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

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

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

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

**WHEREAS**, the City of Lake Worth Beach, Florida (the “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 Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

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

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

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

(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

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

102  
103 **Section 6: Effective Date.** This ordinance shall become effective 10 days after  
104 passage.

105  
106 The passage of this ordinance on first reading was moved by Commissioner  
107 Malega, seconded by Vice Mayor McVoy, and upon being put to a vote, the vote was as  
108 follows:

109		
110	Mayor Betty Resch	AYE
111	Vice Mayor Christopher McVoy	AYE
112	Commissioner Sarah Malega	AYE
113	Commissioner Kimberly Stokes	AYE
114	Commissioner Reinaldo Diaz	AYE
115		

116 The Mayor thereupon declared this ordinance duly passed on first reading on the  
117 6<sup>th</sup> day of December, 2022.

118  
119  
120 The passage of this ordinance on second reading was moved by  
121 \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote,  
122 the vote was as follows:

123	
124	Mayor Betty Resch
125	Vice Mayor Christopher McVoy
126	Commissioner Sarah Malega
127	Commissioner Kimberly Stokes
128	Commissioner Reinaldo Diaz
129	

130 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
131 \_\_\_\_\_, 2023.

132  
133 LAKE WORTH BEACH CITY COMMISSION

134  
135  
136 By: \_\_\_\_\_  
137 Betty Resch, Mayor

138  
139 ATTEST:

140  
141  
142 \_\_\_\_\_  
143 Melissa Ann Coyne, City Clerk  
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