

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2007-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 14-35 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "RUBBISH AND GARBAGE"; REQUIRING THAT RUBBISH AND GARBAGE WHICH IS BEING MAINTAINED ON PRIVATE PROPERTY TO BE SECURED, ENCLOSED AND NOT VISIBLE TO THE GENERAL PUBLIC FROM THE PROPERTY LINE; REQUIRING THAT ALL INOPERABLE MOTOR VEHICLES AND OTHER MACHINERY WHICH ARE BEING STORED ON PRIVATE PROPERTY TO BE DRAINED OF FLUIDS AND POLLUTANT FREE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the requirements of Chapter 2006-328, Laws of Florida, (the "Town Charter") the Town of Loxahatchee Groves (the "Town") on October 10, 2006, the voters within the area of unincorporated Palm Beach County known as Loxahatchee Groves voted to incorporate as the Town of Loxahatchee Groves; and

**WHEREAS**, pursuant to Chapter 166, Florida Statutes, and the Town Charter, the Town has the authority to take action which is not inconsistent with Florida law, and to enact its own Code of Ordinances; and

**WHEREAS**, pursuant to the Town's Charter, the Palm Beach County Code of Ordinances as it existed on October 12, 2006, is the applicable Code of Ordinances which currently govern activity within the Town; and

**WHEREAS**, the Town Council, in an effort to preserve the individual and unique qualities of the Town, desires to allow residents to maintain certain materials on their private

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property provided that such materials are properly secured to ensure public safety and that they are not visible from the property line causing an eyesore for neighboring property owners; and

**WHEREAS**, the Town Council further desires to allow the maintenance and storage of motor vehicles and other machinery on private property, provided that such vehicles are drained of fluid and pollutant free so as to not contaminate the Town's water supply or other natural resources; and

**WHEREAS**, Section 823.041, Florida Statutes, provides for the disposal of dead animals

**WHEREAS**, the Town Council finds that the adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens and residents of the Town.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

**Section 2.** Section 14-35 of the Town of Loxahatchee Groves Code of Ordinances, entitled "Rubbish and Garbage", shall be amended as follows:

**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, ice box, refrigerator, stove, or other appliances, glass, building material, rubbish, debris, garbage or similar items, unless such items are secured or enclosed and not visible to the general public from the property line of the property. Individuals storing motor vehicles, lead storage batteries, or other machinery pursuant to this Section shall ensure that all such vehicles and machinery are pollutant free and drained of all hazardous fluids. It shall be the

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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 including, but not limited to, dead trees, trash, garbage, or similar items.

*Exception:* Open storage shall be allowed where provided for in the County unified land development code.

(b) In addition to the regulations set forth in Section 823.041, F.S., as amended from time to time, it shall be unlawful to bury any rubbish, garbage or other property within the Town's municipal boundaries, except family pets weighing less than 150 pounds.

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

(d) *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 from the premise for disposal.

**Section 3.** **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves, Florida that the provisions of this Ordinance shall become and be made a part of the Town's Code of Ordinances and the Town's Uniform Land Development Code. The sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article" or other such word or phrase in order to accomplish such intention.

**Section 4.** **Conflicts.** 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.

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**Section 5. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon passage.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS   <sup>n</sup> DAY OF \_\_\_\_\_, 2007.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 20<sup>th</sup> DAY OF November, 2007.**

  
\_\_\_\_\_  
DAVID BROWNING, MAYOR

ATTEST:

  
\_\_\_\_\_  
MATTHEW LIPPMAN, INTERIM TOWN CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
OFFICE OF THE TOWN ATTORNEY

DNT/JGH  
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STATE OF FLORIDA  
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
Ordinance 2007-11  
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 21<sup>st</sup> day of November A.D. 2007

TOWN OF Loxahatchee Groves  
BY: Matthew Lippman