

ARTICLE I. - PROPERTY MAINTENANCE CODE ^[87]

⁽⁸⁷⁾ **Editor's note**— Ord. No. 03-051, §§ 2 and 3, adopted September 23, 2003, amended the Code by repealing former art. I, §§ 14-1—14-7, and adding new material which the editor has designated as art. I. Former art. I pertained to the housing code in general, and derived from Ord. No. 78-1, adopted February 7, 1978.

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DIVISION 1. - ADMINISTRATION

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Sec. 14-1. - General.

(a) *Title.* These regulations shall be known as the Palm Beach County Property Maintenance Code hereinafter referred to as "maintenance code."

(b) *Scope.* The purpose of this code is to protect the public health, safety and welfare in all structures, residential and nonresidential, and on all premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of structures and premises, and providing for administration, enforcement and penalties.

(c) *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and/or maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

(d) *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe or unsanitary.

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(e) *Workmanship.* All repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.

(f) *Application of other codes.* Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all laws, rules and regulations in the county.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-2. - Required maintenance.

All structures, buildings, equipment, systems, devices and safeguards required by this code or another existing or previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-3. - Duties and powers of the code official.

(a) *General.* The code official shall be responsible for enforcement of all of the provisions of this code.

(b) *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with the code.

(c) *Right of entry.* The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

(d) *Access by owner or operator.* Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

(e) *Interpretive authority.* The code enforcement director shall have power as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of this code.

(f) *Restriction of employees.* An official or employee connected with the enforcement of this code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, maintenance of the premises, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

(g) *Relief from personal responsibility.* The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the

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provisions of this code; and any officer of the department of building inspection or code enforcement, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-4. - Violations.

(a) *Unlawful acts.* It shall be unlawful for any person, firm or corporation to maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

(b) *Enforcement.* The provisions of this code shall be enforced by:

- (1) Special magistrate pursuant to the authority granted by F.S. § 162.01 et seq., as may be amended;
- (2) The board of county commissioners through its authority to enjoin and restrain any person violating the code;
- (3) Palm Beach County through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by F.S. § 125.69, as may be amended. The code enforcement director may pursue these or any other enforcement remedies available to and applicable to the county;
- (4) Article 10 of the Palm Beach County Unified Land Development Code; or
- (5) Chapter 8.5, the Citation System Ordinance.

(c) *Transfer of ownership.* If the owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial notice or pleading was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five
- (5) days after the date of the transfer.

A failure to make the disclosures described in subsections (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the

violation before the hearing is held.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Secs. 14-5—14-20. - Reserved.

DIVISION 2. - DEFINITIONS

[Sec. 14-21. - General.](#)

[Sec. 14-22. - General definitions.](#)

[Secs. 14-23—14-30. - Reserved.](#)

Sec. 14-21. - General.

(a) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

(b) *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include feminine and neuter; the singular number includes the plural and the plural the singular.

(c) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the building, electrical, plumbing or mechanical codes, or the United Land Development Code adopted by the county, such terms shall have the meanings ascribed to them as in those codes.

(d) *Terms not defined.* Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(e) *Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-22. - General definitions.

Alteration. Any change or modification in construction or occupancy.

Approved. Approved by the code enforcement director.

Basement. That portion of a building which is partly or completely below grade.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Boarding house. A dwelling, or part thereof, in which lodging is provided by the owner or operator to three (3) or more boarders.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

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Building code. The Florida Building Code.

Code official. The code enforcement director or any duly authorized representative.

Condemn. To adjudge unfit for occupancy.

Construction documents. All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Exterior property. The open space on the premises and on adjoining property under the control of owners or operator of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Family. Either a single person occupying a dwelling unit and maintaining a household, including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one (1) such boarder, roomer, or lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and maintaining a nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

Floor area. The total gross area of all habitable space in a building or structure measured to the outside of exterior walls.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space. Space in a residential structure or unit for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Infestation. The presence, within or contiguous to, a structure, building or premises of insects, rats, vermin or other pests.

