

ORDINANCE NO. 06-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE TOWN OF JUPITER INLET COLONY BY AMENDING CHAPTER 8 GARBAGE AND REFUSE, SECTION 8-4 *COLLECTION OF YARD TRASH NOT SUITABLE FOR CONTAINERS*, IN ORDER TO CREATE A NEW SUBSECTION B TO PROVIDE RESTRICTIONS FOR PLACING OF YARD TRASH IN THE EVENT OF AN APPROACHING TROPICAL STORM EVENT; BY AMENDING CHAPTER 9 NUISANCES, SECTIONS 9-2 THROUGH 9-6 IN ORDER TO PROVIDE ADDITIONAL REQUIREMENTS FOR THE TRIMMING AND MAINTENANCE OF TREES AND VEGETATION PRIOR TO HURRICANE SEASON; PROVIDING FOR A NOTICE FROM THE TOWN REQUIRING ABATEMENT OF TREES AND VEGETATION IN NEED OF MAINTENANCE OR PRUNING; PROVIDING FOR ABATEMENT BY THE TOWN AND IMPOSITION OF A LIEN IN THE EVENT A PROPERTY OWNER FAILS TO ABATE THE NUISANCE; PROVIDING AN APPEAL AND HEARING PROCEDURE; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 8 GARBAGE AND REFUSE, Section 8-4 *Collection of yard trash not suitable for containers* of the Code of Ordinances of the Town of Jupiter Inlet Colony is hereby amended by revising its title and by creating a new subsection b which shall read as follows:

Sec. 8-4. - *Collection of yard trash not suitable for containers; Tropical storm events.*

- a. Yard trash not suitable for containers, such as palm fronds and prunings, must be cut into lengths not longer than four (4) feet and a unit of yard trash shall not exceed fifty (50) pounds. Such yard trash shall be placed on the road right-of-way adjacent to the owner's property not more than three (3) days prior to the next collection date.
- b. Yard trash not suitable for containers shall not be placed for collection at any time any portion of Palm Beach County falls within the National Hurricane Center's five (5) day cone of probability for a named or numbered tropical storm event.

Any such materials placed for collection during such times may be removed and disposed of by the Town, or its contractors. The cost of such removal and disposal, plus ten (10%) for administration, shall be charged to the property owner and, if unpaid within thirty (30) days, shall be imposed as a lien against the real property in question.

SECTION 2. Chapter 9 NUISANCES, Sections 9-2 through 9-6, inclusive, of the Code of Ordinances of the Town of Jupiter Inlet Colony are hereby amended to read as follows:

Sec. 9-2. *Inspection and report to commission.*

In order to protect life and property during periods of high winds and hurricanes, the Town shall have all vacant and improved lands inspected during the first twenty (20) days of April and September of each year, or at such other times as deemed necessary by the Commission, and shall ascertain the parcels of vacant or improved land that require clearing, cleaning, trimming or mowing, or tall trees or dead or substantially dead trees that require removal, trimming, topping or pruning. All coconut trees shall be free of coconuts, coconut blooms, and dead or dying fronds. A report, setting forth findings and recommendations, together with the estimated cost of enforcing the provisions of this Chapter for each parcel of vacant or improved land benefited, shall be presented to the Commission at the next regular Commission meeting.

Sec. 9-3. *Abatement; assessment of costs.*

The ~~code enforcement officer~~ Town Administrator, or designee, shall order such clearing, cleaning, moving, or removal, trimming, topping or pruning of tall trees, or dead or substantially dead trees, or other abatement deemed necessary to protect the health and safety of this community and to enforce the provisions of this Chapter, and shall further order that unless the owner(s) of such land affected complies with the ~~order~~ Notice of the ~~code enforcement officer~~ Town Administrator, or designee, within thirty (30) days from date of mailing Notice to the owner(s), the ~~code enforcement officer~~ Town Administrator, or designee, shall proceed to have the land and vegetation to be benefited, cleaned, cleared, mowed, removed, trimmed, topped or pruned, as has been deemed necessary to enforce the provisions of this Chapter. When the Town has ~~effected~~ accomplished the abatement, the cost of abatement plus ten (10) percent for administration, shall be assessed against the vacant or improved land benefited and shall become a lien against the lot benefited, superior to all others except taxes. The Town Clerk shall file such lien in the official records of Palm Beach County, showing the nature of such lien, the amount thereof, and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the name(s) of the owner(s) thereof. Such lien shall bear interest from the date of filing at the rate of twelve (12) percent per annum and shall be enforceable if unsatisfied at the expiration of one (1) year from the date of filing, as other

liens may be enforced by the Town. Upon notice of an impending county tax deed sale, the Town shall request the Clerk of the Circuit Court to collect all monies due the Town, including such municipal lien with interest.

