

EXHIBIT B - Supplemental



Fwd: Ordinances, Rules and Standards Committee Meeting Agenda

Stephen Mittman

to:

Jay Boodheshwar-Palm Beach

11/26/2015 12:10 PM

Cc:

Penny Townsend-Palm Beach, "John C. Randolph-Palm Beach", Linda Savina-Palm Beach, Susan

Gubelmann-Palm Beach, Rick Hallett-Palm Beach

Hide Details

From: Stephen Mittman <stephenmittman@aol.com> Sort List...

To: Jay Boodheshwar-Palm Beach <jboodheshwar@townofpalmbeach.com>

Cc: Penny Townsend-Palm Beach <penelope.d.townsend@gmail.com>, "John C. Randolph-Palm Beach" <jrandolph@jones-foster.com>, Linda Savina-Palm Beach <lindanetoa@gmail.com>, Susan Gubelmann-Palm Beach <sgubelmann@aol.com>, Rick Hallett-Palm Beach <rick@rphpropertymanagement.com>

History: This message has been replied to.

Dear Mr. Boodheshwar:

In preparation for my and Linda Savina's attendance at the December Ordinance, Rules and Standards Committee meeting, I have reviewed Mr. Pages' Exhibit "B", regarding Maintenance Responsibilities for Landscaping Encroaching on Adjacent Properties which was attached as "back-up" to the meeting notice.

I found it interesting that the Code Enforcement research that I had conducted, as a result of Council Member Townsend's request, was not referenced in Mr. Pages' position paper. In this regard, I will forward to you under separate cover, each of the Code Enforcement excerpts (Fort Lauderdale, Margate, and Palm Beach County) I have identified and previously forwarded to both the Council Member and John Randolph, Esq.

The relevant portions of each submission have been highlighted in yellow and clearly delineate that owners, NOT NEIGHBORS, be responsible for the maintenance of all landscaping. I will furnish to the Committee at least one additional excerpt of tree and scrub maintenance from the City of Englewood, Colorado that further supports this assertion.

I also found it interesting, that my opinion on this matter, although determined to be significantly noteworthy of publication in the Palm Beach Daily News, Sunday, 9/27-9/30, 2015, Opinion Section, page A6, was also not referenced in exhibit "B".

Ms. Savina and I look forward to addressing the Committee on this matter during the December meeting.

If you require further information, please do not hesitate to contact me.

Stephen Mittman

STEPHEN MARC MITTMAN

Sent from my iPad Air

stephenmittman@aol.com

Begin forwarded message:

From: "Town of Palm Beach" <listserv@civicplus.com>

Date: November 25, 2015 at 10:33:44 AM EST

To: stephenmittman@aol.com

Subject: Ordinances, Rules and Standards Committee Meeting Agenda

Reply-To: no-reply@townofpalmbeach.com

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Attached are the agenda and back-up for December's ORS Meeting.

[Agenda](#)

[Back-up](#)

You are receiving this message because you are subscribed to Council Meeting Agendas and Back-up on townofpalmbeach.com. To unsubscribe, click the following link:

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Below is the Palm Beach County Code Enforcement excerpt. Please see both highlighted paragraphs.

STEPHEN MARC MITTMAN

Sent from my iPad Air

stephenmittman@aol.com

Begin forwarded message:

From: Penny Townsend <penelope.d.townsend@gmail.com>

Date: October 9, 2015 at 9:25:15 AM EDT

To: Stephen Marc Mittman <stephenmittman@aol.com>

Subject: Re: Palm Beach County

Mr. Mittman

Good morning. Good to know you are an early riser. I have read the material you have sent. The Palm Beach Co one is the one that most fits this situation. The other two seem to be referencing property that abuts Town or right of way space. We have enacted an ordinance similar to those this year. The issue with neighbors sharing a property line and the vegetation between is more complex. The property on which the hedge is planted owns the hedge. The neighbors benefit from the privacy the hedge provides as does the hedge owner. The hedge owner has the responsibility to treat for pests like whitefly and to fertilize and keep the hedge healthy. As the neighbor, you certainly have the right to cut any material that overhangs your property. From what has been stated you did not have an issue with that when the hedge was in the 8 foot range and fairly easy for you gardener to maintain. The issue for you and for others in the past comes when the hedge gets too tall and therefore expensive to trim on your side and the neighboring owner has not been open to a conversation to resolve the concern. These facts would suggest that perhaps a height limitation at which point the hedge becomes the responsibility of the hedge owner. I will need to think more on this as that then raises the issue of access onto a neighbors property to maintain the hedge. The property rights of each owner is important to consider and the mutual benefit the hedge provides. I will continue to think on it and sound out others. If you find any other ordinances that you think would be helpful, please send them along.

