

ORDINANCE NO. 25-15

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 25 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "DEVELOPMENT STANDARDS"; BY AMENDING ARTICLE III ENTITLED, "LANDSCAPING;" AMENDING SECTION 25-48, ENTITLED "LANDSCAPE INSTALLATION AND MAINTENANCE;" PROHIBITING THE BLOWING, SWEEPING, OR DUMPING OF LANDSCAPE DEBRIS AND YARD WASTE INTO STREETS, SWALES AND STORM DRAINS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cooper City (the "City") finds that the improper disposal of yard waste and landscape debris into streets, swales and storm drains contributes to flooding and adversely affects the health, safety and welfare of the community; and

WHEREAS, the City Commission seeks to prohibit the improper disposal of such waste and debris by homeowners and contractors on their behalf; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest of the citizens, residents, and business establishments in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Commission of the City of Cooper City hereby amends Chapter 25 of the City's Code of Ordinances, entitled "Development Standards," by amending Article III entitled, "Landscaping," and specifically amending Section 25-48, entitled "Landscape Installation and Maintenance" as follows:

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Sec. 25-48. - Landscape installation and maintenance.

...

(c) *Maintenance.* The property owner, the owner's successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

- (1) Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All owners of property within the City are required to maintain any grass within such property at a height not to exceed six inches from the ground. For the purposes of this section, the term "property owner" is defined as the person or persons shown on the county real estate tax records as the owner of the property. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices. Yard wastes shall not be disposed of or stored by shore-lines, in or near ditches or swales, or into storm drains;
- (2) The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition;
- (3) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this article;
- (4) Perpetual maintenance to prohibit the reestablishment of harmful exotic species within landscaping and preservation areas; and
- (5) Continuous maintenance of the site;
- (6) Wherever hedge materials are planted within 30 inches of a freestanding masonry wall, the hedge shall be maintained at a height equal to the height of the wall. Property owners, including homeowners' associations, which violate the provisions of this section, shall be subject to an administrative fine of \$300.00 per violations, said fine to be expended on the purchase and installation of additional plant materials within the development or property subject to the fine.

a. For purposes of this section, the following definitions shall be applicable:

- i. A violation shall be determined if 40 percent or more of any mature, continuous, contiguous hedge, exclusive of any breaks or interruptions for the display of architectural detailing pursuant to subsection b, below, is trimmed below the height of the adjacent freestanding masonry wall.

ii. Hedge shall be defined as a continuous row of plantings including the following plant species or other Florida-Friendly plant species recommended by the University of Florida/IFAS:

...

b. Exemption: In any case where a free-standing masonry wall includes a particular architectural feature (including, but not limited to, a line of accent tiles or color within 12 inches of the top of the wall, or an interruption in the wall for decorative fencing), hedges may be maintained at a height lower than the height of the wall to ensure visibility of such architectural feature, not to exceed six inches below the level of the architectural feature.

(7) *Prohibited disposal of landscape debris.*

a. *Definitions.* For purposes of this subsection, the following terms shall be defined to mean:

i. *Person* means any individual, firm, association, company or organization of any kind.

ii. *Right of way* means any street, sidewalk, gutter, swale, or public area maintained by the City for public use.

iii. *Storm drain or stormwater system* means any natural or artificial drain, conveyance ditch, gutter, or other system designed to transport stormwater runoff.

iv. *Yard waste* means grass clippings leaves, shrub and tree trimmings, palm fronds, or other vegetative matter resulting from landscaping or yard maintenance activities.

b. It shall be unlawful for any person to sweep, blow, place, dump or otherwise deposit yard waste onto any adjacent private or public property or into any right-of-way, storm drain or other portion of the stormwater system.

c. It shall further be unlawful for any person to direct or permit a contractor or landscaper to sweep, blow, place, dump or otherwise deposit yard waste into any right-of-way, storm drain or other portion of the stormwater system.

d. Yard waste shall be properly disposed of in accordance with the solid waste disposal regulations set forth in this code.

SECTION 3: All sections of the City of Cooper City Code not amended hereunder shall remain in full force and effect.

SECTION 4: It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5: All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are to be severable.

SECTION 8: This Ordinance shall become effective upon adoption.

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PASSED AND ADOPTED on First Reading this _____ day of _____, 2025.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2025.

JAMES CURRAN

Mayor

ATTEST:

TEDRA ALLEN, CMC
City Clerk

ROLL CALL

Mayor Curran _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____
Commissioner Smith _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney