

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 7 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE IX ENTITLED "NUISANCES," BY SPECIFICALLY CREATING SECTION 7-126 ENTITLED "PROPERTY MAINTENANCE STANDARDS;" PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has determined that it is in the Town's best interest to adopt property maintenance standards to preserve the character and quality of the properties within the Town and maintain property values;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clause is hereby ratified and confirmed as being true and correct and is hereby made a part of this Ordinance.

Section 2. The Town Commission of the Town of Hillsboro Beach, Florida hereby amends the Town's Code of Ordinances by amending Article specifically amending Chapter 7 entitled "Offenses and Miscellaneous Provisions," Article IX entitled "Nuisances," by creating Section 7-126 which shall read as follows:

Sec. 7-126 - Property Maintenance Standards.

(a) Intent and purpose. The purpose and intent of this section is to create and establish specific regulations in addition to those requirements contained within this Code that will serve to preserve the neighborhood character, promote its high quality and appearance, maintain property values, and protect the health, safety, and welfare. This section is intended to provide guidelines to ensure the preservation of the community's visual integrity, as well as ensure that every property is maintained in accordance with the community standards.

(b) Implementation, interpretation and enforcement of regulations by the Town. The Town is hereby charged with implementation, interpretation and enforcement of the regulations as set forth in this section.

(c) Definitions. For the purposes of this section, these terms shall have the following meaning:

1 Canopy means a portable, non-permanent structure made typically of silk,
2 cotton, canvas, fabric or similar pliable material intended to provide protection
3 from the elements.

4 Community or Neighborhood means the various properties within the
5 Town.

6 Tarp means any plastic, nylon or canvas material used to cover or conceal.

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8 (d) Minimum standards for maintenance of premises.

9 (i) All properties shall be kept in a clean and sanitary condition free
10 of rubbish, trash, garbage, ground surface hazards, including but not limited to
11 broken glass, dangerous projections and objects.

12 (ii) All exterior surfaces of all buildings and structures including but
13 not limited to roofs, walls, soffits, siding, fascias, doors, door and window frames,
14 cornices, porches, screens, screen enclosures, trim, canopies, balconies, decks,
15 fences and vehicular use areas shall be kept free of dirt, grime, mold and mildew.
16 Such surfaces shall also be kept free of faded or chipped paint and shall be
17 maintained in good repair and condition to prevent deterioration. Such surfaces
18 shall be repainted, recovered or cleaned when twenty-five (25) percent or more of
19 the exposed surface becomes discolored, is peeling or otherwise does not meet the
20 standards set forth herein.

21 (iii) Tarps placed on a roof for protection shall be professionally and
22 properly secured and free of rips and tears. No tarps shall be allowed on roofs
23 unless they are temporarily affixed to prevent water intrusion and the owner or
24 lessee is exercising due diligence to repair or replace the roof. Upon the issuance
25 of a code enforcement warning by the Town, the property owner or lessee may
26 establish a presumption of the exercise of due diligence by providing the code
27 officer with an active building permit, copy of an insurance claim, or contract to
28 perform the repair or replacement of the roof.

29 (iii) Any owner or lessee of any commercial property shall keep clean
30 the inside and outside of premises of occupied or vacant stores, businesses, and
31 offices/properties. Such owner or lessee shall keep the premises clean and free from
32 any accumulation of debris, rubbish or trash including keeping the outside of the
33 premises painted and in good state of repair and the windows clean and free from
34 any lettering or sign advertising of the previous business or profession. Owners
35 shall be primarily responsible for the maintenance of buildings, structures and
36 exterior premises whether or not such responsibility has been assigned to or
37 accepted by another party.

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

1 exterior building walls and structural parts including fascia, soffits and balconies
2 shall have all graffiti and loose material removed and patching or resurfacing shall
3 be accomplished to match the existing or adjacent surfaces as to materials, color
4 and joining, and shall be impervious to the elements.

5 (v) Gutters and downspouts, where in existence, shall be kept clear of
6 debris and be maintained in a good state of repair and working condition.

7 (vi) Every accessory structure shall be kept in a clean and sanitary
8 condition, free from rodents, vermin and infestations. Fences, garden walls, sheds,
9 docks and similar [enclosures/structures](#) shall be maintained in a good state of repair.

10 (vii) Every outside stairway, porch, balcony, corridor and every
11 appurtenance to such places shall be maintained in a safe and sanitary condition.

12 (viii) All damaged or broken windows shall be restored, repaired or
13 replaced in a satisfactory condition.

14 (ix) All sidewalk overhangs attached to commercial buildings shall be
15 structurally sound and free of rust, discoloration, peeling, chipping, cracking,
16 sagging or dirt. All awnings shall be without tears or holes and free of dirt,
17 discoloration, fading, or cracking. All lettering or signage on overhangs shall
18 conform to the requirements provided in the sign code of the city and the city's
19 land development regulations.

20 (x) All paved areas shall be maintained in a neat and clean condition,
21 in good condition and good repair, which shall include proper drainage to prevent
22 the accumulation of pools of water and the correction and removal of all ruts,
23 potholes, and broken pavement. For commercial properties, parking areas and
24 ingress or egress driveways shall be maintained such that all parking spaces, stop
25 bars, directional arrows, centerlines, edge lines and other pavement markings shall
26 be painted properly, clearly visible and well defined at all times.

27 (xi) Lighting. Commercial properties shall maintain open parking lots
28 with time controls which will assure that the required illumination shall be
29 provided outside of normal business hours or from dusk to dawn and that light
30 levels are reduced not later than one (1) hour after the close of operations to the
31 minimum levels needed to ensure safety and security, as well as in compliance
32 with all other regulations of the Town, [including but not limited to turtle lighting](#)
33 restrictions.

34 (e) Enforcement of violations. This section shall be the minimum standard and
35 violations shall be deemed to constitute a public nuisance and the Town shall have the right
36 to enforce the provisions of this section through its code compliance procedures or any
37 legal remedy available to the Town, including but not limited to temporary or permanent
38 injunctive relief, or by civil or criminal prosecution in a court of competent jurisdiction..
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