

ORDINANCE NO. 2022-03

DURING THE TIME OF TROPICAL STORM OR HURRICANE WATCHES OR WARNINGS AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING CHAPTER 9. NUISANCES OF ITS CODE OF ORDINANCES BY CREATING A NEW SECTION 9-7.5 *TROPICAL STORM PREPAREDNESS; SECURING OF PROPERTIES* IN ORDER TO PROVIDE REGULATIONS PERTAINING TO THE SECURING OF PROPERTIES IN THE EVENT OF A DECLARED TROPICAL STORM WATCH OR WARNING OR HURRICANE WATCH OR WARNING IN PALM BEACH COUNTY OR MARTIN COUNTY; PROVIDING AUTHORITY FOR THE TOWN TO ABATE A NUISANCE; AUTHORIZING THE TOWN TO IMPOSE A LIEN ON PROPERTY FOR THE COST OF ABATING SUCH A NUISANCE; PROVIDING AUTHORITY TO CODIFY, 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 9. NUISANCES of the Code of Ordinances is hereby amended to create a new Section 9-7.5 *Tropical Storm Preparedness; Securing of Properties* which shall read as set forth below:

Section 9-7.5 Tropical Storm Preparedness; Securing of Properties

- (a) From June 1 to November 30 of each calendar year, all trees on property within the Town shall be cleaned and trimmed of dead or substantially dead vegetation, coconuts or any other materials that could create a safety hazard in the event of hurricane or tropical force winds.
- (b) When the National Weather Service, National Hurricane Center or appropriate weather agency shall declare a tropical storm watch or warning or a hurricane watch or warning for any portion of Palm Beach County or Martin County, Florida, all items of personal property, such as, but not limited to trash cans, lawn furniture or other such items, shall be secured, stored or removed so as not to create a safety hazard in the event of hurricane or tropical storm force winds.
- (c) Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of a tropical storm watch or warning or a hurricane watch or warning

shall be deemed sufficient notice to the owner(s) of real property to remove or trim vegetation and secure or store personal property against the effects of high winds.

- (d) In the event an owner(s) has failed to trim, maintain or secure tree(s), vegetation and personal property as required by subsections (a) and (b), the Town shall notify the owner(s) by telephone and/or email and posting of a Notice at the subject property. The Notice shall advise the owner(s) of the conditions or deficiencies that require remediation in order to the secure the property and shall require compliance within twenty-four (24) hours of the posting on the Notice. Failure to comply with the Notice in a timely fashion shall permit the Town to proceed under the provisions of subsection (g) of this Section.
- (e) A property owner(s) or retained lawn service provider shall not place yard or vegetation clippings at the Town right-of-way for pickup at any time that the National Weather Service, National Hurricane Center or other appropriate weather agency has placed any portion of Palm Beach County or Martin County within an area included in a tropical storm watch or warning or a hurricane watch or warning. In the event a property owner(s) has vegetation, coconuts or other plant material removed during the period of a tropical storm warning or watch or hurricane warning or watch, the property owner(s) or lawn service provider shall remove the materials from the Town and not place the same at roadside for pickup.
- (f) It shall be the responsibility of the owner(s) to comply with the provisions as set forth in this Section.
- (g) In the event of a violation of this Section, in addition to all other remedies provided in the Code of Ordinances and otherwise by law, the Town may take whatever emergency action it deems necessary to clean or trim trees, coconuts and other vegetation, secure items of outdoor personal property and remove all yard or vegetative clippings from the Town. In such circumstances, the Town shall bill the property owner(s) for all charges and expenses incurred, plus an administrative fee of ten (10%) percent, whether incurred by the utilization of Town personnel and equipment or other outside contractors retained by the Town for such purposes. The securing of an outside contractor to perform these services shall be deemed to be the securing of emergency services and shall not require the Town to utilize a competitive bid process to select a contractor or contractors. Should the bill for such services remain unpaid for a period of thirty (30) days or more, the Town may record a claim of lien encumbering the property and thereafter proceed according to law to enforce said lien.

SECTION 2. 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 3. That all Ordinances or parts or Ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. 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 5. This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING this 12th day of December, 2022.

SECOND READING and FINAL PASSAGE this 9th day of January, 2023.

TOWN OF JUPITER INLET COLONY, FLORIDA

Mayor-Daniel J. Comerford, III

ATTEST:

Vice-Mayor Milton J. Block

Town Clerk

Commissioner Lisa H. Hines

Commissioner Marie Rosner

Commissioner Richard D. Busto