Penny

On Oct 9, 2015, at 6:17 AM, Stephen Marc Mittman wrote:

Council Member Townsend:

Below is the Palm Beach County Code Enforcement for residential property.
This code references hedge height as well as Yard Maintenance Standards.
I have highlighted both citations.

What I find startling is that Palm Beach is not in synch with our own county Code Enforcement Ordinances on this matter.

Stephen Mittman

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Code Enforcement Division

Ramsay Bulkeley, Esq.
Code Enforcement Director

RESIDENTIAL PROPERTY MAINTENANCE

Like people, neighborhoods and structures in Palm Beach County require maintenance to stay in good condition as they age. Inevitably, structures and neighborhoods that are not properly maintained deteriorate. Statistics from the U.S. Census Bureau indicate that abandoned or boarded-up buildings nearby can reduce the value of a home by 13%. Trash in a neighborhood can reduce values by 15%! Consequently, property values fall, vandalism and crime occur more frequently and the residents of neighborhoods become uncomfortable. There is a simple solution to maintaining good neighborhoods - property owner responsibility. Unfortunately, some people are not responsible property owners. Citizens expect government to create minimum standards for housing, yard maintenance, parking, etc., to protect them from substandard living conditions. This web page is provided to explain some of the standards enforced by the Code Enforcement Division of Palm Beach County. Use the checklist below to evaluate your property. Descriptions of the most common code violations follow. Please



Interactive Information System Requirements

Building Permits &
Inspections
Building Fee Estimator
Clerk & Comptroller
Contractor Tracking
Contractor Work in Progress
ezInfo
myGeoNav (Interactive Map)
Online Payments
PAPA-Property Appraiser
Technical Manual
ULDC Interactive Code
Zoning Fee Estimator

Codes

Garbage Collection
Ordinance
Mortgage Foreclosure
Registration
Property Maintenance Code
Water & Irrigation
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Permit Tracking
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Tracking
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Special Magistrate
To Obtain Violation
Search
To File a Complaint
Contractors Certification

Application Forms
Contractor Tracking
Contractor Work in
Progress
Exam Information &
Book Lists
Forms
Protect Yourself
Administration

Addressing
Impact Fees
Lien & Open Permit
Searches
Maps
Public Records

review this information and take action to be a responsible property owner.

Structures

Repair: Rotted wood, broken or missing boards, broken or missing windows, siding or shingles and make all exterior parts weather tight, rodent-proof and sound. Exteriors must be resistant to water and be covered with paint, waterproof stain, siding, brick or stone that is in good condition.

Inspect:

- Exterior walls
- Roof structure, including rafters, soffits, fascia
- Roof covering
- Railing on stairs, elevated landings and porches
- Fences (should be in good repair and of legal height)
- Windows and screens

Yard Maintenance

- Trim all hedges in front yard to a height of four feet or less and eight feet or less in the rear or side yards.
- Overgrowth in excess of 18" is a violation of the County's Lot Clearing Ordinance.

Vehicles

- Vehicles must be in an operable condition, able to move under their own power.
- The keeping of unregistered or unlicensed vehicles on residential property is prohibited. However, one vehicle may be kept on the premises which is not currently registered or licensed, provided the vehicle is screened from view from adjacent roadways and lots.
- County regulations do not allow the parking or storage of vehicles in excess of one ton carrying capacity in a residential district.

Business Activities

- **Garage Sales** are permitted twice per year, each not exceeding 72 hours.
- **Home businesses** must be properly licensed. No traffic, outside display or storage may occur and the business must be clearly secondary to the use of the property as a home. Additional zoning criteria apply. Call 233-5200 for information.

