

TOWN OF LOXAHATCHEE GROVES

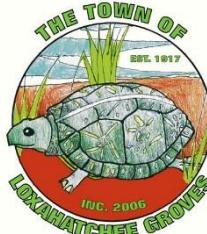
TOWN HALL COUNCIL CHAMBERS

155 F. ROAD, LOXAHATCHEE GROVES, FL 33470

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

AGENDA

JANUARY 12, 2026 – 4:00 PM



Jo Siciliano (Seat 1), Chair

Karen Plante (Seat 3), Vice Chair **Danielle Harrity (Seat 3), Committee Member**
Robert Austin (Seat 4), Committee Member **VACANT (Seat 5), Committee Member**

Administration

Town Manager Francine L. Ramaglia

Board Liaison: Caryn Gardner-Young, Community Standards Director

Board Clerk: Gabriella Croasdaile, Assistant to the Town Clerk

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That is why we say "Character Counts" in Town of Loxahatchee. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

COMMITTEE AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADDITIONS, DELETIONS, AND/OR MODIFICATIONS TO THE AGENDA

APPROVAL OF THE MINUTES

1. 09/08/25 Unified Land Development Code Review Committee Meeting Minutes

PUBLIC COMMENTS

REGULAR AGENDA

2. Nuisance Abatement

COMMITTEE MEMBER COMMENTS

Danielle Harrity (Seat 3), Committee Member

Robert Austin (Seat 4), Committee Member

VACANT (Seat 5), Committee Member

Karen Plante (Seat 2), Vice Chair

Jo Siciliano (Seat 1), Chair

CONFIRMATION OF THE NEXT MEETING DATE

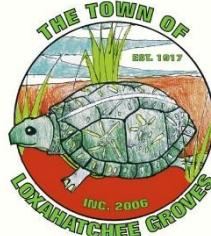
3. February 9, 2026 at 4:00 PM

ADJOURNMENT

Published and Posted on January 8, 2026, at 3:30 PM

By: Gabriela Croasdaile, Assistant to the Town Clerk

TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
155 F. ROAD, LOXAHATCHEE GROVES, FL 33470
UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE
MINUTES
TUESDAY SEPTEMBER 08, 2025 – 4:00PM – 5:13PM



CALL TO ORDER

September 08, 2025 meeting of the Unified Land Development Code (ULDC) Review Committee was called to order at 4:00 PM by Committee Chairperson Jo Siciliano.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Committee Chairperson Siciliano.

ROLL CALL

The roll call was conducted by Gabriella Croasdaile, Town Clerk Assistant, with the following members present:

Present:

- Jo Siciliano – Chairperson (Seat 1)
- Karen Plante – Vice Chairperson (Seat 2)
- Sarah Palmer – Committee Member (Seat 3)
- Robert Austin – Committee Member (Seat 4)
- Danielle Harrity – Committee Member (Seat 5)

Staff Present:

- Caryn Gardner-Young – Community Standards Director/Board Liaison
- Gabriella Croasdaile – Assistant to the Town Clerk/ Board Clerk

Staff Absent:

- Francine Ramaglia – Town Manager

ADDITIONS, DELETIONS, AND/OR MODIFICATION TO THE AGENDA

There were no modifications to the Agenda for this meeting.

APPROVAL OF THE MINUTES

MOTION: COMMITTEE MEMBER AUSTIN / CHAIRPERSON SICILIANO MOVED TO RECEIVE AND FILE THE FOLLOWING PAST MEETING MINUTES WITH A MODIFICATION TO THE ATTENDANCE.

- 07/14/2025- Unified Land Development Code (ULDC) Review Committee Meeting Minutes

PUBLIC COMMENTS

There were no public comments submitted or presented during the meeting.

REGULAR AGENDA

AGENDA ITEM: DISCUSSION REGARDING SIGNAGE

The Committee moved to the primary agenda item which consisted of a more detailed discussion regarding signage for the town than has been previously discussed in other meetings.

A. MASTER SIGN PLAN LANGUAGE

Community Standards Director Caryn Gardner-Young presented a slideshow presentation and memorandum to further explain the details of a master sign plan program, and whether the Committee was interested in implementing such a program, since the program is only in IPUD section of the Town Code. Within the memorandum it is explained how a master sign plan would ensure consistent development aesthetics through commercial centers, existing developments and Multi-tenant developments. It is also outlined how the approval process in a master sign plan may look, as well as the criteria required for the plan and possible variances.