Inoperable vehicle. One which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or in a state of being incapable of being moved under its own power.

Let for occupancy or let. To permit, provide or offer possession or occupancy of a dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any person living or sleeping in a building; or having possession of a space within a building, including employees.

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Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. The holder of the title in fee simple and any person, group or persons, company, association or corporations in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

- (a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (b) Shall have charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, assignee of rents, lessee, or other person, firm or corporation in control of a building; or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provision of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner. It is his responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property which shall apply to the owner.

Person. An individual, corporation, partnership or any other entity or group acting as a unit.

Plumbing. The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of the storm water, liquid waste, or sewage, and water supply systems of any premises to their connection with any point of public disposal.

Plumbing fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water there from; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises. A lot, plot or parcel of land including any structures thereon, regardless of whether vacant or occupied.

Registered design professional. An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws in the State of Florida.

Repair. The reconstruction or renewal of any part of any existing building for the purpose of its maintenance.

Rubbish. Combustible and noncombustible waste materials, except garbage; including paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, trash and debris and other similar materials and shall include the residue from the

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burning of wood, coal, coke and other combustible materials.

Structure. That which is built or constructed or a portion thereof, including the term building.

Tenant. A person, corporation, partnership, entity or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard. Any area that lies between the principal building or buildings and the nearest lot line.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Secs. 14-23—14-30. - Reserved.

DIVISION 3. - GENERAL REQUIREMENTS

[Sec. 14-31. - General.](#)

[Sec. 14-32. - Exterior property areas.](#)

[Sec. 14-33. - Exterior of structure or building.](#)

[Sec. 14-34. - Interior of structure or building.](#)

[Sec. 14-35. - Rubbish and garbage.](#)

[Sec. 14-36. - Extermination.](#)

[Secs. 14-36—14-40. - Reserved.](#)

Sec. 14-31. - General.

(a) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(b) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in subsections 14-35(c) and 14-36(a). A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

(c) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a deteriorating problem or adversely affect the public health, safety or welfare.

(1) The exterior of all vacant structures shall be maintained in a manner required of occupied structures as provided in this code: window areas shall be maintained with appropriate glass and glazing treatment, exterior doors shall be water- and weather-tight, walls and roof areas shall be

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maintained in a clean, safe and intact condition, and water- and weather-tight.

(2) In cases where the property owner presents proof of two (2) instances of vandalism or unauthorized entry resulting in violations of subparagraph (1) above, within any three-month period, the property owner may secure the structure by boarding up all exterior openings in lieu of replacing broken, shattered and/or broken windows or glass doors with new glass or glazing treatments. Such proof may consist of county sheriff reports and/or affidavits from at least two (2) neighbors.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 09-009, § 1, 5-19-09)

Sec. 14-32. - Exterior property areas.

(a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(b) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking lots, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of section 13-34(g).

(c) *Weeds.* All premises and exterior property shall be maintained free from weeds or uncultivated vegetation:

(1) greater than eighteen (18) inches in height when located on vacant lots, or

(2) greater than seven (7) inches in height when located on developed residential or developed nonresidential lots;

as set forth in division 6. All noxious weeds shall be prohibited. This term shall not include cultivated flowers and gardens, or native vegetation.

(d) *Accessory structures.* All accessory structures, including detached garages, fences, walls, and swimming pools shall be maintained structurally sound and in good repair.

(1) *Water clarity in swimming pools.* Water clarity shall be maintained. When standing at the pool's edge at the deep end, the deepest portion of the swimming pool floor shall be visible.

(2) *Swimming pool barriers.* Outdoor swimming pools shall be provided with a barrier complying with the requirements set forth in the Florida Building Code, Sections 424.2.17.1.1 through 424.2.17.1.14.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 09-009, § 2, 5-19-09; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-33. - Exterior of structure or building.

(a) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) *Exterior painting.* All wood and metal surfaces including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

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- (c) *Street numbers.* One (1) address sign shall be required for each principal building or use on premises showing the numerical address designation on the premises upon which they are maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. The address shall be posted in a color contrasting that of the marquee/signboard or building a minimum of four (4) inches for residential and six (6) inches for commercial structure, and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above.
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of vermin.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates an adjacent public nuisance.
- (h) *Decorative features.* All cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) *Overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch, balcony, railings and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- (l) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (m) *Window and doorframes.* Every window, door and frame shall be kept in sound condition, good repair and weather tight.
- (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
- (2) *Openable window.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (n) *Doors.* All exterior doors and hardware shall be maintained in good condition. Locks at all

entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-34. - Interior of structure or building.

(a) *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two (2) or more dwelling units or two (2) or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(b) *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(c) *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(d) *Lead-based paint.* Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than one (1) milligram per square centimeter or in excess of one-half (0.50) percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

(e) *Stairs and railings.* All interior stairs and railings shall be maintained in sound condition and good repair.

(f) *Stairs and walking surfaces.* Every stair, ramp, balcony, porch, deck or other walking surface shall be maintained structurally sound and be capable of supporting the imposed loads.

(g) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-35. - Rubbish and garbage.

(a) *Accumulation of rubbish or garbage.* It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any motor vehicle which is inoperable and in a state of disrepair, appliances, glass, building material, construction debris, automotive parts, tires, vegetative debris, garbage, trash or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such items as listed above.

Exception: Open storage shall be allowed where provided for in the Palm Beach County Unified Land Development Code and during active construction activity under a valid building permit.

(b) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner.

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(c) *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing it in a garbage disposal facility or garbage or rubbish storage container.

(1) *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-36. - Extermination.

Infestation. All structures shall be kept free from insect and vermin infestation. All structures in which insects or vermin are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(1) *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(2) *Single occupant.* The occupant of a single-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises except where vermin or insect infestations are caused by defects in the structure, in which case the owner shall be responsible for extermination.

(3) *Multiple occupancy.* The owner of a structure containing two (2) or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Secs. 14-36—14-40. - Reserved.

DIVISION 4. - RESIDENTIAL REQUIREMENTS

[Sec. 14-41. - General.](#)

[Sec. 14-42. - Light.](#)

[Sec. 14-43. - Ventilation.](#)

[Sec. 14-44. - Occupancy limitations.](#)

[Sec. 14-45. - Plumbing facilities and fixture requirements.](#)

[Sec. 14-46. - Mechanical and electrical requirements.](#)

[Secs. 14-47—14-50. - Reserved.](#)

Sec. 14-41. - General.

(a) *Scope.* In addition to the general requirements in division 3, the provisions of this article shall apply to all structures used for residential uses.

(b) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space

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conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this article.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-42. - Light.

(a) *Habitable spaces.* Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be eight (8) percent of the floor area of such room, except in kitchens and bathrooms where artificial light is provided in accordance with the provisions of the building code. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(b) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-43. - Ventilation.

(a) *Habitable spaces.* Every habitable space shall have at least one (1) operable window that can be easily opened. The total operable area of the window in every room shall be equal to at least forty-five (45) percent of the minimum glazed area required in subsection 14-42(a).

(1) *Screens.* Every door, window and other outside opening utilized or intended for ventilation purposes serving any structure containing habitable rooms, shall have approved, tightly fitting screens of not less than 16 mesh per inch.

(b) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 404.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

(1) Air exhausted by a mechanical ventilation system from a bathroom shall be exhausted to the exterior and shall not be re-circulated to any space, including the space from which such air is withdrawn.

(c) *Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

(d) *Clothes dryer exhaust.* Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions and/or code.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-44. - Occupancy limitations.

(a) *Privacy.* Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide

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privacy and be separate from other adjoining spaces.

(b) *Access from sleeping rooms.* Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces.

Exception: Dwelling units that contain fewer than two (2) bedrooms.