Some of the More Frequent Code Violations

Yard Maintenance Standards

Yard maintenance is the responsibility of every property owner. Grass height must not exceed 18", whether the property is developed or vacant. Hedges must be maintained no greater than 4' in the front yard and 8' in the side and rear yard areas. Garbage, trash and yard waste cannot be left in the yard and must be properly disposed of. Residential garbage includes small kitchen, food and household discards, and is collected twice each week. It must be bagged or placed in a proper container and placed street-side for pick up. Trash includes bulk waste such as furniture, mattresses and yard trimmings. These items are collected once per week. White goods (refrigerators, stoves, water heaters, etc.) are collected twice per week. For information regarding collection, please call the Solid Waste Authority at 697-2700.

Garbage Can Regulations

County Ordinance 96-9 prohibits the placement of garbage cans and other refuse containers curbside for trash pickup prior to 3:00 p.m. the day before your regularly scheduled pickup. Additionally, the Ordinance requires that all refuse containers be removed from the pickup area the same day collection is made.

Inoperable/Unlicensed Motor Vehicles

An inoperable vehicle is one that cannot be driven. Open storage of inoperable vehicles on residential property is prohibited. Any vehicle that does not operate must be in an enclosed structure, such as a garage or completely in a carport. Only one unlicensed vehicle may be kept on residential property, provided it is screened from view.

Outdoor Storage

Outdoor storage of equipment, materials or furnishings is prohibited on residential property. Likewise, indoor furniture, household appliances, auto

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parts or building materials may not be stored outside.

Oversized Vehicles

County codes do not allow the storing or parking of vehicles which have a carrying capacity in excess of one ton in residential areas; on side streets or private property.

Structures Erected Without Permits

In Palm Beach County, most structures and improvements to structures require building permits. Improvements such as decks, fences, patio slabs, concrete or asphalt driveways and sheds also require permits. Before beginning any home improvement project, it is wise to contact the Building Division at 233-5120 to determine whether permits are required.

Boats

Boats are required to be parked on the side of, or in the rear of residential dwellings, and must be screened from surrounding property and streets with an opaque wall, fence or hedge a minimum of six feet in height.

If You Receive A Notice of Violation

Take action to correct the violation. If you have questions, or if you are working toward correcting the violation, but in circumstances, call the Code Enforcement Officer at 233-5500.

If prompt action is not taken to bring the violation into compliance, there are several possible consequences. The mowed or vacant structure boarded up or demolished, and a lien filed against the property for the service. You may be required to appear before the Special Magistrate. The Special Magistrate will hear your case and issue an order requiring your appearance before the Special Magistrate. If corrective measures are not completed as required, fines and liens may be placed against the property.

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Stephen Marc Mittman
Sent from my Mac OS X
stephenmittman@aol.com

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STEPHEN MARC MITTMANSent from my Mac OS X
stephenmittman@aol.com

-----Original Message-----

From: Stephen Marc Mittman <stephenmittman@aol.com>
 To: penelope.d.townsend <penelope.d.townsend@gmail.com>
 Cc: jrandolph <jrandolph@jones-foster.com>; lindanetoea <lindanetoea@gmail.com>; sgubelmann <sgubelmann@aol.com>; rick <rick@rphpropertymanagement.com>
 Sent: Fri, Oct 9, 2015 6:09 am
 Subject: Fort Lauderdale

Council Member Townsend:

Below please find Fort Lauderdale Code Compliance Concerns---Top-Ten Violations.

Please refer to the very first violation listed---Yard Maintenance Standards.

Stephen Mittman

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How To Report a Code Compliance Concern

Code Officers are available seven days a week to ensure that our city remains a beautiful and safe place to live. When contacting us please be ready to provide information regarding the location and nature of the violation. The officer assigned to the area will conduct an inspection of the property and if it is determined that a violation exists, will enforce accordingly.

