

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.

* We do Not Need to hire another person/company to pursue abatements of these properties! *

ARTICLE I. - IN GENERAL

How do you know it is unintended?

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.
- Subjective* (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.
- Subjective* (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.

Food for animals -

or privacy?

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.

How much Fill? No Berms?
No gun Berms? Type of fill? dirt, poop, shavings?

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.

Why wouldn't we encourage native wildlife?

(Ord. No. 2017-21, § 7, 4-3-2018)

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

Subjective

Remove - Violates due process
4th Amendment Rights violation

- (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) NO! 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) No Notice, No Warrant, WRONG!

Fires or buildings falling Down!

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.

Subjective

The existence of an imminent public health threat on a property is a violation of this article.

(b) *Notice of violation.*

NO NO Council/Only

(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.

How posted?

(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]

What is it?

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.

Why manager should be code officer?

Why? Is it reimbursed if they have successful appeal?

(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)

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.

* Those plants were there long before the trails.

(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)

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.

There is no right of way between paved road and the property in some cases to my knowledge

(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.

** Remove - Violates due process *
Violates 4th Amendment*

(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.

NO
like a fire or building falling down?

.....

No. Subjective

Ordinance No. 2020-08

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.

NO - unless permitted by landowner

NO THIS IS NOT ACCEPTABLE AS ELDERLY MANY PEOPLE HIS LANDSCAPERS WHICH BE DAYS AWAY FROM PICKUP

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.

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.

** We do Not Need to hire another person/company to pursue abatement of these properties! **

ARTICLE I. - IN GENERAL

How do you know it is unintended?

Sec. 30-1. - Purpose and intent.

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No gun Berms? Type of fill? dirt, poop, shavings?

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(b) *Notice of violation*

NO NO Council/Only

(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.

How posted?

(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]

What is it?

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.

Why? Is it reimbursed if they have successful appeal?

Why manager should be code officer?

(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)

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.

* Those plants were there long before the trails.

(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)

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.

There is no right of way between paved road and the property in some cases to my knowledge

(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.

** Remove - Violates due process *
Violates 4th Amendment*

No Subjective

(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.

NO, It should be council

(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.

NO

(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.

like a fire or building falling down?

Ordinance No. 2020-08

Section 3. The Town of Loxahatchee Grove's 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.

NO - unless permitted by landowner

NO THIS IS NOT ACCEPTABLE AS ELDERLY MANY PEOPLE HIRING LANDSCAPERS COULD BE DAYS AWAY FROM PICKUP

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.