(c) *Area for sleeping purposes.* Every habitable room used for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof. Exception: Shelters, hospitals and similar uses shall be exempt.

(d) *Water closet accessibility.* Every bedroom shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom.

(e) *Prohibited occupancy.* Kitchens, nonhabitable spaces and interior public areas shall not be used for sleeping purposes.

(f) *Minimum ceiling heights.* In residential units habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms, non-habitable basement areas shall have a clear ceiling height of not less than seven (7) feet.

Exceptions:

(1) In one- and two-family dwellings, beams or girders spaced not less than four (4) feet on center projecting not more than six (6) inches below required ceiling height.

(2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six (6) feet eight (8) inches with not less than six (6) feet four (4) inches of clear height under beams, girders, ducts and similar obstructions.

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7) feet over not less than one-third of required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet or more shall be included.

(g) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven (7) feet in any dimension. Kitchens shall have a clear passageway of not less than three (3) feet between counter fronts and appliances, counter fronts and walls.

(h) *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-45. - Plumbing facilities and fixture requirements.

(a) *Dwelling units and rooming houses.*

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(1) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

(2) *Rooming houses.* At least one (1) water closet, lavatory and bathtub or shower shall be supplied for each four (4) rooming units.

(b) *Toilet rooms.*

(1) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

(2) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

(c) *Plumbing fixtures.*

(1) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(2) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(d) *Water system.*

(1) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water.

(2) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks. Water supply to a residential structure shall not be obtained from another residential unit.

(4) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

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(e) *Sanitary drainage systems.*

(1) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(2) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(f) *Storm drainage.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a nuisance.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-46. - Mechanical and electrical requirements.

(a) *Heating facilities.*

(1) *Facilities required.* Heating facilities shall be provided in structures as required by this section.

(2) *Residential buildings.* Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees Fahrenheit (eighteen (18) degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

(3) *Room temperature measurement.* The required room temperatures shall be measured at a point three (3) feet above the floor and three (3) feet from the exterior walls.

(b) *Mechanical equipment.*

(1) *Mechanical equipment.* All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(2) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained in good repair, free from leaks and obstructions.

(3) *Flue.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(4) *Clearances.* All required clearances to combustible materials shall be maintained.

(5) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(6) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

(c) *Electrical facilities.*

(1) *Facilities required.* Every occupied building and work area shall be provided with an electrical

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system in compliance with the requirements of this section.

(2) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the codes applicable in the county.

(3) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(d) *Electrical equipment.*

(1) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(2) *Receptacles.* Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle. Every bathroom shall contain at least one (1) receptacle.

(3) *Lighting fixtures.* Every public hall, interior stairway, water closet compartment, bathroom laundry room, furnace room and the like, shall contain at least one (1) electric lighting fixture.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Secs. 14-47—14-50. - Reserved.

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[Sec. 14-51. - Scope.](#)

[Sec. 14-52. - Common areas.](#)

[Sec. 14-53. - Process ventilation.](#)

[Sec. 14-54. - Plumbing facilities and fixture requirements.](#)

[Sec. 14-55. - Mechanical and electrical requirements.](#)

[Secs. 14-56—14-60. - Reserved.](#)

Sec. 14-51. - Scope.

In addition to the general requirements in chapter 3, the provisions of this chapter shall apply to all structures except for residential one- or two-family dwellings.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-52. - Common areas.

(a) *Common halls and stairways.* Every common hall and stairway shall be lighted at all times with at least a sixty-watt standard incandescent light bulb or equivalent for each two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty (30) feet. Every exterior stairway shall be illuminated with a minimum of one (1) footcandle at floors, landings and

treads.

(b) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-53. - Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Sec. 14-54. - Plumbing facilities and fixture requirements.

(a) *Employee's facilities.* A minimum of one (1) water closet, one (1) lavatory and one (1) drinking facility shall be available to employees.

(1) *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet room or bathrooms.