Neighbors are welcomed to report concerns anonymously to the Code Compliance Division by:

- Calling the code compliance call center at 954-828-5207 (Monday - Friday 7:30 am to 4:30 pm)
- Visiting us at 700 NW 19th Avenue, Fort Lauderdale FL 33311 (Monday - Friday 7:30 am to 4:00 pm)

Concerns may also be reported via email to code@fortlauderdale.gov but please note that due to Florida state law emails to and from public employees are considered public records and are subject to a public records request.

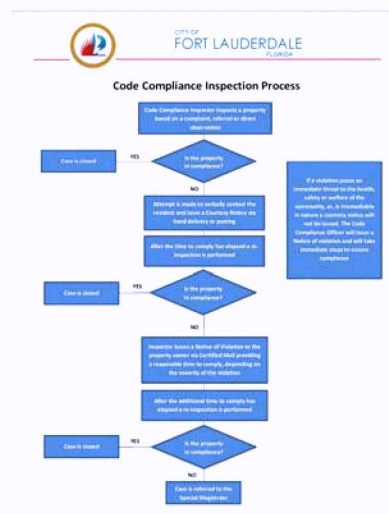


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To report noise related concerns after business hours please contact the Fort Lauderdale Police Department's non-emergency line at 954-764-HELP (4357)

After a potential violation is reported, see how the code compliance inspection process works:

[Code Compliance Inspection Process](#) 📄

Top-Ten Code Violations

Yard Maintenance Standards

Yard maintenance standards are the responsibility of every property owner and include the maintenance of plant material in any right-of-way abutting the property. On a corner lot, no fences, walls, hedges or planting shall be erected or maintained to a height exceeding thirty (30) inches above the crown of the roadway within twenty-five (25) feet of the intersection of the front and side street property lines. Vegetation and trees must be trimmed so as not to impair vision or obstruct the travel of motorists.



Inoperative Motor Vehicles

Inoperative motor vehicles cannot be stored except in a fully enclosed structure that was constructed with a permit. An inoperative vehicle is a vehicle that does not display a current license tag and/or is not equipped with all parts that are required to legally and safely operate on public streets and/or cannot be driven under its own power (whether or not designed for use on the public streets).



Junk, Trash and Debris

Junk, trash and debris cannot be left in the yard and must be properly disposed of. This includes junk, auto parts, appliances, furniture, building materials, tires, trash such as discarded paper, cardboard, plastics, etc; and debris such as tree trimmings and fallen limbs.



Parking

Parking is permitted for passenger cars and motorcycles in residential lots only on a legal driveway or in a garage. A driveway or parking area must be constructed with approved parking surfaces. There are limits to the amount of yard area that can be used for a driveway or parking. Check with the Urban Design and Planning Division at (954) 828-6520 (option 3) for more information about legally recognized parking areas.



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Commercial Equipment

Generally, commercial equipment and commercial vehicles may not be parked or stored in a residential area unless they are within a fully enclosed structure that was constructed with a permit.



Maintenance of Commercial Structures

All exterior building structures and walls shall be maintained in a secure and attractive manner. All defective structural and decorative elements of such building facade (s) shall be repaired or replaced in a workmanlike manner, to match as closely as possible the original materials and construction of the building.



Condition of Structures

The maintenance of a structure is the responsibility of the property owner. Any wood, siding, shingles, roof covering, railings, fences, walls, ceilings, porches, doors, windows and screens, and other exterior parts of a structure must be maintained in weather tight, rodent proof, sound condition and good repair. The property owner is responsible for maintaining secure windows, doors or other openings that cannot be readily opened from the outside. An owner may need to board up a vacant structure if illegal access and criminal activities exist.



Outdoor Storage

Outdoor storage is prohibited. Generally, any equipment, materials, or furnishings that would ordinarily not be used outdoors may not be stored outdoors. For example, you may not keep indoor furniture, household appliances, auto parts, or building materials outside.



Illegal Dwelling Units

Dwelling units that have been added to the interior or the exterior of a structure without proper permits are illegal, regardless of how long the units have existed. The City will require closure of such illegal units.



Prohibited Business

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Most businesses are not allowed to operate in a residential area as they disrupt residents and the community. This means that car and boat repairs, construction of cabinets and furniture, and other activities that are not normally carried on in a residential district are prohibited.

