Property Appraiser's database and on the ad valorem
21 tax roll. For certified mail, notice is received on the date the owner or the owner's agent initials
22 or otherwise indicates receipt of the notice on the return receipt. In the event that certified mail
23 delivery cannot be accomplished, and after reasonable search by the department for such owner,
24 or if the notice is not accepted or is returned to the department, the notice shall be posted on the
25 lot and the notice shall be deemed received on the date posted.

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

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

30 (c) If no appeal is timely filed as provided herein, the department shall, upon the expiration of
31 the notification period, reinspect the lot to determine whether or not the nuisance has been
32 abated. If the department determines that the lot still harbors a nuisance, it shall cause its

1 abatement according to the provisions of this part. To accomplish that goal, the department
2 or its agents are authorized by the board of county commissioners to enter upon the lot and
3 to take steps reasonably necessary to effect abatement.

4 (d) Nothing in this part shall prevent the department from pursuing enforcement of this article
5 through other processes.

6 ***

7
8 **SECTION 10. NOTICE OF ASSESSMENT. Section 14-67 of the Palm Beach County**
9 **Code is amended as follows:**

10
11 Upon completion of the actions undertaken by the county to effect abatement, the department
12 shall notify in writing the owner that a special assessment has been imposed on the lot. The notice
13 shall be delivered to the owner in the manner set forth for delivery of the notice of violation in
14 section 14-64. The notice of assessment shall set forth the following:

15 ***

16 (4) The intent of the county to declare the assessment delinquent if not paid by the following
17 September 1st and to place the assessment on the tax roll as a non-ad valorem
18 assessment ~~superior to all other private rights, interests, liens, encumbrances, titles and~~
19 ~~claims upon the lot and equal in rank and dignity with a lien for ad valorem taxes.~~

20 ***

21 **SECTION 11. REPEAL OF LAWS IN CONFLICT:**

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

24 **SECTION 12. SAVINGS CLAUSE:**

25 Notwithstanding anything to the contrary, all provisions of Palm Beach County Code
26 Section 14-1 through 14-69, codifying Palm Beach County Ordinance No. 2003-051, as
27 amended, are specifically preserved and remain in full force and effect for the limited purpose of
28 enforcing any alleged violations of said Code which occurred prior to its repeal or amendment.

29 **SECTION 13. SEVERABILITY:**

30 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
31 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
32 holding shall not affect the remainder of this Ordinance.

1 **SECTION 14. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

2 The provisions of this Ordinance shall become and be made a part of the Palm Beach
3 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
4 such, and the word "ordinance" may be changed to "section," "article," or other appropriate
5 word.

6
7 **SECTION 15. ENFORCEMENT:**

8 This Ordinance is enforceable by all means provided by law. Additionally, the County
9 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm
10 Beach County.

11 **SECTION 16. PENALTY:**

12 Any violation of any portion of this Ordinance shall be punishable as provided by law.

13 **SECTION 17. CAPTIONS:**

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

17 **SECTION 18. EFFECTIVE DATE:**

18 The provisions of this Ordinance shall become effective upon filing with the Department
19 of State.

20

21 *The remainder of this page is intentionally left blank.*

22

 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the ____ day of _____, 20____.

SHARON R. BOCK, CLERK

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

By: _____
 Deputy Clerk

By: _____
 Melissa McKinlay, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
 County Attorney

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