(b) *Hotels.* Where private water closets, lavatories, and baths are not provided, one (1) water closet, one (1) lavatory and one (1) bathtub or shower having access from a public hallway shall be provided for each ten (10) occupants.

(c) *Toilet rooms.*

(1) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

(2) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

(d) *Plumbing fixtures.*

(1) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(2) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(e) *Water system.*

(1) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be

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supplied with hot and cold running water.

Exception: Non-residential structures may only provide cold running water, unless required by another code or ordinance.

(2) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(f) *Sanitary drainage systems.*

(1) *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(2) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(g) *Storm drainage.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-55. - Mechanical and electrical requirements.

(a) *Mechanical equipment.* All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(1) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained in good repair, free from leaks and obstructions.

(2) *Flue.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(3) *Clearances.* All required clearances to combustible materials shall be maintained.

(4) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(5) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

(b) *Electrical facilities.*

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(1) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

(2) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the adopted guidelines of the county.

(3) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(c) *Electrical equipment.*

(1) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(2) *Lighting fixtures.* Every public hall, interior stairway, water closet compartment, bathroom laundry room, furnace room and the like, shall contain at least one (1) electric lighting fixture.

(d) *Elevators, escalators and dumbwaiters.*

(1) *General.* Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

(2) *Elevators.* In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing, servicing, or repair.

(Ord. No. 03-051, §§ 2, 3, 9-23-03)

Secs. 14-56—14-60. - Reserved.

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⁽⁸⁸⁾ **Editor's note—** Ord. No. 2012-008, § 2, adopted May 15, 2012, changed the title of div. 6 from "Lot Clearing Requirements and Procedures" to "Lot Clearing and Nuisance Abatement Requirements and Procedures."

[Sec. 14-61. - Definitions.](#)

[Sec. 14-62. - Nuisance declared.](#)

[Sec. 14-63. - Nuisance to be abated.](#)

[Sec. 14-64. - Procedure for enforcement.](#)

[Sec. 14-65. - Appeal procedures.](#)

[Sec. 14-66. - Special assessment imposed.](#)

[Sec. 14-67. - Notice of assessment.](#)

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[Sec. 14-68. - Collection of non-ad valorem assessment.](#)

[Sec. 14-69. - Alternative method to collect assessment.](#)

[Secs. 14-70—14-80. - Reserved.](#)

Sec. 14-61. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Abate shall mean to remove, reduce, put an end to or do away with.

Adjacent property shall mean the lot or lots immediately adjacent or contiguous to a lot that is subject to review under this ordinance.

Department shall mean the county department of planning, zoning and building.

Developed shall mean containing building, structures, paving, or other improvements; excluding solely underground utilities, pipes, wires, cables, culverts, conduits, or other similar improvements or facilities; or plantings; all of which are maintained and utilized in a manner permitted by the county Unified Land Development Code.

Lot shall mean any tract or parcel of land other than an approved landfill site, including any structure thereon.

Native vegetation shall mean any plant species with a geographic distribution indigenous to all or part of the county. Plant species which have been introduced by man are not native vegetation.

Nonresidential shall mean any activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling. For purposes of this article, nonresidential shall exclude agricultural uses as set forth in the ULDC.

Owner shall mean the holder of the title in fee simple and any person, group or persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean owner or owners of record of a lot as such appears in the official records of the property appraiser's office in and for the county.

Rubble and debris shall mean waste materials resulting from the construction or demolition of structures or buildings. This shall include construction material left or abandoned on site.

Street shall mean any strip of land which is open to the public for the use of vehicular traffic and containing delineations, signs, or other traffic control devices to channel traffic.

Tree shall mean any woody plant or palm which, in its mature state under normal growing conditions, reaches a height of fifteen (15) feet or greater.

Uncultivated vegetation shall mean living plants allowed to grow in an uncontrolled manner, or not cared for or maintained on a regular basis. Neither native vegetation in its natural state, nor mangroves subject to Article 14 of the Unified Land Development Code, shall be considered uncultivated vegetation.

