

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE VII "ABATEMENT OF NUISANCE, SECTION 2-75.11(g) "MAINTENANCE REQUIREMENTS" TO REQUIRE ADDITIONAL MAINTENANCE REQUIREMENTS FOR VACANT AND UNIMPROVED PROPERTY WITHIN THE CITY AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth ("City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City's Code of Ordinances provides, in Chapter 2, Article VII "Abatement of Nuisance", section 2-75.11, a "Foreclosed, vacant and unimproved property registration program" whose purpose includes establishing a process to monitor and address the conditions of vacant, abandoned and distressed real property within the City; and

WHEREAS, the maintenance requirements for the properties is set forth in 2-75.11(g) need to be expanded to better protect the City from blight that is caused by inadequate maintenance; and

WHEREAS, the City Commission has reviewed the recommended amendments and has determined that it is in the best interest of the public health, safety and general welfare of the City to adopt the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. Chapter 2 "Administration", Article VII "Abatement of Nuisance", section 2-75.11(g) is hereby amended as follows:

(g) *Maintenance requirements, generally.*

- (1) Properties subject to this section shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small

appliances, or any other items that give the appearance that the property is abandoned or not being properly maintained. Grass over twelve (12) inches tall is prohibited.

- (2) The property shall be maintained free of graffiti or similar markings by removal or painting over such graffiti or markings with an exterior grade paint that matches the color of the exterior structure.
  - (3) Yards shall be landscaped and maintained pursuant to the standards set forth in the ordinances of the City of Lake Worth. Landscaping shall include, but shall not be limited to, grass, ground cover, bushes, shrubs, hedges or similar plantings, decorative rock or bark, artificial turf or sod designed specifically for residential, commercial or industrial installation, as applicable. Landscaping shall not include weeds, gravel, broken concrete, asphalt or similar material. Maintenance shall include, but shall not be limited to, watering, irrigation, cutting and mowing of required landscape and removal of all trimmings and weeds.
  - (4) Pools and spas shall be kept in a safe and sanitary order so that pool and spa water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the city's ordinances and the Florida Building Code.
  - (5) In the event that the National Weather Service, National Hurricane Center, or other appropriate weather agency declares a hurricane warning for any portion of the city, all materials, furnishings, and equipment at the property shall be secured, stored, or removed so as to not create a safety hazard due to hurricane force winds.
  - (6) Failure of the mortgagee and/or property owner of record to properly maintain the property is a violation of the Code of Ordinances of the City of Lake Worth. Pursuant to a finding and determination by a special magistrate, the city may take the necessary action to ensure compliance with its ordinances and place a lien or liens and a special assessment on the property.
- (h) Maintenance requirements, unimproved property.  
In addition, the requirements in subsection (g) above, owners of unimproved property must, within ninety (90) days of registering under this section, agree to comply with the City's Maintenance of Property Manual, which shall include a requirement that the property:

- i. be lighted in a manner to discourage crime;
- ii. be sodded throughout the entire unimproved area of the property;
- iii. be irrigated, preferably with a timer mechanism;
- iv. surrounded with a vinyl coated four (4) feet tall chain linked fence which shall be installed around the entire property area, unless the city's DRO waives or alters the requirement;
- v. provided with signage attached to the fencing that lists the responsible party for the property, which party is generally available within 24 hours' notice, including address, phone number and email address; and

(i) Maintenance requirements, vacant property and vacant commercial property.

In addition the requirements in subsection (g) above, owners of vacant property and vacant commercial property must, within ninety (90) day of registering under this section, agree to comply with the City's Maintenance of Property Manual, which shall include a requirement that the property:

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- i. be screened with window coverings on all windows in a scheme that is approved by the city's DRO, said scheme to be subject to change every 365 days in the discretion of the city's DRO;
- ii. be lighted in a manner to discourage crime;
- iii. be irrigated, preferably with a timer mechanism;
- iv. surrounded with a vinyl coated four (4) feet tall chain linked fence which shall be installed around the entire property area, unless the city's DRO waives or alters the requirement.

(j) Maintenance requirements, demolished property.

For the purposes of this section demolished property shall be property where the building or structure has been removed. In such case, the demolished property becomes unimproved property, and the owner must comply with the requirements of this Chapter. However, the additional requirements of subsection (h) shall not apply if construction on the property begins within one year of the demolition. The DRO has the discretion to alter the one year limitation upon good cause showing.

(hk) Security requirements.

- (1) Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (2) A "secure manner" shall include, but shall not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child or adult to access the interior of the property and/or structure. Broken windows shall be secured by re-glazing or boarding. All means of access shall be secured by replacing, reglazing or boarding of the openings so as to meet all applicable laws, codes and regulations including the issuance of a boarding certificate.

(i) Property Management.

- (1) If a mortgage on the property is in default and the property has become vacant or abandoned, a local property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the Code of Ordinances and the local property manager must perform weekly inspections to verify compliance with the requirements of this section 2-75.11 and any other applicable laws or ordinances of the City of Lake Worth.
- (2) Upon request of the city or its authorized representative, the local property manager shall provide a copy of the inspection reports to the code compliance department.
- (3) When a property becomes vacant, it shall be posted with the name and twenty-four-hour contact telephone number of the local property manager. The posting shall be no less than 18 inches x 24 inches, and no larger than 36 inches times 48 inches in size, and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language: THIS PROPERTY IS MANAGED BY [name of local property manager], who may be contacted at any time by calling ( ) [the 24-hour contact telephone number] or emailing [the email address].
- (4) All written information thereupon shall be clear, legible and updated as required. The posting shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area

exists, on a stake of sufficient size to support the posing in a location that is at all times visual from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(5) Failure of the mortgagee or property owner of record to properly inspect and secure the property and post and maintain the signage required by this section 2-75.11 (g) is a violation of this section. Pursuant to a finding and determination by a Special Magistrate of the City of Lake Worth, the city may take the necessary action to ensure compliance with this section 2-75.11, and place a lien or liens on the property to recover costs and expenses in support thereof..

(~~jm~~) *Opposing, obstructing enforcement officer; penalty.* Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the city in the discharge of duties as provided in this section, upon conviction, may be sanctioned as provided in the Code of Ordinances of the City of Lake Worth or F.S. ch. 162.

(~~kn~~) *Immunity of enforcement officer.* Any enforcement officer or any person authorized by the city to enforce this section shall be immune from prosecution, civil or criminal, for reasonable, good faith entry or trespass upon real property while in the discharge of duties imposed by this section.

(~~lo~~) *Additional authority.* The code compliance administrator shall have authority to require the mortgagee and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures, including but not limited to having an on-site security guard. Failure to comply with the terms of this Section 2-75.11 shall constitute a continuing public nuisance. The city shall have the authority to promptly abate the public nuisance, in whole or in part, at the expense of the mortgagee or other responsible party.

(~~mp~~) *Supplemental provisions.* Nothing contained in this Section 2-75.11 shall prohibit the city from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by code.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The sections of the ordinances may be made a part of the City Code of Laws and ordinances and may be re-numbered ore re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 5. If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable,

Section 6. This ordinance shall become effective ten (10) days after its final passage.

The passage of this ordinance was moved by \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Herman Robinson
- Commissioner Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kim Stokes

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_ of \_\_\_\_\_ 2021.

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

- Mayor Betty Resch
- Vice Mayor Herman Robinson
- Commissioner Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kim Stokes

The Mayor thereupon declared this ordinance duly passed and enacted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.