Sec. 9-4. *Notice.*

~~The following~~ A Notice of Abatement in substantially the following form shall be mailed by the ~~code enforcement officer~~ Town Administrator, or designee, by certified mail, return receipt requested, ~~to the address shown on the records of the Palm Beach County Property Appraiser, to~~ for the record owner(s) of each lot or parcel of land ordered to be trimmed, cleared or mowed, or vegetation or tall trees to be removed, trimmed, topped or pruned, ~~at the last available address for each owner(s):~~

Notice of Abatement

Date

To: Owner(s) of Lot # _____

You, as the owner(s) of record of the above-described lot, are hereby advised of ~~an order~~ Notice of Abatement of the following health or safety hazard under the provisions of Code of Ordinances of Jupiter Inlet Colony, Florida, Chapter 9:

- () Lot needs mowing—Estimated cost
- () Overgrown trees or shrubs need trimming—Estimated cost
- () Other abatement under this Code section as follows:

Estimated cost: _____

You are hereby notified that unless the ~~order~~ Notice is complied with and the conditions abated to the satisfaction of the ~~code enforcement officer~~ Town Administrator, or designee, by the owner(s) of the lot, within thirty (30) days from the date of this Notice or unless the owner(s) of the lot, within ~~thirty~~ fifteen (30/15) days from the date of this Notice, requests the right to appear before the Town Commission to appeal this ~~order~~ Notice, the Commission will have the ~~order~~ Notice carried out and the cost of abatement plus ten (10%) percent for administration assessed against Lot # _____, and the cost plus ten (10%) percent for administration shall become a lien against the lot described above, said lien superior to all others except taxes. The Town Clerk shall file such lien in the official records of Palm Beach County, showing the nature of such lien, the amount thereof, and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the name(s) of the owner(s) thereof. Such lien shall bear interest from the date of filing at the rate of twelve (12%) percent per annum and shall be enforceable if unsatisfied at the expiration of one (1) year from the date of filing, as other liens may be enforced by the Town. Upon notice of an impending county tax deed sale, the Town shall request the Clerk of the Circuit Court to collect all monies due the Town, including such municipal lien with interest. In order

to avoid filing of the lien, please send your check for the estimated cost of abatement to The Town Clerk within thirty (30) days from the date of this notice.

Town Clerk

Sec. 9-5. Appeal.

Any aggrieved party who wishes to appeal the findings of the ~~code enforcement officer~~ Town Administrator, or designee, or the estimated amount to abate the conditions at the property shall have the right to file a written appeal to the Town Commission within ~~thirty~~ fifteen (3015) days from the ~~mailing~~ date of the Notice of such order. Such appeal shall be filed with the Town Clerk.

Sec. 9-6. Hearing.

The Town Commission shall provide for a hearing of the appeal at ~~the~~ its next regular meeting ~~of the town commission~~ or at a ~~regular~~ meeting as soon thereafter as the Commission shall determine. Thereafter the Commission shall make such findings and/or adjustments as it deems just and proper.

SECTION 3. Specific authority is hereby granted to codify and incorporate this Ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony, Florida.

SECTION 4. That all Ordinances or parts or Ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 6. This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING this 14th day of August , 2020.

SECOND READING and FINAL PASSAGE this 13th day of October , 2020.

TOWN OF JUPITER INLET COLONY, FLORIDA

Mayor-Daniel J. Comerford, III

Vice-Mayor Milton J. Block

Commissioner Michael A. Armato

ATTEST:

Commissioner Cynthia Keim

Town Clerk Jude M. Goudreau

Commissioner Richard D. Busto