Waste shall mean garbage, rubbish and refuse from residential, commercial, or industrial activities, including kitchen and table food waste, animal, or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food material; paper, wood, and wood scraps,

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cardboard, cloth, glass, rubber, plastic; discarded automobiles, tires and automobile fixtures; household goods and appliances; toys; tools and equipment; trash; debris; lumber; appliances; machinery and similar materials.

Yard trash shall mean abandoned vegetative material from landscaping, maintenance or land clearing operations, and includes such materials as tree and shrub trimmings, grass clippings, palm fronds, tree limbs, tree stumps, and similar materials.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 05-061, § 1, 12-6-05; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-62. - Nuisance declared.

It is hereby declared and determined by the board of county commissioners of Palm Beach County, Florida, that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot in the unincorporated area of the county.

- (1) Accumulations of waste, yard trash, or rubble and debris;
- (2) Accumulations of waste, yard trash, or rubble and debris that may harbor vermin or poisonous snakes or that may contain pools of water that may serve as breeding grounds for insects or other disease vectors;
- (3) Uncultivated vegetation when:
 - a. Greater than eighteen (18) inches in height located on vacant lot; or
 - b. Greater than seven (7) inches in height when located on developed residential or developed nonresidential lots.
- (4) *Schinus terebinthifolius* (commonly known as Brazilian Pepper) bushes or trees;
- (5) Uncultivated vegetation that constitutes a fire hazard;
- (6) Vegetation, whether or not cultivated, that impedes or obstructs adequate view of intersections, traffic signs, railroad crossings or traffic from any street, road, or highway;
- (7) Any standing dead trees in close proximity to developed lots or rights-of-way;
- (8) Swimming pools that do not meet the water clarity requirements of section 14-32(d)(1) of this Code or the safety barrier requirements of the Florida Building Code, Sections 424.2.17.1.1 through 424.2.17.1.14; or
- (9) Any premises being inhabited by or providing for vermin, insects, reptiles or other wild animals.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 05-061, § 2, 12-6-05; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-63. - Nuisance to be abated.

It is further determined by the board of county commissioners that any nuisance declared by this section which is found upon a lot in the unincorporated area of the county shall be abated in the following manner:

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(1) If the nuisance consists solely of accumulations of waste, yard trash, or rubble and debris as provided in section 14-62(1) and (2), it shall be abated in its entirety, provided that the nuisance lies upon a lot which is adjacent to a property which is developed and used or has been used for residential, commercial or industrial purposes.

(2) If the nuisance consists solely of uncultivated vegetation as provided in section 14-62(3), (4) and (5), and the parcel is less than one-half ($\frac{1}{2}$) acre in size, the nuisance shall be abated in its entirety. If the parcel is greater than one-half ($\frac{1}{2}$) acre in size only so much of the nuisance shall be abated as lies within twenty-five (25) feet of the boundary of any adjacent property which is developed and used or has been used for residential, commercial or industrial purposes.

(3) In cases involving areas declared by the board of county commissioners as blighted, pursuant to state statutes or in any cases where there is evidence of vagrants using the overgrown property for habitation or where crimes of a violent nature or crimes involving the sale or possession of illegal substances are occurring on the premises, then the nuisance may be abated in its entirety, regardless of lot size. The evidence required must be documented by the county sheriff's department or other appropriate law enforcement agency. The owner and the department are encouraged to preserve, and need not clear native trees such as *Pinus elliotii* var. *densa* (commonly known as Slash Pine), *Ilex cassine* (commonly known as Dahoon Holly), *Sabal palmetto* (commonly known as Cabbage Palm), any species of naturally occurring oaks or bay trees and native understory such as *Serenoa repens* (commonly known as Saw Palmetto), *Rapanea punctata* (commonly known as myrsine), *Ardisia escallonioides* (commonly known as Wild Coffee), and *Myrica cerifera* (commonly known as Wax Myrtle); and provided further that the owner and the department are encouraged to clear Prohibited Invasive Non-Native Vegetation listed in Appendix 6 of Article 14.C of the Unified Land Development Code and *Melaleuca quinquenervia* (commonly known as Punk Tree, Cajeput, or Paper Bark Tree), *Casurina* Spp. (commonly known as Australian Pine); *Acacia Ariculaeformis* (commonly known as Earleaf Acacia), *Cupaniopsis anacardioides* (commonly known as Carrotwood), *Schefflera actinophylla* (commonly known as Schefflera), *Lygodium microphyllum* (commonly known as Old World Climbing Fern), *Discorea bulbifera* (commonly known as Air Potato Vine); and provided further that the owner and the department shall clear *Schinus terebinthifolius* (commonly known as Brazilian Pepper).

