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3 **ORDINANCE 2022-26 – AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING SUBSECTION (g)**
5 **“MAINTENANCE REQUIREMENTS” OF SECTION 2-75.11**
6 **“FORECLOSED, VACANT AND UNIMPROVED PROPERTY**
7 **REGISTRATION PROGRAM” OF ARTICLE VII “ABATEMENT OF**
8 **NUISANCES” OF CHAPTER 2 “ADMINISTRATION,” PROVIDING FOR**
9 **CONSISTENCY OF REGULATIONS REGARDING USE OF ARTIFICIAL**
10 **TURF; AND PROVIDING FOR SEVERABILITY, CONFLICTS,**
11 **CODIFICATION AND AN EFFECTIVE DATE**
12

13 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
14 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
15 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
16 municipal government, perform municipal functions, and render municipal services, and
17 may exercise any power for municipal purposes, except as expressly prohibited by law;
18 and
19

20 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
21 body of each municipality in the state has the power to enact legislation concerning any
22 subject matter upon which the state legislature may act, except when expressly prohibited
23 by law; and
24

25 **WHEREAS**, the City wishes to amend Subsection 2-75.11(g) “Maintenance
26 Requirements” related to properties that are registered under the City’s foreclosed, vacant
27 and unimproved property registration program to provide yard maintenance standards
28 that are consistent with the City’s landscaping requirements in Section 23.6-1(k)
29 “Landscape design standards”, which does not include the use of artificial turf; and
30

31 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
32 municipality having such power and authority conferred upon it by the Florida Constitution
33 and Chapter 166, Florida Statutes; and
34

35 **WHEREAS**, the City Commission finds and declares that the adoption of this
36 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
37 City, its residents and visitors.
38

39 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
40 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**
41

42 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
43 being true and correct and are made a specific part of this ordinance as if set forth herein.
44

45 **Section 2:** Subsection (g) “Maintenance requirements” of Section 2-75.11
46 “Foreclosed, vacant and unimproved property registration program” of Article VII
47 “Abatement of Nuisances” of Chapter 2 “Administration,” is hereby amended to read as
48 follows:
49

50 (g) *Maintenance requirements.*

- 51 (1) Properties subject to this section shall be kept free of weeds, overgrown brush,
52 dead vegetation, trash, junk, debris, building materials, any accumulation of
53 newspapers, circulars, flyers, notices, except those required by federal, state, or
54 local law, discarded personal items including, but not limited to, furniture, clothing,
55 large and small appliances, or any other items that give the appearance that the
56 property is abandoned or not being properly maintained. Grass over twelve (12)
57 inches tall is prohibited.
- 58
- 59 (2) The property shall be maintained free of graffiti or similar markings by removal or
60 painting over such graffiti or markings with an exterior grade paint that matches
61 the color of the exterior structure.
- 62
- 63 (3) Yards shall be landscaped and maintained pursuant to the standards set forth in
64 the ordinances of the city. Landscaping shall include, but shall not be limited to,
65 grass, ground cover, bushes, shrubs, hedges or similar plantings, decorative rock
66 or bark, ~~artificial turf~~ or sod designed specifically for residential, commercial or
67 industrial installation, as applicable. Landscaping shall not include weeds, gravel,
68 broken concrete, asphalt or similar material. Maintenance shall include, but shall
69 not be limited to, watering, irrigation, cutting and mowing of required landscape
70 and removal of all trimmings and weeds.
- 71
- 72 (4) Pools and spas shall be kept in a safe and sanitary order so that pool and spa
73 water remains free and clear of pollutants and debris. Pools and spas shall comply
74 with the enclosure requirements of the city's ordinances and the Florida Building
75 Code.
- 76
- 77 (5) In the event that the National Weather Service, National Hurricane Center, or other
78 appropriate weather agency declares a hurricane warning for any portion of the
79 city, all materials, furnishings, and equipment at the property shall be secured,
80 stored, or removed so as to not create a safety hazard due to hurricane force
81 winds.
- 82
- 83 (6) Failure of the mortgagee and/or property owner of record to properly maintain the
84 property is a violation of the Code of Ordinances of the city. Pursuant to a finding
85 and determination by a special magistrate, the city may take the necessary action
86 to ensure compliance with its ordinances and place a lien or liens and a special
87 assessment on the property.

88

89 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or
90 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
91 competent jurisdiction, such portion shall be deemed a separate, distinct, and
92 independent provision, and such holding shall not affect the validity of the remaining
93 portions thereof.

94

95 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
96 conflict herewith are hereby repealed to the extent of such conflict.

97

Section 5: Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 6: Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2022.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk