

ORDINANCE NO. 79

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, ADOPTED TO ESTABLISH MINIMUM PROPERTY STANDARDS; PROVIDING FOR PURPOSE AND SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR MINIMUM STANDARDS FOR CERTAIN PROPERTIES WITHIN THE VILLAGE; PROVIDING FOR ENFORCEMENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Golf desires to implement minimum property standards for the Village in order to preserve the unique residential neighborhood atmosphere and to enhance property values; and

WHEREAS, the Village Council of the Village of Golf believes that the adoption of this ordinance will be in the best interests of the health, safety and welfare of the residents of the Village of Golf.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, THAT:

Section 1: The Village of Golf hereby adopts this ordinance ("Ordinance") as its Minimum Property Standards Ordinance, providing that the Village of Golf Minimum Property Standards Ordinance shall read as follows:

Sec. 1. Purpose and scope.

The purpose of this Ordinance is to establish uniform minimum standards for the occupancy and maintenance of properties located in the Village (the "Code"). The objective of this Code is to improve, preserve and maintain the buildings and structures as well as landscaping and surrounding improved and unimproved properties within the Village which are subject to this Ordinance, and to eliminate conditions which are contrary to the standards contained in this Ordinance wherever possible. All property in the Village subject to this Ordinance shall conform to the requirements of this Code, regardless of when any structure located thereon may have been constructed, altered or repaired. This Code does not replace or modify standards of other codes or ordinances regulating the construction, replacement or repair of buildings or unsafe structures, but encompasses maintenance standards and shall operate in conjunction with the standard building codes and all other technical codes as adopted by ordinance of the Village.

Sec. 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Approved. Approved by the Village Manager or designee.

Building. See structure.

Blighting influence. Any physical condition of property maintenance which directly or indirectly causes a reduction in the value of surrounding properties or fails to meet the standards of this Ordinance, including, but not limited to, dilapidation or deterioration as defined herein.

Deterioration. The condition or appearance of a structure, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

Dilapidated. A condition of structural disrepair or deterioration to the extent requiring rehabilitation, reconstruction or demolition.

Dwelling. Any building which is wholly or partially used or intended to be used for living, sleeping, cooking, eating and sanitation.

Garbage. The animal and/or vegetable waste resulting from the handling, preparation, cooking and/or consumption of food, and the wastepaper, plastic or related materials used in the packaging and preparation of foods.

Good state of repair. A structure which is safe and habitable for its ordinary and intended use; the materials used therein or any fixture related thereto must be sound, stable and performing the function for which intended.

Infestation. The presence of insects, rodents, vermin or other pests.

Lot. A parcel of land within the Village, whether or not improved with a structure.

Nuisance. Anything that endangers life or health, gives offense to the senses, or obstructs reasonable use of any property or any act or activity prohibited by general, special or local laws.

Occupant. Any person living, sleeping, cooking, eating in or having actual possession of a structure.

Operator. Any person who has charge, care or control of a structure, or part thereof, which is subject to this code.

Owner. Any person who alone or jointly has legal title to any lot or structure, or part thereof, which is subject to this code.

Person. Any individual, firm, corporation, association, partnership, or other legal entity.

Property. Any real or personal property.

Rubbish. All combustible and noncombustible waste materials except garbage, including but not limited to nonoperating toys, bicycles, motorcycles, automobiles, mechanical equipment and machines or parts thereof.

Structure. A combination of materials, whether fixed or portable, forming an improvement, including, but not limited to, all buildings, dwellings, pools, fences and enclosures.

Structurally sound. Free of imperfection which affects the intended safe use of the structure.

Sec. 3. Code enforcement process; alternative means of enforcement.

The Village Code Enforcement Board or Special Magistrate, pursuant to its authority under Ordinance No. 78 and under Chapter 162, *Florida Statutes*, shall have jurisdiction to hear and decide cases in which violations of this Code are alleged; provided however, that alternatively, the Village may utilize any other lawful means available, at its discretion.

Sec. 4. Maintenance and appearance standards for residential lots.

4.01 The owner and operator of all residential lots within the Village shall: maintain the lot in such a manner to conform with this Code, as well as all other Village codes and ordinances; maintain the lot in a first class condition consistent with the general maintenance standard found in the Village; avoid blighting influences on neighboring properties; and avoid the creation of hazards to public health, safety and welfare

4.02 Residential lots without a dwelling shall be graded smooth and sodded, grassed or otherwise covered with a vegetation approved by the Village Council and continuously maintained in such a manner, including, where necessary, irrigation, in order to provide a solid ground cover over at least ninety percent (90%) of the lot.

Sec. 5. Violation; repairs and installations.

5.01 Property failing to meet the conditions of this Ordinance requiring properties to be maintained in a standard common to the Village will be considered to be in violation of this Ordinance.

5.02 Repairs and installations shall be made so as to comply with the provisions of this Ordinance, the building code and all other applicable regulations, laws and/or codes. All work shall proceed in a timely fashion and be done in a workmanlike manner.

Sec. 6. Additional minimum standards for commercial structures.

6.01 *Minimum standards.* No person shall maintain or operate any commercial structure which does not comply with this section.

6.02 *Maintenance of exterior of structures.* The exterior of all structures shall be kept free of all nuisances, hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises, and unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner and operator. It shall be the duty of the owner and operator to keep the premises free of hazards which include, but are not limited to the following:

- A. Dead and dying trees and limbs;
- B. Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof;
- C. Holes, excavations, breaks, projections, obstructions;

- D. Excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to or used by the public;
- E. Inadequate runoff drains for stormwaters;
- F. Sources of infestation;
- G. Foundations, floors, and walls which are not structurally sound;
- H. Chimneys, flue and vent attachments which are not safe, durable, smoke tight and capable of withstanding the action of flue gasses;
- I. Exterior porches, landings, balconies, stairs and fire escapes which are not provided with banisters or railings properly designed and maintained to minimize the hazard of falling.
- J. Standing pools of water or containers of water that provide a breeding place for mosquitoes.
- K. Signage which becomes dilapidated or falls below the maintenance standards common to the Village.

6.03 *Appearance of exterior of structures.* The exterior of structures shall be maintained so that their appearance shall not constitute a blighting factor upon adjoining property nor an element leading to the progressive deterioration and downgrading of the neighborhood, including, but not limited to, the following:

- A. Lots shall be kept landscaped and maintained, and lawns, hedges and bushes shall be kept trimmed and maintained.
- B. All store fronts and walls exposed to public view shall be kept in a state of repair consistent with the maintenance standards common to the Village.
- C. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any other portion of the lot shall be maintained in a state of repair consistent with the maintenance standards common to the Village. In the event such awnings or marquees are made of cloth, plastic or of a similar material, such cloth or plastic, where exposed to public view shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be constructed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

6.04 *General maintenance.* The exterior of every structure shall be maintained in a good state of repair consistent with the maintenance standards common to the Village, and all surfaces thereof shall be kept painted or similarly coated when and where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance. Garbage and rubbish storage receptacles or disposal facilities shall be provided and maintained for the disposal of garbage and rubbish at every building.

6.05 *Unsafe commercial structures.* A commercial structure shall be deemed unsafe and referred to the appropriate agency, department or board for remedial action when it meets one (1) or any of the conditions set forth in the Standard Building Code as adopted by the Village for unsafe buildings.

Sec. 7. Inspection.

7.01 The Village building department and code enforcement division, through its code inspectors, is hereby authorized to inspect from time to time all structures that are subject to the minimum property standards of this Ordinance. When a code inspector is required to enter onto private premises to make an inspection, he/she shall do so with the consent of the owner, operator, lessee or other occupant, or with an order of a court of competent jurisdiction.

7.02 Inspection of all structures shall be made during reasonable hours. If the Village has cause to believe an immediate threat exists to the health, welfare or safety of persons in or about any building or structure, an inspection be made at anytime necessary to protect the public interests.

7.03 Fire inspectors and police officers are hereby authorized to assist building and code enforcement inspectors when so requested by the building official.

Sec. 8. Construction site maintenance and appearance.

8.01 All building and construction sites within the Village shall at all times be kept free of loose debris, paper, construction material waste, scrap construction material and other trash produced from the site. All materials and equipment used, placed or stored upon any structure or construction site shall be maintained within the perimeter of the building site and shall be secured at all times when the site is unattended.

8.02 All construction sites within the Village shall provide suitable on-site commercial container(s), as determined and designated by the Village, for the collection of loose debris, paper, construction material waste, scrap construction material and other trash produced from the site. The construction container(s) shall be provided with a cover or covering that will prevent spilling or blowing of material from the container(s). The size and number of containers shall be adequate, as determined by the Village, for the amount of material generated on the construction site and must be promptly emptied when full. All said materials shall be containerized by the end of each day.

8.03 Nothing in this section shall be deemed to permit the owner, general contractor or any of their employees, agents, or representatives to remove or dispose of debris, paper, construction material waste, scrap construction material and other trash produced from or on the site by onsite burning, or by piling or storage of said materials or equipment upon the public streets or on property adjacent to the construction site.

8.04 Prior to the commencement of construction or the issuance of a building permit, a parking plan for all personal and construction vehicles and equipment shall be provided for the review and approval of the Village Manager to prevent, to the extent reasonably possible in the judgment of the Village Manager, on-street parking by construction personnel and equipment.

8.05 Where concrete or any other substance permanently affixes itself to any road surface, public or private, causing the surface to be uneven or defaced, it shall be immediately removed by the person or persons responsible. Where mud or excessive dirt or soil from a construction site is tracked or deposited, by vehicle or otherwise, onto any road surface, public or private, it shall be immediately removed by the person or persons responsible. The person or persons responsible as identified in this section shall mean the driver of the vehicle which deposited the substance onto the road surface, his employer, the owner of the real property on which the construction or demolition site is located and the general contractor in charge of a site from which the substance originated.

8.06 No dirt piles are allowed on site at a height greater than six (6) feet above the crown of the road.

8.07 A port-o-let must be placed on site at a location approved by the Village Manager and site screened as much as practicable.

8.08 All construction sites must be watered down with sufficient frequency or covered in some manner in order to prevent dust and dirt escaping to adjacent properties.

8.09 Whenever possible or feasible in the judgment of the Village Manager, adjacent property owners who are in residence shall be notified by the contractor twenty-four (24) hours in advance prior to any activity which is anticipated to create a startling or unusually loud noise or vibration of a prolonged duration (i.e. a noise or vibration that is not within the customary occurrences associated within the Village), or other unusual occurrence.

8.10 All building sites must be in strict compliance with any and all other conditions of approval imposed by the Village Council during its site plan review for a lot or at any other time which the Village Council deems appropriate.

8.11 The Village Manager or his designee shall have the discretionary authority to waive or modify one (1) or more of the above stated standards if in his/her sole judgment special circumstances or conditions necessitate same; however, such modification or waiver can only be accomplished in writing after a written request for such is received by the Village from an owner or contractor prior to any violation of a standard. Any waiver or modification can be altered or revoked at any time by the Village Manager or designee in the exercise of his or her discretion by delivery of a written notice of same to the affected owner or contractor. The Village Manager may not increase the severity of the regulations in the exercise of such discretion.

Section 2: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 3: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court or competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 4: Specific authority is hereby granted to codify this Ordinance.

Section 5: This Ordinance shall take effect immediately upon passage.

FIRST READING this 26 day of April, 2006.

SECOND AND FINAL READING this 24th day of May, 2006.

/
Aye

Nay

/
Aye

Nay

VILLAGE OF GOLF

[Signature]
Mayor Michael E. Botos

[Signature]
Vice Mayor Erik E. Joh

✓

Aye

Nay

✓

Aye

Nay

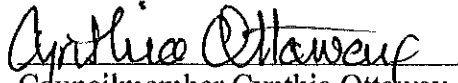
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Aye

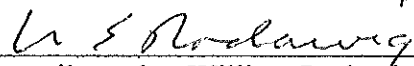
Nay



Councilmember William R. Lugar



Councilmember Cynthia Ottaway



Councilmember William Rodawig

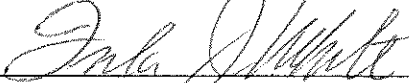
ATTEST:

(SEAL)



Carol Marciano, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.



Trela J. White, Village Attorney

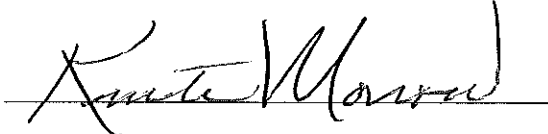
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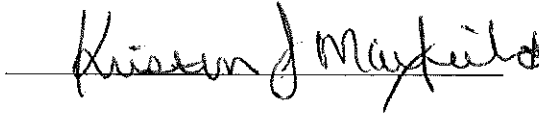
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH


Before the undersigned authority personally appeared **Kristi Morrow**, who on oath says that she is **Customer Service Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Ordinance 79** was published in said newspaper in the issues of **May 13, 2006**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before 15th day of May A.D. 2006



Personally known XX or Produced Identification _____
Type of Identification Produced _____

NOTARY PUBLIC-STATE OF FLORIDA
 Kristen J. Maxfield
Commission # DD528685
Expires: MAR. 14, 2010
Bonded Thru Atlantic Bonding Co., Inc.

NO. 5880388
ORDINANCE NO. 79
The Village Council of the Village of Golf will hold a Public Hearing to consider the following proposed Ordinance on second and final reading Wednesday, May 24, 2006 at 9:00 a.m., at the Village Administration Building, 21 Country Road, Village of Golf, Florida:
AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, ADOPTED TO ESTABLISH MINIMUM PROPERTY STANDARDS; PROVIDING FOR PURPOSE AND SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR MINIMUM STANDARDS FOR CERTAIN PROPERTIES WITHIN THE VILLAGE; PROVIDING FOR ENFORCEMENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.
All interested parties are invited to appear at the meeting as it may be continued from time to time, and be heard with respect to the proposed ordinance.
A copy of the proposed ordinance is on file at the Village Clerk's Office located at 21 Country Road, Village of Golf, FL 33436, for inspection by the public from 8:00 a.m. - 4:00 p.m. Monday through Friday.
"If a person decides to appeal and decision may be the Village Council with respect to any matter considered at subject meeting, he will need a record of the proceedings and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)
VILLAGE OF GOLF
PUB: The Palm Beach Post
May 13, 2006