Director Gardner- Young also emphasized how a master sign plan would specifically benefit planners and new commercial development looking to establish. It would be a useful tool for property owners to use a master sign plan to provide them direction on how they can approve signs for their development. It was mentioned that a master sign plan also makes it easier to enforce certain rules upon development.

Committee members discussed the following regarding the implementation of a master sign plan:

- Whether it would be beneficial to implement a new master sign plan as whole rather than an amendment to existing regulation.
- How the master sign plan may be viewed as a preliminary or proactive decision that could increase commercialization within the area.
- The timeline of final implementation of a master sign plan, and how its long timeline means these changes won't be made immediately.
- Creating uniform regulation for the town may be beneficial to residents and consumers, as it creates a certain recognizable look to the town.

- Whether it should be included that the community standards director can make changes to master sign plan.

The Committee generally agreed that the adoption of a master sign plan would be a useful implementation especially in regards to future development within the town. Creating a uniform look for the town is important to the Committee Members as it makes the town visually aesthetic. While some Committee Members did critique the initial draft of a master sign plan, town staff clarified that these are just the initial phases and more detail and specifics will be in forthcoming future meetings.

B. AMORTIZATION OF NON-CONFOMRING SIGNS

Director Gardner-Young presented a memorandum on amortizations that included the existing amortization language as requested by the ULDC committee in order to discuss the amortization process of non-conforming signs. Amortization would require signage not in compliance to be updated or removed.

Committee members discussed:

- How amortization would affect existing signage that is pre-incorporation.
- The way this could affect certain signage that is considered historical or recognizable and is already established within the town.
- How a reactive approach may be a more appropriate action than a proactive approach for the amortizations.

This discussion of amortization considered the way amortization language could be changed to include new signage but also the way it could affect existing signage. Including signs that have been established pre-incorporation.

C. COMMERCIAL LOW & COMMERCIAL LOW OFFICE ZONING DISTRICT SIGNAGE

Director Gardner-Young provided Section 90-040- Standards by sign type and zoning district, in order for the committee members to review and discuss Commercial Low (CL) and Commercial Low Office (CLO) Zoning districts. The section provided information on building signage such as awnings, building wall signs, shopping centers, canopy signs, monument or panel signs, real estate signs, window signs, holiday/seasonal signage, and opinion signage.

Committee members discussed possible changes to the section such as:

- Major signs and how there is no guidance on these signs, possible solutions could be to base these signs off the square footage of development; since these signs are meant for specific identification of a space.
- The most important aspects of commercial signs are the location, size, and visibility.
- Awnings and canopies are not hurricane friendly, believed that porch could be better for signage area compared to other signage.
- Verbiage could include maximum size guidance rather than a minimum size guidance.
- Monument signs posed an issue as this would be a bigger sign that may be not aesthetically pleasing, considered not allowing monument signs.
- Restriction on neon signs as well as any distracting signage.

COMMITTEE MEMBER COMMENTS

No comments from the committee members at the end of the meeting.

CONFIRMATION OF THE NEXT MEETING DATE

ADJOURNMENT

MOTION : A MOTION TO ADJOURN THE MEETING WAS MADE BY CHAIRPERSON SICILIANO AND SECONDED BY COMMITTEE MEMBER AUSTIN. THE MEETING ADJOURNED AT 5:13 PM.

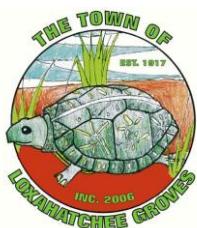
By: Gabriella Croasdaile, Assistant to the Town Clerk/Board Clerk

ATTEST:

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

Jo Siciliano,
Unified Land Development Code Chairperson

Gabriella Croasdaile,
Assistant to the Town Clerk



TOWN OF LOXAHATCHEE GROVES

ULDC MEETING

AGENDA ITEM MEMORANDUM

Item 2.

TO: **Unified Land Development Committee**

FROM: **Caryn Gardner-Young, Community Standards Director**

THRU: **Francine L. Ramaglia, Town Manager**

DATE: **January 12, 2026**

SUBJECT: **Nuisance Abatement**

The Town of Loxahatchee Groves (Town) Town Council is looking for its appointed Town Committees to workshop various possible zoning text amendments. At a Town Council meeting, there was discussion of possible zoning text amendments that each Town Committee should consider per a list provided.

The Town Manager has advised the Town Council that the recent passage of Florida Senate Bill 180 (2025) has imposed significant new limitations on all local governments in hurricane-impacted counties. SB 180 freezes the adoption of or even *proposing* "more restrictive or burdensome" land development regulations as defined by SB 180 in hurricane-impacted areas until at least October 2027. As a result, given the evolving legislative landscape, the Town's lobbying team has recommended that the Town hold off on any significant changes other than administrative or clearly less restrictive changes until the outcomes of the upcoming session are signed into law.

Although the ULDC Committee has been working on Sign Code text changes, Town Staff is still waiting for the Ordinance from the Town Attorney to conclude this review. While waiting, another topic for the ULDC Committee to consider which may not be impacted by SB 180 is Nuisance Abatement regulations

Attached is a copy of the existing Nuisance Abatement regulations (Chapter 30-Nuisances) and Section 50-035 of the Public Nuisance regulations which is referenced in Chapter 30.

Also attached is an agenda item and proposed amendment to Chapter 30 which was presented in September 2020 but never adopted.

Town Staff is seeking a recommendation from the ULDC Committee on any proposed changes to Chapter 30.

Footnotes:

--- (1) ---

State Law reference— *Municipal Home Rule Powers Act, F.S. ch. 166; public nuisances, F.S. ch. 823; nuisance abatement generally, F.S. § 60.05 et seq.*

ARTICLE I. - IN GENERAL

Sec. 30-1. - Purpose and intent.

The purpose and intent of this article is to prohibit the following:

- (1) Accumulation of trash, junk, or debris, living and nonliving plant material, and stagnant water.
- (2) Excessive and unintended growth of grass, weeds, brush, branches, and other overgrowth that obstruct public roadways and trails within the town, with a vertical height of 14 feet, and impeding drainage.
- (3) Property being a place, or being reasonably conducive to serving as a place, for illegal or illicit activity.
- (4) Property threatening or endangering the public health, safety or welfare of town residents.

(Ord. No. 2017-21, § 12, 4-3-2018)

Sec. 30-2. - Definitions.

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

Actual cost means the actual cost to the town, and if by contract the amount plus interest, if any, as invoiced by an independent, private contractor for terminating and abating a violation of this article on a lot, tract, or parcel, plus the cost of serving notice of the violation, obtaining title information on the property, and all other identifiable costs incurred by the town in the clean-up of the lot, tract, or parcel.

Compatible electronic medium or media means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette technologies, which provide without modification that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the county property appraiser.

Compost bin means a container designed for the purpose of allowing nonliving plant material to decompose for use as fertilizer. For purposes of this article, any such compost bin shall be constructed of wire, wood lattice or other material which allows air to filter through the structure. A compost bin shall not exceed an area of 64 square feet or a height of five feet.

Excessive growth means grass, weeds, rubbish, brush, branches, or undergrowth that grows over public roadways in violation of section 50-035 of the town ULDC and a clearance height of 14 feet.

Fill means material such as dirt that is imported and deposited on property by artificial means.

Grass, weeds, or brush means grass, weeds or brush that, when allowed to grow in a wild and unkempt manner, impairs roadways, trails, with vertical clearance of 14 feet or impeding drainage.

Imminent public-health threat means the condition of a lot, tract, or parcel of land that, because of the accumulation of trash, junk, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of which may contain chemicals, such as Freon, oils, fluids, or the like, may cause injury or disease to humans or contaminate the environment, or the condition of a lot, tract or parcel that, because of the excessive growth of grass, weeds, or brush, can harbor criminal activity, vermin, or disease.

Levy means the imposition of a non-ad valorem assessment against property found to be in violation of this article.

Non-ad valorem assessment means a special assessment that is not based upon millage and that can become a lien against a homestead as permitted in section 4 of article X of the state constitution.

Non-ad valorem assessment roll means the roll prepared by the town and certified to the county property appraiser tax collector, as appropriate under state law, for collection.

Nonliving plant material means nonliving vegetation such as leaves, grass cuttings, shrubbery cuttings, tree trimmings and other material incidental to attending the care of lawns, shrubs, vines and trees.

Property means a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way, whether such lot or tract or parcel is improved or unimproved.

Trash, junk, or debris means waste material, including, but not limited to, putrescible and non-putrescible waste, combustible and non-combustible waste, and generally all waste materials such as paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding, crockery, household furnishings, household appliances, dismantled pieces of motor vehicles or other machinery, rubber tires, and rusted metal articles of any kind.

(Ord. No. 2017-21, § 3, 4-3-2018)

Sec. 30-3. - Declaration of nuisance and menace.

The accumulation of trash, junk, or debris, living and nonliving plant material upon property, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways are declared to be nuisances and menaces to the public health, safety, and welfare of the citizens of the town for the following reasons:

- (1) The aesthetic appearance of property preserves the value of other properties within the town.
- (2) The accumulation of trash, junk, or debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways in violation of section 50-035 of the town ULDC, is dangerous, unhygienic, unhealthy, visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property, or could cause hazards to the use of public roadways, that, unless addressed properly in this Code, town taxpayers could be and would be required to pay the cost of remedying, and such clean-ups would have to be undertaken by the town several times a year, in some cases for the same properties.

(Ord. No. 2017-21, § 4, 4-3-2018)

Sec. 30-4. - Accumulation of trash, junk, or debris, living and nonliving plant material.

- (a) Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material:
 - (1) On the property; and
 - (2) On that portion of the adjoining public right-of-way between the property and the paved or graded street.
- (b) The following uses are permissible:
 - (1) Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid waste collection.
 - (2) The storage of nonliving plant material in compost bins.

(Ord. No. 2017-21, § 5, 4-3-2018)

Sec. 30-5. - Excessive growth of grass, weeds, brush, and other overgrowth.

Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control the excessive growth of grass, weeds, brush, and other overgrowth on that portion of the adjoining public right-of-way between the property and the paved or graded street. Excessive growth of grass, weeds, brush, and other overgrowth as defined herein, and that violate section 50-035 of the town ULDC, as may be amended from time to time, is prohibited.

(Ord. No. 2017-21, § 6, 4-3-2018)

Sec. 30-6. - Keeping of fill on property.

Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control the property so as to prevent the keeping of fill on it to prevent the creation of:

- (1) A habitat for rodents, vermin, reptiles, or other wild animals;
- (2) Breeding ground for mosquitoes;
- (3) A place conducive to illegal activity;
- (4) A place that threatens or endangers the public health, safety or welfare of town residents;
- (5) A place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease; or
- (6) A condition on the property that adversely affects and impairs the economic value or enjoyment of surrounding or nearby property.

(Ord. No. 2017-21, § 7, 4-3-2018)

Sec. 30-7. - Imminent public-health threat.

- (a) The accumulation of trash, junk, debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, or other overgrowth, the keeping of fill on property that presents an imminent public health threat, or the permitting vegetation to grow over public roadways, may be remedied by the town immediately without notice to the owner or, if applicable, the agent, custodian, lessee, or occupant. The town manager shall determine whether, under the provisions of this article, an imminent public health threat exists.
- (b) After-the-fact notice will be provided by the town to the owner and, if applicable, the agent, custodian, lessee, or occupant within a reasonable time after the abatement. After-the-fact notice shall be sent as set forth in section 30-8(d), and the owner and, if applicable, the agent, custodian, lessee, or occupant shall have 15 days from the date notice is received to:
 - (1) Reimburse the town; or
 - (2)

Appeal the town manager's determination to the town council that an imminent public-health threat existed on the property.

(Ord. No. 2017-21, § 8, 4-3-2018)

Sec. 30-8. - Enforcement.

- (a) *Violations.* Failure or refusal by the owner and/or, if applicable, the agent, custodian, lessee or occupant of property to comply with the requirements of this article is a violation of this article. The existence of an imminent public health threat on a property is a violation of this article.
- (b) *Notice of violation.*
 - (1) Whenever the town manager or his designee determines there is a violation of this article, the town manager shall serve, or cause to be served, a notice of violation on the owner and, if applicable, the agent, custodian, lessee, or occupant of the property. The notice of violation shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to terminate and abate the violation within 20 calendar days of the date the notice is received. If the "notice of violation" pertains to an imminent public health threat abated by the town, the notice shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to pay to the town the cost of such abatement.
 - (2) If the notice of violation is sent or delivered to the owner and the owner's agent, custodian, lessee, or occupant, they shall be jointly and severally responsible to remedy the violation.
- (c) *Notice is received.*
 - (1) The notice of violation shall be sent by United States certified mail with a return receipt requested. Notice is received on the date the owner or, if applicable, the agent, custodian, lessee, or occupant of the property initials or otherwise indicates receipt of the notice on the return receipt.
 - (2) In the event that certified mail delivery cannot be accomplished, and after reasonable search by the town for such owner or, if applicable, the agent, custodian, lessee, or occupant of the property, or if the notice is not accepted or is returned to the town, a physical posting of the notice of violation on the property shall be deemed the date the notice of violation is received.
- (d) *Form of notice.* The notice shall be in substantially the following form:

NOTICE OF VIOLATION

Name of owner:

Address of owner:

Name of agent, custodian, lessee, or occupant (if applicable):

Address of agent, custodian, lessee, or occupant (if applicable):

Our records indicate that you are the owner, agent, custodian, lessee or occupant of the following property in the Town of Loxahatchee Groves, Florida: [description of property]

An inspection of this property discloses, and I have found and determined, that a public nuisance exists on this property. This public nuisance violates [description of section violated] of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, in that: [description of the violation in this article]

YOU ARE HEREBY NOTIFIED THAT IF, WITHIN TWENTY DAYS (20) FROM THE DATE OF THIS NOTICE,

- a. THE VIOLATION DESCRIBED ABOVE IS NOT REMEDIED AND ABATED,
OR
- b. THIS VIOLATION NOTICE HAS NOT BEEN TIMELY APPEALED, AS SET FORTH IN SECTION 30-9 OF THE TOWN'S CODE OF ORDINANCES, THE TOWN WILL CAUSE THE VIOLATION TO BE REMEDIED, AND THE COSTS INCURRED BY THE TOWN IN CONNECTION WITH THE CLEANUP WILL BE ASSESSED AGAINST THE PROPERTY. TO APPEAL THIS NOTICE OF VIOLATION, YOU MUST FILE YOUR NOTICE OF APPEAL NO LATER THAN 15 DAYS AFTER RECEIPT OF THIS NOTICE WITH THE TOWN CLERK.

TOWN OF LOXAHATCHEE GROVES

By: _____

Title: _____

If the notice is an after-the-fact notice of an imminent public-health threat, the capitalized portions shall be deleted and, in their place, the information required in section 30-11 regarding levy of assessment on the property for the costs of abatement incurred by the Town shall be substituted.

(Ord. No. 2017-21, § 9, 4-3-2018)

Sec. 30-9. - Appeals.

Within 15 days after notice is received, the owner or, if applicable, the agent, custodian, lessee, or occupant of the property may appeal to the town council that a notice of violation is not warranted for the property or that the property did not pose an imminent public-health threat that required immediate clean-up.

(1)

Content of appeal. The owner or, if applicable, the agent, custodian, lessee, or occupant of the property must appeal the notice of violation by written notice to the town clerk. The written notice must be accompanied by a reasonable filing fee, as determined by the town clerk, and shall be either hand delivered to the town manager, or mailed to the town clerk and postmarked, within the 15-day period after notice is received.

- (2) *Hearing of appeal.* Upon timely receipt, the town manager will schedule the appeal for a public hearing before the town council. At the public hearing, the appellant shall be afforded due process and may present such evidence as is probative of the appellant's case. The town manager or other town staff shall present such evidence as is probative of the alleged violation. Members of the public shall be afforded the opportunity to present germane testimony and evidence. Thereafter, the hearing shall be closed and the town council shall rule on the appeal.
- (3) *Unsuccessful appeal.* If the appeal is unsuccessful, the property must be cleaned up and the violation remedied and removed within 15 days from the date of the town council's decision.

(Ord. No. 2017-21, § 10, 4-3-2018)

Sec. 30-10. - Special assessment imposed.

- (a) In the event an appeal is not made within 15 days after notice is received and the violation is not remedied, or a timely appeal is made, but is unsuccessful and the violation is not remedied, the town may undertake such action as is necessary or useful to remedy the violation. The costs incurred by the town to remedy the violation, including the actual cost of clean-up, all administrative expenses, and all other identifiable costs incurred by the town, shall be assessed against the property. All assessments shall be paid in full no later than the close of town business on the 20th business day after the property owner has received notice of the assessment.
- (b) Thereafter, the unpaid amount of the assessment will accrue interest at the rate of ten percent per annum or at the maximum rate allowed by law, whichever is less.

(Ord. No. 2017-21, § 11, 4-3-2018)

Sec. 30-11. - Notice of assessment.

- (a) Upon completion of the actions undertaken by the town to remedy the violation on the property, the town shall notify in writing the owner and, if applicable, the agent, custodian, lessee, or occupant that a special assessment has been imposed on the property. The notice shall be delivered to them in the same manner set forth for delivery of the notice of violation in section 30-8.
- (b) The notice of assessment shall set forth the following:
 - (1)

A description of the violation, a description of the actions taken by the town to remedy the violation, and the fact that the property has been assessed for the costs incurred by the town to remedy the violation.

- (2) The aggregate amount of such costs and an itemized list of such costs.
- (3) The intent of the town to record the assessment as a lien against the property if not paid timely, within the period of 20 business days as set forth in section 30-10.
- (4) The intent of the town to place the assessment on the tax roll as a non-ad valorem assessment if not paid by the following June 1.
- (5) The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as 18 percent per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the property.
- (6) The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by state law.

(Ord. No. 2017-21, § 12, 4-3-2018)

Chapter 50

referenced 30-3 Item 2.

Section 50-035. - Roadside and trail vegetative nuisance prohibited.

- (A) All property owners within the Town are prohibited from allowing vegetation on their property from impacting any public road or Town Council designated equestrian trail within the Town.
- (B) All property owners within the Town shall be responsible for maintaining vegetation on their property in such a manner that the vegetation does not:
 - (1) Grow over the graded or paved portion of any public roadway within the Town; or,
 - (2) Grow over any Town Council designated equestrian trail within the Town.

(Ord. No. 2017-16, § 2, 10-3-2017)

Agenda Item # 16

TO: **Town Council of Town of Loxahatchee Groves**

FROM: **R. Brian Shutt, Town Attorney**

VIA: **James Titcomb, Town Manager**

DATE: **September 1, 2020**

SUBJECT: **Proposed Ordinance Modifying/Clarifying Regulations Regarding Nuisances**

The Town Council previously gave direction to prepare an ordinance as it relates to modifying/clarifying the Town's regulations regarding nuisances. The proposed ordinance modifies the current regulations by clarifying that the accumulation of vegetative material placed in a roadway, where it obstructs a roadway, is a nuisance and can also be declared an imminent public-health threat. A section of the garbage ordinance also needed to be modified to clarify that even if vegetative or bulk waste is placed for pickup it may not be placed in the public right of way or roadway. The period of time to abate a nuisance was also reduced from 20 to 10 calendar days.

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 30 "NUISANCES", ARTICLE I "IN GENERAL"; AMENDING CHAPTER 38 "SOLID WASTE", ARTICLE III "COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED", SECTION 38.59 "COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED" TO MODIFY AND CLARIFY THE REGULATIONS REGARDING NUISANCES RELATED TO IMMINENT PUBLIC HEALTH THREATS AND THE OBSTRUCTION OF ROADWAYS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify and clarify its regulations regarding nuisances; and,

WHEREAS, this proposed ordinance modifies and clarifies the current code more specifically as it relates to imminent public health threats and obstructing of the roadways as the Town has received increased complaints regarding these issues; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Chapter 30 "Nuisances", Article I "In General" to read as follows:

.....

Sec. 30-2. - Definitions.

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

.....

Imminent public-health threat means the condition of a lot, tract, or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roadways, whether such lot or tract or parcel is improved or unimproved that, because of the accumulation of trash, junk, garbage, living or non-living plant material, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of

Ordinance No. 2020-08

which may contain chemicals, such as Freon, oils, fluids, or the like, may cause injury or disease to humans or contaminate the environment, or the condition of a lot, tract, or parcel or adjacent right-of-way or roadway that, because of the excessive growth or accumulation of grass, weeds, or brush, can harbor criminal activity, vermin, or disease or obstruct the use of right-of-way/roadway.

.....

Property means a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roadways, whether such lot or tract or parcel is improved or unimproved.

.....

Sec. 30-3. - Declaration of nuisance and menace.

The accumulation of trash, junk, or debris, living and nonliving plant material upon property, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways are declared to be nuisances and menaces to the public health, safety, and welfare of the citizens of the town for the following reasons:

- (1) The aesthetic appearance of property preserves the value of other properties within the town.
- (2) The accumulation of trash, junk, or debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways in violation of section 50-035 of the town ULDC, is dangerous, unhygienic, unhealthy, visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property, or could cause hazards to the use of public roadways, that, unless addressed properly in this Code, town taxpayers could be and would be required to pay the cost of remedying, and such clean-ups would have to be undertaken by the town several times a year, in some cases for the same properties.
- (3) The obstruction of or encroachment into any public right-of-way/roadway by permitting any living or non-living plant material to encroach upon the public right-of-way/roadway so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way/roadway, or by the placement of, maintenance of or causing any other encroachment in or to such right-of-way/roadway, or any part thereof, is declared to be a public nuisance and may be abated as provided by law.

Except as provided in this article or as otherwise authorized by the town, the town shall have the right to remove any obstruction or encroachment from any right-of-way/roadway and to prohibit any use in a right-of-way/roadway.

Sec. 30-4. - Accumulation of trash, junk, or debris, living and nonliving plant material.

Ordinance No. 2020-08

- (a) Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material:
 - (1) On the property; and
 - (2) On that portion of the adjoining public right-of-way/roadway between the property and the paved or graded street.
- (b) The following uses are permissible:
 - (1) Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid waste collection.
 - (2) The storage of nonliving plant material in compost bins.

.....

Sec. 30-7. - Imminent public-health threat.

- (a) The accumulation of trash, junk, debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, or other overgrowth, the keeping of fill on property that presents an imminent public health threat, or the permitting vegetation to grow over ~~public~~ right-of-way/roadways, may be remedied by the town immediately without notice to the owner or, if applicable, the agent, custodian, lessee, or occupant. The town manager, or his/her designee shall determine whether, under the provisions of this article, an imminent public health threat exists.
- (b) After-the-fact notice will be provided by the town to the owner and, if applicable, the agent, custodian, lessee, or occupant within a reasonable time after the abatement. After-the-fact notice shall be sent as set forth in section 30-8(d), and the owner and, if applicable, the agent, custodian, lessee, or occupant shall have 15 days from the date notice is received to:
 - (1) Reimburse the town; or
 - (2) Appeal the town manager's determination to the town council that an imminent public-health threat existed on the property.

Sec. 30-8. - Enforcement.

.....

(b) *Notice of violation.*

- (1) Whenever the town manager or his designee determines there is a violation of this article, the town manager shall serve, or cause to be served, a notice of violation on the owner and, if applicable, the agent, custodian, lessee, or occupant of the property. The notice of violation shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to terminate and abate the violation within 20 10 calendar days of the date the notice is received. If the "notice of violation" pertains to an imminent public health threat abated by the town, the notice shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to pay to the town the cost of such abatement.

.....

Section 3. The Town of Loxahatchee Groves hereby amends Chapter 38 "Solid Waste", Article III "Collection of Waste; Franchises and Registration of Contractors Authorized", Section 38.59 "Pre-collection procedures generally" to read as follows:

Sec. 38-59. – Pre-collection procedures generally.

- (a) The placement of garbage in a loose and uncontained manner on the roadside, swale, other locations adjacent to the roadway, or in dumpster enclosures shall be strictly prohibited.
- (b) No person shall place for curbside collection any garbage, bulk waste, vegetative waste, or recyclable materials upon any property other than in the swale or area adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or recyclable materials was generated or accumulated, unless a predetermined location has been approved by the Town and the Town's Contractor.
- (c) All garbage containers, when placed for curbside collection, shall be at ground level, not within the roadway, and immediately accessible to collection crews.
- (d) No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste ~~in any portion of a roadway, right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the day scheduled for collection or during the day immediately preceding the day scheduled for collection, as provided herein. No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a roadway or right-of-way.~~ No person in possession of real property shall allow any garbage containers or roll-out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain in any portion of a roadway or right-of-way abutting his/her property to the centerline of the roadway or right-of-way, or in any part of the front yard or side yard abutting the roadway or right-of-way, except during the day scheduled for collection or during the day immediately preceding the day scheduled for collection.
- (e) Private roads shall be fully accessible to the Town's contractor and equipment in order for collections to be made by the Town's Contractor without delay.
- (f) Unacceptable materials shall be stored and properly disposed of by the person responsible for their generation or accumulation.
- (g) Hazardous wastes shall be stored and properly disposed of by the person responsible for their generation or accumulation.

Section 4. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Ordinance No. 2020-08

Section 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS DAY OF , 2020.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

Aye Nay Absent

LISA EL-RAMEY, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGE HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Lisa El-Ramey

Lakisha Q. Burch, Town Clerk

Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

Council Member Laura Danowski

Office of the Town Attorney

Council Member Phyllis Maniglia

Council Member Robert Shorr