

ORDINANCE NO. 2019-01

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 30, ARTICLE II (NUISANCES), SECTION 30-51 (DEFINITIONS), SECTION 30-53 (NUISANCE DECLARED) AND SUBSECTION 30-54 (NUISANCE TO BE ABATED) OF THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA; TO MODIFY AND CLARIFY THE SPECIFIC REGULATIONS FOR THE CONTROL OF EXCESSIVE GROWTH OF GRASS, WEEDS AND LOW-GROWING VEGETATION ON UNDEVELOPED, VACANT, DEVELOPED OR PARTIALLY DEVELOPED PROPERTIES AND ON ACTIVE, INACTIVE OR ABANDONED GOLF COURSE PROPERTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Wellington's Council, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

**WHEREAS**, Wellington's Council recognizes that absence of a reasonable level of landscape maintenance on developed, developed but abandoned and/or inactive and undeveloped properties creates a nuisance and has a blighting effect on neighborhoods and negatively impacts surrounding property owner's with respect to their use, enjoyment, safety, health and value of properties; and

**WHEREAS**, Wellington's Council recognizes that the adopted Regulations should need ~~to be~~ updated to provide improved clarity and better address current needs and circumstances in the community; and

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

**SECTION 1. Chapter 30, Article II, Section 30-51 (Definitions) is hereby amended to clarify the definition of Developed Property, as follows:**

*Developed property* means any real property upon which a structure, paving, lakes, golf course, or sports field improvements, or other improvement has been erected or installed. Overhead, underground, and other public or private franchised utility installations shall not be considered improvements for the purposes of this definition.

**SECTION 12.** Chapter 30, Article II, Section 30-53 of the Code of Ordinances is amended to read as follows:

Sec. 30-53. - Nuisance declared. It is hereby declared and determined by the village council that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot, ~~or an occupied structure or an unoccupied structure~~ in the village:

- (1) Accumulations of waste, yard trash or rubble, and debris.
- (2) Excessive growth of grass, weeds, and low-growing vegetation. Such ~~grass, weeds and low-growing vegetation~~ shall be— maintained as follows:

**Table 30.53-1**

| <b><u>Lot and Use</u></b>  | <b><u>Size of Lot</u></b>         | <b><u>Maximum Maintenance Height</u></b>   |
|--|-----------------------------------|--|
| <u>Undeveloped or Vacant – Residential and Non-Residential</u>                         | <u>One-half acre or less</u>      | <u>6 inches on the entire lot.</u>   |
| <u>Undeveloped or Vacant – Residential and Non-Residential</u>                         | <u>Greater than one-half acre</u> | <u>12 inches on the first 120 feet measuring from property line or pod line of the lot on all sides of the lot adjacent to a developed lot.</u><br><u>18 inches on the first 120 feet outside of the Urban Services area and in Little Ranches</u> |
| <u>Developed or Partially Developed – Residential And Non-Residential</u>              | <u>One-half acre or less</u>      | <u>6 inches on the entire lot.</u>   |
| <u>Developed or Partially Developed – Residential And Non-Residential</u>              | <u>Greater than one-half acre</u> | <u>6 inches on the first 120 feet measuring from property line or pod line of the lot on any side of the lot</u>   |
| <u>Golf Course – <del>Active, Inactive or Abandoned (Prior to Redevelopment)</del></u> | <u>Any size</u>                   | <u>6 inches on the entire lot(s)</u>   |

~~Grass, weeds and underbrush greater than:~~

- a. ~~Six inches in height on developed lots inside the urban service area;~~
- b. ~~Twelve inches in height on undeveloped lots, inside the urban service area, that are adjacent to the developed lots; and~~
- c. ~~Eighteen inches in height on all other properties including property in Palm Beach Little Ranches.~~

(3) Noxious vegetation.

(4) Vegetation on developed or undeveloped property that creates a danger to public health, safety and welfare by creating a fire hazard; by providing a nesting, breeding or feeding area for sandflies, mosquitoes, rodents, snakes or other species of pests and vermin, or disease-bearing organisms; by impairing the vision of motorists or bicyclists or impeding pedestrians; or by adversely affecting the aesthetic appearance of the property upon which the vegetation is found and adjacent properties.

(5) Dilapidated structures.

(6) Private residential swimming pools that are unsecured or stagnant.

**SECTION 23.** Chapter 30, Article II, Section 30-54 Nuisance to be abated) of the Code of Ordinances is amended to read as follows:

Sec. 30-54. - Nuisance to be abated. The village council further determines that any nuisance that is found upon a lot in the village shall be abated in the following manner:

(1) If the nuisance consists of accumulations of waste, yard trash, or rubble and debris, it shall be abated in its entirety.

(2) If the nuisance consists of grass, weeds, and low-growing vegetation underbrush as provided in section 30-53(2)a., the nuisance shall be abated in its entirety as provided in Table 30.53-1.

~~(3) If the nuisance consists of grass, weeds and underbrush as provided in section 30-53(2)b. on lots one-half acre or less in size, the nuisance shall be abated in its entirety. If the lot is greater than one-half acre, only so much of the nuisance shall be abated as lies within 60 feet of the boundary of an adjacent property that is developed and within 60 feet of a property line abutting a street.~~

~~(4) If the nuisance consists of grass, weeds and underbrush as provided in section 30-53(2)c., only so much of the nuisance shall be abated as lies within 60 feet of the front lot line.~~

~~(5)~~(3) If the nuisance consists noxious vegetation on developed or undeveloped lots inside the urban service area that are adjacent to developed lots, the nuisance shall be abated/declared in its entirety if the lot is one-half acre or less. If the lot is greater than one-half acre, only so much of the nuisance shall be abated as lies within 60 120 feet of the boundary of an adjacent property that is developed and within 60 120 feet of a property line abutting a street.

~~(6)~~(4) If the nuisance consists of vegetation that impairs the vision of motorists or bicyclists, or impedes pedestrians as provided in section 30-53(4), the nuisance shall

1 be abated so as to afford a clear, unobstructed view and safe pedestrian access. If the  
2 nuisance creates a danger to the health, safety and welfare in one or more of the ways  
3 consists of vegetation or undeveloped property as provided in section 30-53(4), the  
4 nuisance shall be abated in its entirety so as to eliminate the fire hazard. If the  
5 nuisance consists of providing a nesting, breeding or feeding are for various vermin as  
6 provided in section 30-53(4), the nuisance shall be abated so as to eliminate the ability  
7 for nesting, breeding or feeding.

8 (8)(5) If the nuisance consists of an unoccupied structure containing broken window or  
9 door glass, broken or damaged windows or window frames, broken or damaged  
10 exterior doors or entryways, broken or damaged garage doors, an unsecured  
11 swimming pool, a stagnant swimming pool, or damaged roofs that may allow an  
12 interior leak, the nuisance shall be abated in its entirety.

13  
14 **SECTION 34.** Should any section, paragraph, sentence, clause, or phrase of this  
15 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
16 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this  
17 Ordinance shall prevail to the extent of such conflict.  
18

19 **SECTION 45.** Should any section, paragraph, sentence, clause, or phrase of this  
20 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall  
21 not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the  
22 part so declared to be invalid.  
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24 **SECTION 56.** This Ordinance shall become effective immediately upon adoption  
25 of the Village Council following second reading.  
26

27 **PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2019 on first reading.

28  
29 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019, on second and final reading.  
30

31 **WELLINGTON**

**FOR**

**AGAINST**

32  
33  
34 BY: \_\_\_\_\_

35 Anne Gerwig, Mayor

36  
37 \_\_\_\_\_  
38 Michael Drahos, Vice Mayor

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40 \_\_\_\_\_  
41 John T. McGovern, Councilman

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43 \_\_\_\_\_  
44 Michael J. Napoleone Councilman

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46 \_\_\_\_\_  
47 Tanya Siskind, Councilwoman

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**ATTEST:**

BY: \_\_\_\_\_  
Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie Cohen, Village Attorney