

ORDINANCE NO. 598

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES, AT CHAPTER 67, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VIII, BUILDING STANDARDS, SECTION 67-174, MAINTENANCE AND APPEARANCE STANDARDS, AND AT CHAPTER 66, ENVIRONMENTAL REGULATIONS, ARTICLE IV, LANDSCAPING, SECTION 66-119, INSTALLATION; MAINTENANCE; PLANT MATERIAL, AND AT CHAPTER 34, NUSIANCES, ARTICLE I, IN GENERAL, SECTION 34-6, REMOVAL OF RUBBISH, NOXIOUS PLANTS, STAGNANT WATER AND WEEDS, MAKING IT UNLAWFUL AND CONSTITUTING A NUSIANCE FOR ANY PERSON OWNING LAND WITHIN THE TOWN TO HAVE OR PERMIT THEREON ANY DEAD, DYING OR DEFOLIATED HEDGES OR TREES AND/OR HEDGES, TREES OR OTHER PLANTS INFESTED WITH ANY TYPE OF EXOTIC PEST SUCH AS WHITE FLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a significant infestation of whiteflies [Singhiella Fintlex (Singh) (Hemiptera: Aleyrodidae)] has invaded South Florida and the Town; and

WHEREAS, certain conditions attract, cause and contribute to this whitefly infestation; and

WHEREAS, the Town Commission deems it necessary and advisable on behalf of the Town to repeal or amend all municipal ordinances that allow conditions that contribute to the whitefly infestation; and

WHEREAS, the Town Commission has determined that Sections 67-174, 66-119 and 34-6, Code of Ordinances, Town of Ocean Ridge, Florida, need to be amended or repealed in order to eradicate the whitefly infestation within Town boundaries.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 - Findings of Fact: The WHEREAS clauses set forth above are adopted herein as findings of fact.

SECTION 2 - Amendment of Section 67-174, Code of Ordinances, Town of Ocean Ridge, Florida: Section 67-174, Code of Ordinances, Town of Ocean Ridge, Florida, titled Maintenance and appearance standards, is amended as follows:

Section 67-174. - Maintenance and appearance standards.

(c) *Landscaping.* Except as herein provided, the entire yard must be landscaped. Height shall conform with all applicable town ordinances. Play areas, gardens, flower beds, compost beds or containers, driveways, walks or other landscape architectural features or accessory structures not intended to have vegetative cover should be clearly defined and maintained free of weeds. Dead, dying or defoliated hedges or trees are deficient. All foliage infected by any exotic pests including but not limited to whitefly [*Singhiella simplex* (Singh) (Hemiptera: Aleyrodidae)] is deficient. All landscaping shall comply with the provisions of chapter 66, article IV, division 1, sections 66-119, 66-120, 66-125, division 2, division 3 and division 4 of this land development code. In addition, landscaping shall be maintained in good condition, shall present a healthy, neat, and orderly appearance, and shall be free from refuse and debris. Property not meeting these standards will be considered deficient. A blighting influence on the surrounding neighborhood in violation of this division will exist if more than 33 percent of the yard area visible from any single vantage point-off the property is deficient.

(Ord. No. 540, 3-13-2003; Ord. No. 550, §§ 2, 3, 12-6-2004)

SECTION 3 - Amendment of Section 66-119, Code of Ordinances, Town of Ocean Ridge, Florida: Section 66-119, Code of Ordinances, Town of Ocean Ridge, Florida, titled Installation; maintenance; plant material, is amended as follows:

Sec. 66-119. - Installation; maintenance; removal; plant material.

Maintenance. All property owners or their agents shall be responsible for the maintenance of all landscaping thereon, which shall be maintained in a good condition to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Dead, dying or defoliated hedges or trees are not allowed and must be removed. Any landscaping infected by any exotic pests including but not limited to whitefly [*Singhiella simplex* (Singh) (Hemiptera: Aleyrodidae)] must be removed provided however that property owners shall be permitted to treat infected plantings if treatment is sought within thirty (30) days of any town notice. If treatment does not successfully result in the eradication of the infestation as evidenced through re-growth of viable plant material within sixty (60) days of application then the infected plantings must be removed. All landscaped areas shall be provided with a readily available water supply with at least one outlet located within 50 feet of all plant material to be maintained. An approved irrigation system may be substituted for such outlets.