(4) If the nuisance consists of the obstruction of adequate view of intersections, crossings, or traffic signs as provided in section 14-62(6), the nuisance shall be abated in accordance with the provisions of Article 7 of the Unified Land Development Code, or, when not provided in that section, the nuisances shall be abated so as to afford a clear, unobstructed view.

(5) If the nuisance consists of dead trees, only those standing dead trees located in an area that, if they fell, would likely cause damage to adjacent developed lots, sidewalks, or rights-of-way, need be removed.

(6) If the nuisance consists in part of uncultivated vegetation and in part of other nuisances declared by this article, the provisions of subsections (1), (2) and (3) shall each apply to its abatement.

(7) If the nuisance consists of an infestation of vermin or insects or of a swimming pool without an adequate safety barrier and/or proper water clarity, as provided in section 14-62(8) and (9), then the nuisance shall be considered a threat to public health safety and welfare and shall be abated in its entirety.

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(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-64. - Procedure for enforcement.

(a) The department is empowered to enter upon and inspect lots on which a nuisance is suspected to exist. Any code officer shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon residential, commercial or industrial lots while in the discharge of duties imposed by these regulations. If inspection reveals the presence of a nuisance, the department shall notify the owner that a nuisance exists which is a violation of this ordinance. The notice shall:

- (1) Advise the owner of the right to a hearing as provided in section 14-65
- (2) Advise the owner that unless the owner files a timely request for hearing pursuant to section 14-65, the owner shall be deemed to have waived the right to contest the notice of violation;
- (3) Specify what corrective action must be taken;
- (4) State that a failure to abate the nuisance will result in the department abating it, the cost of which action shall be assessed against the lot;
- (5) Advise the owner that the assessment will be recorded as a lien against the lot if not timely paid within twenty (20) business days of receipt of the notice of assessment, which will accrue interest at the maximum rate allowed by law;
- (6) Advise the owner that the assessment shall be declared delinquent if not paid by the following September 1st and placed on the tax roll as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the lot and equal in rank and dignity with a lien for ad valorem taxes; and
- (7) State 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 Florida law.

Notice shall be delivered to the owner by certified mail, return receipt requested, sent to the address listed on the ad valorem tax roll. For certified mail, notice is received on the date the owner or the owner's agent initials or otherwise indicates receipt of the notice on the return receipt. In the event that certified mail delivery cannot be accomplished, and after reasonable search by the department for such owner, or if the notice is not accepted or is returned to the department, the notice shall be posted on the lot and the notice shall be deemed received on the date posted.

The appeal forms required in section 14-65 shall be included in the notice, along with a statement that such must be used to appeal the administrative determination. The owner shall have thirty (30) days from the date notice is received to abate the nuisance.

- (b) If an appeal is timely filed, enforcement action shall proceed as provided in section 14-65
- (c) If no appeal is timely filed as provided herein, the department shall, upon the expiration of the notification period, reinspect the lot to determine whether or not the nuisance has been abated. If the department determines that the lot still harbors a nuisance, it shall cause its abatement according to the provisions of this part. To accomplish that goal, the department or its agents are authorized by the board of county commissioners to enter upon the lot and to take steps reasonably necessary to effect abatement.

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(d) Nothing in this part shall prevent the department from pursuing enforcement of this article through other processes.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-65. - Appeal procedures.

Within twenty five (25) days after the initial notice of a nuisance is sent by the department as provided in section 14-64, the lot owner may make written request to the department for a hearing before a special magistrate to show that the condition alleged in the notice does not exist or to show that the condition does not constitute a nuisance. Notice of the right to a hearing shall be included in the initial notice to the lot owner. The owner's request for a hearing shall be submitted upon forms to be provided by the department, and shall be accompanied by payment in the amount of two hundred dollars (\$200.00) made payable to Palm Beach County, which amount shall constitute a fee necessary to defray the costs to the county for processing and administering the appeal. Failure to timely file an appeal or to appear before the special magistrate shall be deemed a waiver of the lot owner's rights to appeal the administrative action. A county code enforcement division special magistrate shall hear the appeal on its regularly scheduled agenda or the appeal may be specially set by the department. The department shall give the lot owner seeking an appeal written notice of the date and location of the scheduled hearing. At the hearing, the county and the lot owner may introduce such evidence as is relevant. The hearing shall be conducted in accordance with the rules of procedure as set forth in Resolution R-99-2057, as may be amended from time to time. The decision of the county special magistrate shall be final. If the appeal is unsuccessful, the special magistrate may provide the owner a reasonable period of time to correct the violation before the department is authorized to effect the abatement and to assess all costs of abatement against the lot as provided in this part.

(Ord. No. 03-051, §§ 2, 3, 9-23-03; Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-66. - Special assessment imposed.

In the event that an appeal is not timely made 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 department may enter upon the lot to take steps reasonably necessary to effect abatement. The costs incurred by the county to effect abatement shall be assessed against the lot as authorized by this part. All assessments shall be paid in full no later than the close of business on the twentieth business day after the owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment will accrue interest at the maximum rate allowed by law.

(Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-67. - Notice of assessment.

Upon completion of the actions undertaken by the county to effect abatement, the department shall notify in writing the owner that a special assessment has been imposed on the lot. The notice shall be delivered to the owner in the manner set forth for delivery of the notice of violation in section 14-64. The notice of assessment shall set forth the following:

- (1) A description of the nuisance(s), a description of the actions taken by the county to abate the nuisance(s), and notification that the property has been assessed for the costs incurred by the county to abate the nuisance.

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- (2) The aggregate amount of such costs and an itemized list of such costs.
- (3) The intent of the county to record the assessment as a lien against the lot if not timely paid within twenty (20) business days of receipt of the notice of assessment, which will accrue interest at the maximum rate allowed by law.
- (4) The intent of the county to declare the assessment delinquent if not paid by the following September 1st and to place the assessment on the tax roll as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the lot and equal in rank and dignity with a lien for ad valorem taxes.
- (5) The potential for the lot to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as eighteen (18) percent per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the lot.
- (6) The potential for the lot 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 Florida law.

(Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-68. - Collection of non-ad valorem assessment.

- (a) The board elects to use the uniform method to impose and collect non-ad valorem assessments against properties on which violations of this part have occurred. The board has adopted Resolution 2011-1833, which declares its intent to use the uniform method of collecting non-ad valorem assessments as provided in F.S. § 197.3632.
- (b) All assessments imposed pursuant to this part that are not paid by the following September 1 will be included in the combined notice of ad valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635. Non-ad valorem assessments collected pursuant to this part are subject to all collection provisions in F.S. § 197.3632, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(Ord. No. 2012-008, § 2, 5-15-12)

Sec. 14-69. - Alternative method to collect assessment.

In lieu of using F.S. § 197.3632, the county may elect to collect an assessment imposed pursuant to this part by any other method authorized by law.

(Ord. No. 2012-008, § 2, 5-15-12)

Secs. 14-70—14-80. - Reserved.