

ORDINANCE NO. 2025-23

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 13 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), ARTICLE 1 ("PROPERTY MAINTENANCE"), SECTIONS 13-1 TO 13-3 OF WELLINGTON'S CODE OF ORDINANCES TO UPDATE PROVISIONS FOR PROPERTY MAINTENANCE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council is authorized and empowered to adopt and amend legislation to govern the affairs of its citizens and promote the public health, safety, and welfare of the community; and

WHEREAS, Chapter 13, "Offenses and Miscellaneous Provisions," Article 1 "Property Maintenance" establishes the standards and requirements for property maintenance to maintain a high quality of aesthetics within Wellington; and

WHEREAS, several amendments to Article 1 are necessary to update and clarify the property maintenance standards; and

WHEREAS, Wellington's Council believes it is in the best interest of the community to amend Chapter 13, Article 1 of the Code of Ordinances to ensure the property maintenance requirements are clearly articulated for property owners and residents in Wellington.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA THAT:

SECTION 1. Chapter 13, "Offenses and Miscellaneous Provisions," Article 1 "Property Maintenance," Sections 13-1 to 13-3 of the Code of Ordinances are amended as follows [in ~~striketrough~~-(deleted) and underlined (added) format]:

Chapter 13 – OFFENSES AND MISCELLANEOUS PROVISIONS

Article 1. – PROPERTY MAINTENANCE

Sec. 13-1. Definitions.

The following words and terms, when used in this article, have the meanings specified herein:

Appurtenances: The visible, functional, or ornamental objects accessory to, and part of, buildings or structures.

Bulk trash: As defined in Chapter 17 of this Code.

Container: As defined in Chapter 17 of this Code.

Developed property: Any real property upon which alteration to support a specific land use other than farming has occurred, or a structure, paving, or other improvement has been erected or installed. Overhead, underground, and other public or franchised utility installations shall not be considered improvements for the purposes of this definition.

Driveway apron: That portion of the driveway or parking area starting at the curb or edge of pavement and progressing to the edge of the ~~right-of-way sidewalk~~.

Hardscape: Nonliving components of a landscape design, such as walls, sculpture, paved walkways, stone and gravel areas, benches, and similar hard-surface areas and objects.

- Landscaped areas:* Outdoor areas, required to consist of or consisting of any of the following or combination thereof: grass, ground covers, mulch, shrubs, vines, hedges, trees, or palms; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, or fences, but excluding paving or paver areas.
- Leaf and plant litter:* Dead plant material, such as leaves, bark, needles, or twigs that have fallen to the ground, if accumulated, creates a nesting, breeding, or feeding ground for vermin, or where such accumulated material is detrimental to the aesthetic appearance of Wellington.
- Litter:* Rubbish and all other solid waste material which, if accumulated, thrown, or deposited as herein prohibited, creates a danger to public health, safety, and welfare, creates a nesting, breeding, or feeding ground for vermin, creates blight, or is detrimental to the aesthetic appearance of Wellington.
- Native vegetation:* Any plant species with a geographic distribution indigenous to all or part of Wellington.
- Recycling container:* As defined in Chapter 17 of this Code.
- Rubbish:* Solid wastes consisting of both combustible and noncombustible wastes, including but not limited to, paper, plastics, wrappings, cigarettes, cardboard, and ~~tin~~ aluminum cans or bottles.
- Sidewalk:* As defined ~~is in~~ Chapter 20 of this Code.
- Solid waste:* As defined in Chapter 17 of this Code.
- Street:* A public right-of-way or easement.
- Swale:* As defined in Chapter 20 of this Code.
- Trash:* As defined in Chapter 17 of this Code.
- Vegetative waste or debris:* As defined ~~is in~~ Chapter 17 of this Code.
- Yard:* A space open and unobstructed from the ground to the sky, except by permitted encroachments on the same lot with a structure or use.
- Yard, front:* An area extending across the full width of the lot between the front lot line and the nearest line or front plane of any building on the lot.
- Yard, rear:* An area extending across the full width of the lot between the rear lot line and the nearest line of the main or principal building.
- Yard, side:* An area extending from the front lot line to the rear lot line, between the side lot line and the nearest line of any building on the lot. Sec. 13-2. Property maintenance standards (general).
- A. *Applicability:* These regulations shall apply to all property within Wellington. The owner, tenant, or other responsible party of all real properties, unless otherwise stated, shall maintain the exterior portions of the property in ~~such a manner so as that~~ to conform to all Wellington codes and ordinances.
- B. *General regulations:*
1. All principal and accessory buildings and structures and their appurtenances shall be maintained free of ~~litter, debris,~~ stains, mold, discoloration, or deterioration. Painted surfaces shall not be faded and shall be free of discoloration, staining, or peeling.
 2. All driveways, sidewalks, parking areas, private roadways or access ways, and curbing, together with their associated medians, and circles, shall be maintained free of debris, stains, mold, discoloration, or deterioration. All related hardscapes and landscaping shall be maintained in a healthy and manicured condition, and free of litter, including leaf and plant litter, and debris.
 3. The coloring or coating of sidewalks and/or driveway aprons within public rights-of-way with any type of paint, stain, sealant, or similar material is prohibited. The painting, staining, or sealing of driveways and/or walkways on private property may be permitted as regulated by the Land Development Regulations.
 4. The property owner shall maintain all public easements, swales, and sodded portions of rights-of-way on or adjacent to their developed property in a clean, orderly, and healthy condition including, but not limited to, mowing and replacing sod when necessary, repairing bare areas, clearing weeds, and removing litter, including leaf and plant litter. On double frontage lots, property owners are only required to maintain to the property line on the rear lot line.
 5. Flags and flagpoles shall be maintained free of debris, stains, mold, discoloration, and deterioration.