Did You Know?

- The most common violations are the illegal parking of inoperable vehicles and failure to clean up trash, rubbish and debris.
- Any structural repairs, new fences, most plumbing and electrical work, driveway installations, and even removal of certain trees can require a permit from the City. Please call (954) 828-6520 (option 1) for more information.
- The City can eliminate unsafe buildings or structures through demolition under the Florida Building Code.
- The City can board up vacant buildings that are open at the doors and windows after the required legal notification is made to the owner.
- The City can clean and clear vacant lots after the required legal notification is made to the owner.
- The City performs routine fire inspections.

You can search for code violations and track code cases online with our [Code Case Tracker](#).

Lauderdale

Stephen Marc Mittman
Sent from my Mac OS X
stephenmittman@aol.com

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STEPHEN MARC MITTMAN

Sent from my Mac OS X
stephenmittman@aol.com

-----Original Message-----

From: Stephen Marc Mittman <stephenmittman@aol.com>

To: penelope.d.townsend <penelope.d.townsend@gmail.com>

Cc: jrandonph <jrandonph@jones-foster.com>; lindanetoea <lindanetoea@gmail.com>; sgubelmann <sgubelmann@aol.com>; rick <rick@rphpropertymanagement.com>

Sent: Fri, Oct 9, 2015 6:04 am

Subject: City Of Margate

Council Member Townsend:

Below is the City of Margate, Property Maintenance Ordinance Standards. Please see section 23.9. I have highlighted it.

Stephen

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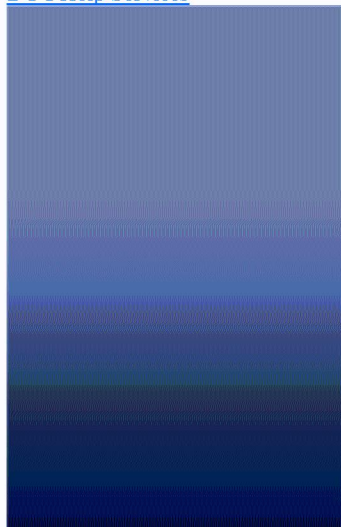
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Property Maintenance Standards

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Property Maintenance Standards

Property Maintenance Standards

CITY OF MARGATE, FLORIDA

ORDINANCE NO. 1500.470

Appendix A - Zoning Code

ARTICLE XXIII. PROPERTY MAINTENANCE STANDARDS

Section 23.1. Purpose and scope.

There is hereby promulgated and established a set of minimum exterior building and property standards relating to the maintenance of residential and nonresidential buildings and property within the City of Margate.

These provisions shall apply to the exterior portion of every building or structure and its accessory structures, as well as any and all adjoin grounds, areas or other premises or undeveloped property in the City. In all situations where a provision of this article conflicts with other building, health, safety or zoning regulations, the more restrictive standard shall prevail.

Section 23.2. Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Alteration shall mean any change in size, shape, character, occupancy or use of a building or structure.

Approved shall mean authorized as provided by law.

Blemish shall mean a noticeable imperfection that impairs appearance.

Blighting influence shall mean any physical condition of building or property, which directly or indirectly causes a reduction in the value of surrounding properties.

Brush shall mean any dense growth or bushes, shrubs or weeds, or any accumulation of, but not limited to: Grass clippings, hedge and tree trimmings, palm fronds, leaves, and other such debris.

Code Compliance Officer shall mean any employee or agent of the City of Margate duly authorized by the City Manager to enforce City ordinances.

Deficiency shall mean a condition of deterioration that is not in violation of this article; however, such condition can be expected to become a violation within a short period of time.

Deterioration shall mean the condition or appearance of any structure or grounds, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

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

Dwelling shall mean any building which is wholly or partly used or intended to be used for living, sleeping, cooking and eating, providing temporary housing as hereinafter defined shall not be regarded as a dwelling.

Electrical shall mean all work, materials and/or system of electrical wiring for use of light, heat or power, and all appurtenances, apparatus and equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

Fire hazard shall mean anything or any act which violates the prevailing fire codes of the City.

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

Good state of repair shall mean that a building, structure or parcel of land is safe and habitable for its ordinary and intended use, and that materials used in any structure or fixture are sound, stable and conform to its original purpose and performing the function for which intended and not in need of maintenance.

Non-residentially zoned parcel shall mean any parcel of land whose zoning designation is B-1, B-2, B-2A, B-3, M-1, M-1A, CF-1, CF-2, S-1, or any business areas of a PUD.

Nuisance shall mean anything that violates the standards provided herein, or any other City, County, State or Federal law.

Occupant shall mean any person living, sleeping or having actual possession of a dwelling.

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Operator shall mean any person who has charge, care or control of a building, structure or parcel of land, or part thereof.

Owner shall mean any person who, alone or jointly has legal, equitable or beneficial title to any building or structure, or part thereof, which is subject to this article.

Person shall mean and include any individual, firm, corporation, association or partnership.

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

Structurally sound shall mean free of imperfections which affect the intended use of the structure so as not to endanger the health, safety or welfare of the inhabitants or neighbors.

Supplied shall mean paid for, furnished or provided by or under control of the owner or operator.

NOTE: This entire ordinance recites new language and therefore the City Attorney's Office has not underscored the entire ordinance.

Swale shall mean all unpaved portions of right-of-way located between the edge of pavement and the property line or an easement located on property adjacent to the right-of-way line.

Trash shall mean all small discarded materials from around a premises which can be deposited in an approved trash receptacle for collection and can be burned or otherwise properly handled at an incinerator.

Vermin shall mean all common harmful or objectionable animals or insects that are difficult to control.

Section 22.3. Jurisdiction; enforcement.

The City of Margate shall have jurisdiction to issue citations in which violations of this article are alleged pursuant to Section 1-8 of the City of Margate Code of Ordinances; provided, however, allegations regarding unsafe buildings and structures shall be administered in accordance with the procedures set forth in the City of Margate Code of Ordinances and/or the South Florida Building Code, Broward County Edition amended.

Section 23.4. Exterior maintenance of structure and premises.

(a) All exterior surfaces of buildings or sheds, excluding roofs, shall be properly maintained and protected from the elements by paint or a protective coating applied in a workmanlike fashion. Painted or protective coatings shall be uniform in color without blemishes throughout the exterior and shall be in accordance with the color palette of the City of Margate adopted by resolution. Trim paint shall be uniform in color in accordance with the adopted color palette of the City of Margate without blemishes.

(b) Every foundation, exterior wall, window, roof and all other exterior surfaces shall be free of holes, cracks, breaks, loose or rotted wood or any condition which might allow rain or moisture, vermin, pests or insects to enter the interior portions of the walls or to the occupied space of any dwelling, commercial building or structure.

(c) Roofs shall be structurally sound, watertight and shall prevent rainwater or moisture from entering the walls, ceilings or any other portion of the dwelling, commercial building or structure. All building roofs and gutters shall be kept free of faded or chipped paint and shall be maintained in good repair and in good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) when twenty-five (25) percent or more of any exposed roof surface becomes discolored or is scaling. In the event a roof shingle or tile is replaced, the replacement shingle or tile shall be of the closest possible color and shade to the existing roof shingles or tiles.

(d) Fences, exterior walls, exterior doors, exterior windows, dumpster enclosures, decorative walls, perimeter hedges, playground equipment, trellis, swimming pools, screen enclosures, modular storage structures, and similar utility enclosures shall be maintained in a good state of repair.

(e) Each exterior wall surface of buildings and structures shall be kept free of faded or chipped paint, and shall be maintained in a good state of repair and good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) when twenty-five (25) percent or more of any exposed surface becomes discolored or is peeling.

(f) Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing or other damage.

(g) All signage shall be maintained in the originally permitted and constructed condition as required by Article 22 of Appendix A-Zoning of the City of Margate Code of Ordinances.

(h) Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be permitted on any premises. This subsection shall not apply to garbage, trash and debris, which is containerized in approved receptacles for appropriate collection and removal.

(i) Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by City code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by Section 12 - 17 of the City of Margate Code of Ordinances.

(j) Loose or overhanging objects which constitute a danger of falling on persons or property shall be removed.

(k) Ground surface hazards such as holes, excavations, breaks, projections, obstructions and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other portions of the premises shall be repaired or removed.

EXHIBIT B - Supplemental

(l) Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed and maintained in good repair. All landscaping on non-residential property shall be in compliance with the approved site plan. Any person who increases the area of a prima structure by more than twenty (20) percent shall comply with all landscaping requirements in effect at the time of alteration unless said p applies for and is granted an adjustment of standards from the City of Margate Beautification Committee.

(m) All off-street parking spaces shall be paved asphalt or constructed of concrete or block and shall have smooth surfaces in good repair be in compliance with Article 18 of Appendix A-Zoning of the City of Margate Code of Ordinances.

Section 23.5. Exterior building or structure color.

(a) Standards. The exterior of all new structures or any existing structure within a non-residentially zoned parcel, which is to be painted o repainted, shall be compatible with the official color palette of the City of Margate, adopted by resolution, which is on record in the Buildi Department.

(b) Amortization Period. All buildings or structures within a non-residentially zoned parcel whose exterior color does not conform to the official color palette at the time of the adoption of this article shall be removed or altered so as to conform to the provisions of this article within a period of time not to exceed three (3) years from the effective date of this ordinance.

Section 23.6. Trash container areas.

(a) All trash container areas shall be maintained in a manner which prevents the accumulation of trash, debris, rubbish and litter by prov sufficient dumpsters and sufficient frequency of trash pickups. In the case of single family residences, trash containers shall be set out no earlier than 5:00 p.m. the day before the designated pick-up and left out no longer than 8:00 p.m. the designated day of pick-up

(b) All new dumpsters, existing dumpsters and other containers shall be constructed and shall be located and maintained in such a mann as to provide screening from public view as required by Section 12 - 9, City of Margate Code of Ordinances.

Section 23.7. Accumulation of stagnant water.

No person owning, operating or having possession of any property within the city shall allow the accumulation of stagnant water in excess two (2) inches for a period of exceeding 24 hours following the cessation of the most recent measurable rainfall. Roofs or other structures improvements designed for the retention of water are exempt from this section but shall be subject to the design capabilities of said roof, structure or improvement or other governing codes.

Section 23.8. Parking and paved areas.

It shall be the responsibility of all persons to maintain all parking and paved areas including curbs and wheel stops in a neat and clean condition. In addition, all parking and paved areas shall be maintained in a good state of repair, which shall include proper drainage and routine cleaning/clearing of french drains to prevent the accumulation of pools of water and the correction and removal of all ruts, pothol and broken pavement. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates said spaces and shal include maintenance of parking space striping, directional markings, stop bars, or other indicators. Wheel stops, curbing and any other p surfaces shall be free of breaks, cracks and other deficiencies. Additionally, all parking areas shall be maintained in the original construct condition as required by Article XVIII of Appendix-A Zoning of the City of Margate Code of Ordinances. This section shall apply to all pav area, including but not limited to parking areas and ingress or egress driveways. Additionally, a Building Permit shall be required for all resurfacing, resealing, restriping, replacement of parking areas.

Section 23.9. Landscaping maintenance requirements.

All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-swales, lake and canal banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appear of the general area. Landscaping shall be maintained such that it will not cause property damage and public safety hazards, including rem of living, dead or decaying plant material, removal of low hanging branches below twelve (12) feet above grade and those obstructing stre lighting. Landscaping shall be maintained in accordance with the following standards:

(a) Insects, disease, etc.: Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.

(b) Mulching: Three (3) inches of clean, weed-free, appropriately sterilized organic mulch shall be maintained over all areas originally mu at all times until landscaped area matures to one hundred percent (100%) coverage.

(c) Turf edge trimming: All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas.

(d) Maintenance of irrigation systems: Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improp operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place wa roads.

(e) Replacement requirements: An owner is responsible to ensure that living material are replaced with like material if such living materi trees die, or are abused.

(f) Removal of root systems: Removal of root systems which show evidence of destroying public or private property is required.

(g) Tree Abuse: Tree abuse is prohibited within the City in accordance with Section 12 - 16 of the City of Margate Code of Ordinances.

(h) Tree Pruning:

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(1) All owners of land must prune trees in accordance with the National Arborist Association Standards. Any pruning performed without conformance to the National Arborist Association Standards shall be subject to enforcement by the City.

(2) All tree pruners or removers that provide services for a fee within the City of Margate shall hold a valid occupational license in either Broward, Palm Beach, or Miami-Dade Counties.

Section 23.10. Maintenance of swales.

(a) Maintenance Responsibility. It shall be the responsibility of the adjacent property owner to maintain the swale area to the following minimum standards:

- (1) free of debris; and
- (2) grass and or weeds cut no higher than six (6) inches and edged away from the sidewalk and roadway; and
- (3) shrubs legally existing as of the date of this ordinance shall be kept trimmed to a height not to exceed four (4) feet and provide unobstructed visibility at driveways and street intersections; and
- (4) overhanging branches of trees shall be pruned to a height of at least twelve (12) feet above grade; and
- (5) the swale shall be kept free and clear of prohibited species, as set forth in Section 12 - 10 of the City of Margate Code of Ordinances.

Section 23.11. Maintenance of canal right of way or easements.

No owner of land or any persons in their employ or under their control shall deposit in any of the waters of the lakes, ponds, canals, ditch waterways within the city, any rubbish, filth, construction debris, litter, garbage, grass cuttings or poisonous or deleterious substance or substances liable to affect the health, safety and welfare of persons or fish within the waterways.

It shall be the responsibility of the property owner to maintain the appearance of the canal right of way, easement or waterway area to the following minimum standards:

- (1) free of debris; and
- (2) grass and or weeds cut no higher than six (6) inches, and
- (3) overhanging branches of trees shall be pruned to a height of at least twelve (12) feet and be free and clear of the waterway, and
- (4) the canal right of way or easement area shall be kept free and clear of prohibited species, as defined in the Code of the City of Margate.
- (5) All canals, lakes and other bodies of water shall be kept free of nuisance aquatic plants and in no instance shall any body of water have surface covering of any type or species of aquatic plant.

Section 23.12. Boarded up buildings.

The City recognizes that from time to time it may be necessary to secure real property because of abandonment, disrepair, public hazard or natural disaster. Unsecured property can lead to vandalism problems, occupancy safety problems and appearance problems. The City feels it is necessary to create certain criteria for securing structures.

Real property may be secured via boarding up windows, doors, or other openings upon the requirement of the Building Official, Fire Official or Code Officers or by a private party provided a permit is issued by the City prior to securing a property.

Any means of securing property including crime prevention devices shall be subject to review by the Building Official for safety and compliance with the building code. In no instance shall safety bars, grating, or other similar apparatus be allowed over any window, door, or other opening of any building.

If real property in any zoning district other than an R-3 or R-3A is secured for more than 30 days, except in the case of a natural disaster, boards, panels or other means of securing structural openings shall be painted to match the exterior color of the building.

The owner of an occupied structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited to such repair, other than in the case of a natural disaster, shall be made within 10 days.

Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than ten (10) days after the lifting of any hurricane or tropical storm warning or watch. This provision may be suspended by the City Manager in the event that the posting of any other storm warnings or watches are imminent.

Section 23.13. Determination of need for correction.

Structures and properties failing to meet the standards for a nonblighting influence will be considered "deficient." A blighting influence on a surrounding neighborhood in violation of this article exists when a deficiency or combination of deficiencies represents more than twenty (25) percent of the area on any wall, exterior premises, structure, roof or paved surface as viewed from any single vantage point off the property.

Section 23.14. Repairs and installations.

Repairs and installation shall be made so as to comply with the Code of the City of Margate and the South Florida Building Code, the provisions of which are hereby adopted by reference.

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contained herein and/or the approved site plan. All work shall proceed in a timely fashion and be done in workmanlike manner.

Section 23.15. Violation.

The City shall enforce this Article as set forth in Section 1-8 of the City of Margate Code of Ordinances.

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Stephen Marc Mittman
Sent from my Mac OS X
stephenmittman@aol.com