

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTER 12 OF THE TOWN CODE CONCERNING NUISANCES TO CORRECT INCONSISTENCIES AND SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Beach (the Town) amended Chapter 12 of the Town Code as many portions of the Code dated back to 1980, with other portions of the Code not having been updated for ten or more years; and

WHEREAS, in attempting to enforce the provisions of Chapter 12 of the Town Code, a few inconsistencies and scrivener's errors were found; and

WHEREAS, in light of the foregoing, the Commission desires to amend those provisions of Chapter 12 that contain inconsistencies and scrivener's errors; and

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. Article II of Chapter 12 of the Redington Beach Town Code is hereby amended to read as follows:

ARTICLE II. - ABATEMENT OF PUBLIC NUISANCES

Sec. 12-2. - Public nuisances declared.

The following conduct or conditions are declared to be public nuisances: Weeds, vines, bushes, grass, thistles or other plant material upon any occupied or vacant residential or commercial land within the town, including adjacent-rights-of-way in a manner, which create foul odors, includes nuisance exotic plants prohibited by law, create a fire hazard, impedes use of sidewalks, prevents access to water, gas or electric meters, harbor or allow for the propagation of rodents or mosquitos, creates a substantial visual obstruction for persons operating vehicles or bicycles on roads or bicycle lanes or, which allows grass or other ground cover to grow higher than twelve (12") ~~six~~-inches tall.

Sec. 12-32. – Excessive growth of weeds, grasses, turf, or other vegetation.

All owners, agents, custodians, lessees, and occupants of any lot, parcel of land, or premises with the town shall cut and keep cut all weeds, grasses, turf, underbrush, or other vegetation to a height not to exceed twelve ~~ten~~ (12") inches; shall edge and trim all grass abutting street curbing; and shall remove any cuttings, trimmings, trash, debris, refuse, filth or other offensive accumulation or noxious matter located upon such property.

Section 3. Article III of Chapter 12 of the Redington Beach Town Code is hereby amended to read as follows:

ARTICLE III. - TREES, AND VEGETATION

Sec. 12-58. Tree removal.

- (a) In furtherance of the protection of public safety and the avoidance of property damage, and so as to ensure the landscaping requirements in this code are complied with, no person or entity shall remove any trees measuring more than 12 feet above existing grade without first obtaining a tree removal permit from the town. The fee for such permit will be established by the board of commissioners from time to time. This section shall not apply to trees the town removes from town parks or trees located on residential property if the property owner obtains documentation from an International Society of Arboriculture certified arborist or licensed architect that the tree presents a danger to persons or property.
- (b) After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:
 - 1. The tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or
 - 2. The tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist; or
 - 3. The tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the Grand-tree; or
 - 4. The tree is within a site which has the minimum number of trees required by the town code and removal of the tree will allow the site to be used in a manner which is consistent and compatible with properties of the same use and similar size in the abutting blocks of the same zoning district; or
 - 5. The removal of the tree is reasonably necessary to allow solar access for the efficient operation of solar-dependent technologies including solar collection and solar hot water systems. The applicant shall provide supporting documentation from a solar collection and solar hot water system installer, or other credible source, such as a government agency with expertise in solar dependent technologies or licensed architect, licensed landscape architect or licensed engineer, confirming there is no reasonable alternative location for the equipment or reasonable option to trim the trees.

- (c) Decisions of the building code administrator to grant or deny a tree removal permit shall be appealable to the board of commissioners, which shall render a final decision on any such appeal.

Section 4. For purposes of codification of any existing section of the Redington Beach Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

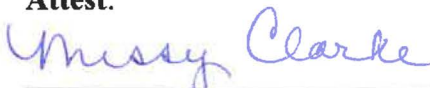
Section 6. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Sections 1 through 6 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

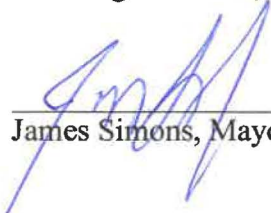
Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 1st day of April, 2020, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 6th day of May, 2020, by the Board of Commissioners of the Town of Redington Beach, Florida.

Attest:


Missy Clarke, CMC, Town Clerk


James Simons, Mayor

	Motion	Second	Aye	Nay	Absent
Commissioner Kornijtschuk			X		
Commissioner Steiermann		X	X		
Commissioner Will	X		X		
Vice Mayor Dorgan			X		
Mayor Simons			X		