(Ord. No. 540, 3-13-2003)

SECTION 4 - Amendment of Section 34-6, Code of Ordinances, Town of Ocean Ridge, Florida: Section 34-6, Code of Ordinances, Town of Ocean Ridge, Florida, titled Removal of rubbish, noxious plants, stagnant water and weeds, is amended as follows:

Sec. 34-6. - Removal of rubbish, noxious plants, stagnant water and weeds.

(a) Removal required. The presence of debris, rubbish, trash, tin cans, papers, stagnant water, vines, underbrush, weeds, grass (in excess of 12 inches in height), dead, dying or defoliated hedges or trees and foliage infected by any exotic pests if treatment does not successfully result in the eradication of the infestation as evidenced through re-growth of viable plant material within sixty (60) days of application, certain invasive, exotic plants, to wit: Casuarina spp. (Australian pine), Schinus terebinthifolius (Brazilian pepper), and Melaleuca quinquenervia (Melaleuca), on any lot, tract or parcel of land with the town shall be unlawful and is hereby prohibited and declared to be a public nuisance because they constitute a menace to life, property, the public health or public welfare; create a fire hazard; or provide a nest or breeding ground for sand flies, mosquitoes, rats, mice other rodents, snakes, or other types of pests or vermin, and shall be removed from any lot, tract or parcel where found to exist. Notwithstanding any other provision of this section to the contrary, plants of the species: Casuarina spp. (Australian pine) not used or grown as a hedge of ten feet in height or less; or not otherwise required to be removed by this Code; Schinus terebinthifolius (Brazilian pepper) or Melaleuca quinquenervia (Melaleuca) shall not be required to be removed from within the town, on either public or private real property, before January 1, 2006. Thereafter, any and all such prohibited species shall be subject to the removal provisions of this section on both public and private real property. The provisions of this section with respect to stagnant water, vines, underbrush, weeds, grass (in excess of 12 inches in height), shall apply to all lots, tracts and parcels of land within the town, except the following:

(6) Notwithstanding the limited exceptions for section 34-6(a)(1)-(5) these exceptions shall not be available for dead, dying or defoliated hedges or trees and foliage infected by any exotic pests that have been treated but such treatment has not resulted in eradication of exotic pests as evidenced through re-growth of viable plant material sixty (60) days after application of such treatment.

(Code 1993, § 34-6; Ord. No. 541, § 1, 9-9-2003)

SECTION 5 – Severability: In the event any section, paragraph, sub-paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 6 - Repeal of Ordinances: Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

SECTION 7 – Codification: This Ordinance shall be incorporated in and shall be included in the Town’s Code of Ordinances.

SECTION 8 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this 4th day of June, 2012.

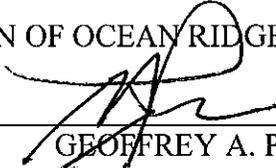
SECOND AND FINAL READING this 9th day of July, 2012.

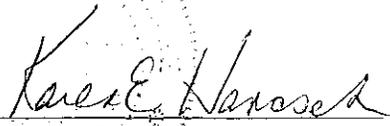
Commissioner Brookes offered the foregoing Ordinance and its adoption. The motion was seconded by Commissioner Aaskov and upon being put to a vote, the vote was as follows:

GEOFFREY A. PUGH, Mayor	<u>Absent</u>
DR. LYNN L. ALLISON, Vice Mayor	<u>Absent</u>
GAIL ADAMS AASKOV Commissioner	<u>Yea</u>
ED BROOKES, Commissioner	<u>Yea</u>
ZOANNE HENNIGAN, Commissioner	<u>Yea</u>

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 9th day of July, 2012.

TOWN OF OCEAN RIDGE, FLORIDA

BY: 
GEOFFREY A. PUGH, MAYOR

ATTEST: 
TOWN CLERK