

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 owners with respect to their use, enjoyment, safety, health and value of properties; and

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

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, waterways, 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 2. 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

<u>Lot and Use</u>	<u>Size of Lot</u>	<u>Maximum Maintenance Height</u>
<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> <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 – Active, Inactive or Abandoned (Prior to Redevelopment)</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 3. 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 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 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.

1 ~~(6)~~(4) If the nuisance consists of vegetation that impairs the vision of motorists or
2 bicyclists, or impedes pedestrians, the nuisance shall be abated so as to afford a
3 clear, unobstructed view and safe pedestrian access. If the nuisance creates a
4 danger to the health, safety and welfare in one or more of the ways provided in
5 section 30-53(4), the nuisance shall be abated in its entirety.

6 ~~(8)~~(5) If the nuisance consists of an unoccupied structure containing broken window or
7 door glass, broken or damaged windows or window frames, broken or damaged
8 exterior doors or entryways, broken or damaged garage doors, an unsecured
9 swimming pool, a stagnant swimming pool, or damaged roofs that may allow an
10 interior leak, the nuisance shall be abated in its entirety.
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12 **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this
13 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
14 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
15 Ordinance shall prevail to the extent of such conflict.
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17 **SECTION 5.** Should any section, paragraph, sentence, clause, or phrase of this
18 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall
19 not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the
20 part so declared to be invalid.
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22 **SECTION 6.** This Ordinance shall become effective immediately upon adoption of the
23 Village Council following second reading.
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PASSED this 9 day of January, 2019 on first reading.

PASSED AND ADOPTED this ____ day of _____, 2019, on second and final reading.

WELLINGTON

FOR

AGAINST

BY: _____

Anne Gerwig, Mayor

Michael Drahos, Vice Mayor

John T. McGovern, Councilman

Michael J. Napoleone Councilman

Tanya Siskind, Councilwoman

ATTEST:

BY: _____

Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____

Laurie Cohen, Village Attorney