6. All dumpsters and trash receptacles shall be screened and located in a manner approved by Wellington. The dumpster and the area surrounding it shall be maintained free of litter, debris, stains, mold, discoloration, and deterioration.
- C. *Fence and wall maintenance:*
1. Fences and walls shall be maintained in good order and repair and shall be subject to the standards enumerated within this section.
 2. Painted fence and wall surfaces shall not be faded and shall be free of discoloration, staining, or peeling. ~~Other surfaces shall not be faded, discolored, stained, peeling, chipped, or broken.~~
 3. Surfaces shall be cleaned or repainted when any surface is more than ~~ten~~ 10 percent stained or discolored, or if the paint is peeling over more than five percent of any surface.
 4. Broken or missing boards, posts, slats, or fittings shall be replaced immediately.
 5. Fences shall be maintained in a vertical configuration and shall not be allowed to lean.
 6. Rails and posts shall be structurally sound and not bent or leaning.
 7. Fabric, rails, posts, fittings, and gates that become more than ~~ten~~ 10 percent discolored shall be cleaned or replaced.
 8. Chipped or broken walls shall be repaired immediately.
 9. Landscaping and ~~barrier~~ perimeter hedges shall be trimmed and maintained in a healthy and neat condition and shall not extend onto or over public properties, rights-of-way, or easements.

Sec. 13-3. Additional property maintenance standards.

- A. *Applicability:* These regulations shall apply to all property within the municipal boundaries of Wellington.
- B. *Solid waste:*
1. All solid waste shall be stored in garbage cans or dumpsters, which shall be maintained in a sanitary manner. Except as provided below, all garbage cans and recycling containers shall be kept indoors or in a portion of the rear or side yard that is screened from view from a public right-of-way by walls, fences, or hedges. All dumpsters shall be screened and located in a manner approved by Wellington.
 2. Garbage cans and other trash or recycling containers may be placed at the curb no earlier than 6:00 p.m. on the day ~~prior to~~ before the scheduled pick-up and shall be removed from the curb no later than 11:00 p.m. on the day of pick-up.
 3. No owner or tenant shall permit the accumulation of litter, including leaf and plant litter, yard debris, or trash on any real property or the adjoining public rights-of-way.
 4. Vegetative waste and bulk trash may be placed at the curb no earlier than 24 hours ~~prior to~~ before the scheduled pick-up.
 5. Garbage, vegetation, recycling containers, vegetative waste, and/or bulk trash shall be placed at the curb for collection only within the boundaries of the originating property, and shall not be placed upon any roadway surface or rights-of-way area in a way that impedes pedestrian or vehicular traffic flow or safety. Placement of all such materials must be directly in front of the property that generated the trash.
- C. *Prohibited acts:*
1. Outdoor drying of clothes and outdoor clotheslines shall be prohibited in any yard or any portion of a yard that is visible from the street or ~~from neighboring properties~~. Outdoor drying of clothes and outdoor clotheslines shall ~~Any rear or side yard utilized for this purpose must be~~ screened by buildings, walls, fences, or hedges.
 2. Household items, maintenance equipment or supplies, or other articles not designed and intended as outdoor amenities shall be prohibited in any yard or any portion of a yard that is visible from the street or public right-of-way.
 3. Portable basketball backboards and hoops are permitted in front yards provided that they are located no closer than 15 feet to the front property line and three feet from the side property line and provided they shall not exceed 14 feet in height measured from the grade level at the point on the front property line nearest to the

pole, or provided they are removed and stored indoors when not in use. The Land Development Regulations establish the standards for permanent basketball backboards and hoops.

D. *Solid waste generation and collection during storm events:*

1. All pre-storm season vegetation trimming shall be completed each year ~~prior to~~before April 30. Wellington finds that pre-storm season trimming reduces storm debris and damage and protects the health, safety, and welfare of residents and property owners within Wellington.
2. Once any portion of Wellington has been placed under a hurricane or tropical storm watch or warning by the National Hurricane Center of the National Oceanic and Atmospheric ~~Association~~Administration (NOAA) or the State of Florida, the following solid waste regulations shall be enforced:
 - a. Trash containers, vegetation containers, recycling containers, vegetative waste, and/or bulk trash shall not be placed at the curb on a non-collection day or allowed to accumulate on any property.
 - b. Upon cessation of solid waste collection by Wellington and/or its franchised collection service provider due to an impending storm event:
 - i. It shall be the property owner's responsibility to remove or secure trash, vegetation, and recycling containers ~~from outdoor areas~~ so as not to impose a potential hazard to the surrounding area during the storm event.
 - ii. It shall be the property owner's responsibility to remove or secure any ~~remaining~~ bulk or other waste material ~~remaining~~ on the property in a manner so as not to impose a hazard to the surrounding area.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause, or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision, in that event, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

[This section intentionally left blank.]

SECTION 4. This Ordinance shall become effective immediately upon adoption by the Village Council following second reading.

PASSED this _____ of _____, 2025, upon first reading.

PASSED AND ADOPTED this _____ day of _____ 2025, on second and final reading.

WELLINGTON

	FOR	AGAINST
BY: _____	_____	_____
Michael J. Napoleone, Mayor		
_____	_____	_____
Tanya Siskind, Vice Mayor		
_____	_____	_____
John McGovern, Councilman		
_____	_____	_____
Maria Antuña, Councilwoman		
_____	_____	_____
Amanda Silvestri, Councilwoman		

ATTEST:

BY: _____
Chevelle D. Hall, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney