

ORDINANCE NO. 345-87

ORDINANCE AMENDING ORDINANCE NO. 258
REQUIRING PROPERTY OWNERS WITHIN THE
TOWN OF GOLDEN BEACH TO REGULATE AND
MAINTAIN THE SWALE AREAS ABUTTING THEIR
PROPERTY, REPEALING ALL ORDINANCES AND
PARTS OF ORDINANCES IN CONFLICT;
EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach wishes to provide minimum standards to preserve and protect the appearance, character and value of surrounding neighborhoods, and,

WHEREAS, the Town Council of Golden Beach wishes to promote the general welfare by providing for maintenance and installation guidelines of landscaping for aesthetic qualities, and,

WHEREAS, the Town Council of Golden Beach wishes to amend Ordinance No. 258 to include maintenance guidelines for the swale areas, defined as the area between the finished paved right-of-way and the property line,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Golden Beach, that:

SECTION 1. The property owner, tenant or his agent shall be jointly and severally responsible for the maintenance of all landscaping and swale areas. The landscaping shall be maintained in good health condition, which will insure safety, functional use and a proper aesthetic appearance. The landscaping shall be pruned and free of dead limbs and branches. All dead growth shall be removed immediately and replaced as may be required by any other applicable provisions of this code. No swale landscaping shall be maintained in such a manner as to constitute a nuisance.

SECTION 2. Plant materials used shall be approved by the Building Regulation Board and shall conform to the State of Florida agriculture standards. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Trees or shrubs shall be of a species whose roots are known not to cause damage to public roadways or other public works and shall be planted in the swale upon approval of the Building Regulation Board.

SECTION 3. Sod of a species normally grown as a permanent lawn grass shall be used in swales or other areas subject to erosion and shall extend to all abutting street pavement. All sodded areas between the street pavement and the property line shall be maintained in a clean and healthy growing condition, free of trash, debris, refuse, litter, ruts and potholes. No lawn shall be permitted to have grass exceeding six inches in height.

SECTION 4. All lawn markers utilized in front of residential lots abutting any street or other public way shall not exceed nine inches in diameter, shall not exceed ten pounds, and shall be button or mushroom style. Rocks may not be used as a substitute for lawn markers. Each lot shall be limited to no more than four lawn markers per fifty foot of street frontage.

SECTION 5. No wall or fence, or whatever substance, or series of shrubs, bushes, hedges or series of other growing matter that is capable of exceeding 6" in height after time of planting may be placed or maintained in such a manner as to constitute a wall or a fence, shall be constructed, maintained or otherwise

allowed in the swale area adjacent to the front or side street, in public rights-of-way unless approved by the Building Regulation Board. Permits may be refused for wall or fences in easement areas.

SECTION 6. The Code Enforcement Officer is hereby designate and authorized to enforce this ordinance. Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined a minimum of fifty dollars or a maximum of five hundred dollars. Each day a violation exists shall constitute a separate offense.

SECTION 7. Notices of violations of this ordinance may be mailed to the owner of record as shown on the tax roll of the county or may be posted upon the premises by affixing in any conspicuous place on any structure located on such premises or by leaving a copy of such notice with any person of suitable age occupying or having charge of the premises. Should any owner, agent or person having charge of or occupying any lot or premises covered by this article refuse or neglect, for a period of fifteen days after receiving notice from the Town of any violation of this ordinance, fail to cure such violation, the Town may at its option act to cure such violation without further notice. The Town may then cause the work of removal, replacement or cutting to be done and the cost of such work forthwith be paid by such owner, agent or other person.

SECTION 8. Upon failure of the owner, agent or other person to promptly pay the cost of such work, the Town Manager shall cause an affidavit to be placed upon the public records of the county describing the work done and the amount of the cost incurred by the Town; and such affidavit shall constitute a claim of lien against the property, foreclosable in the manner of mechanic's lien or as permitted by Florida State Law, together with the costs of the action and all reasonable attorneys' fees incurred by the Town.

SECTION 9. That all ordinances in conflict herewith be and the same are repealed insofar as they are in conflict.

SECTION 10 This ordinance shall take effect in the manner prescribed by PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida this 20 day of January, 1987

The Motion to adopt the foregoing ordinance was offered by:

Councilman Tweddle
seconded by:

Councilman Fried
and on roll call the following vote ensued:

Vice Mayor Duffner aye
Councilman Fried aye
Councilman Tweddle aye

Councilman Kheel aye
Councilman Serota aye

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

MAYOR

TOWN ATTORNEY

TOWN CLERK

ATTEST:
Approved 1st reading: 12/16/86
Approved 2nd reading: 1/20/87