

## ORDINANCE NO. O-14-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, AMENDING CHAPTER 12. NUISANCES. AT SECTION 12-51. - DEFINITIONS. BY REPEALING AND READOPTING SAME THEREBY REVISING CERTAIN DEFINITIONS AND ADDING ADDITIONAL DEFINITIONS THERETO; FURTHER AMENDING CHAPTER 12. AT SECTION 12-52. NUISANCE DECLARED; EXCEPTIONS. BY REPEALING AND READOPTING SAME THEREBY MAKING UPDATES NECESSITATED BY THE REVISED AND ADDITIONAL DEFINITIONS; PROVIDING THAT THE REMAINDER OF CHAPTER 12. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Lantana has determined that a need exists to revise certain definitions and add additional definitions to Section 12-51; and

WHEREAS, the Town Council of the Town of Lantana has determined that a need exists to update Section 12-52 due to the revisions and additional definitions incorporated into Section 12-51; and

WHEREAS, the Town Council believes this revision to the Code of Ordinances to be in the best interests of the health, safety, and welfare of the citizens of the Town of Lantana.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA:

SECTION 1: Chapter 12. Nuisances. of the Code of Ordinances of the Town of Lantana is amended at Section 12-51. Definitions. by repealing and readopting same, as revised thereby revising certain definitions and adding additional definitions; providing that Section 12-51 shall hereafter read as follows:

### **Sec. 12-51. – 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:

*Abandoned vehicle, vessel, floating structure or appliance* is any vehicle, vessel, floating structure or appliance, as defined herein, which is not located in an enclosed building, is in a state

of disuse, neglect or abandonment, and whose owner cannot be located with reasonable inquiry.

*Appliance* is any of the following household goods: Kitchen stove or oven; radar range, microwave oven, automatic garbage packer, dishwasher, refrigerator, freezer, washing machine, clothes dryer, television set, stereo or high-fidelity console unit, air conditioner, or ~~other~~ another similar device.

*Article* is any ~~appliance or vehicle~~, vessel, floating structure or appliance as defined herein.

*Code enforcement officer* shall mean those authorized agents or employees of the town whose duty it is to insure code compliance.

*Department* is the police department of the town.

*Floating structure* means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure.

*Junked vehicle, vessel, floating structure or appliance* is any vehicle, vessel, floating structure or appliance, as defined herein, which is not located in an enclosed building, is not fully shielded from public view, and is in a wrecked, junked, dismantled, partially dismantled, deteriorating, derelict or inoperative condition. Evidence that a vehicle, vessel, floating structure or appliance is "wrecked, junked, dismantled, partially dismantled, deteriorating, derelict or inoperative" may include, but shall not be limited to, any one (1) or a combination of the following factors:

- (1) The ~~vehicle or appliance being~~ Article is wrecked;
- (2) The ~~vehicle or appliance being~~ Article is inoperative, as evidence by vegetation underneath as high as the ~~vehicle or appliance~~ Article's body or frame; refuse or debris collected underneath; or, the ~~vehicle or appliance~~ Article is being used solely for storage purposes;
- (3) The ~~vehicle or appliance~~ Article is being partially dismantled, having no visible engine, transmission, or is missing other major parts;



(4) ~~The vehicle or appliance having~~ Article has major and visible parts which are dismantled or missing;

(5) ~~The vehicle or appliance being~~ Article is incapable of functioning as a ~~vehicle or appliance intended~~ in its present state;

(6) ~~The vehicle or appliance having~~ Article has only nominal salvage value;

(7) ~~The vehicle being without either a valid and current vehicle license tag affixed thereto, which is properly registered to the vehicle upon which it is affixed, or if ownership of the vehicle does not require a license tag, then the vehicle being without a valid and current registration;~~

(8) ~~(7)~~ ~~The vehicle which, excluding its windows, windshield, and underside,~~ Article is rusted on at least fifty (50) percent of its exterior body; or

(9) ~~(8)~~ ~~The vehicle being~~ Article is incapable of safe operation under its own power, or ~~a vehicle that~~ cannot be self-propelled or moved in a the manner it was originally intended to move.

*Nominal salvage value* means a salvage value of not more than seventy-five dollars (\$75.00) as appraised under standard practices by a salvage dealer or appraiser.

*Not fully shielded from public view* means the Article is not within a completely enclosed within a building or structure, which includes a wall to screen stored junked vehicles or appliances Articles from public view and/or from the view of any adjoining or neighboring property. A vehicle or vessel which is simply covered with a car cover does not constitute enclosure of a vehicle being fully shielded from public view.

*Private property* shall mean any real property within the town which is privately owned and which is not public property as defined in this section.

*Public property* shall mean any street, ~~or~~ alley or waterway and shall include the entire width between the boundary lines of every way publicly maintained for the purposes of ~~vehicular~~ travel by vehicle or vessel; and shall also mean any realty dedicated to public use or owned in fee simple by the town.

*Unregistered vehicle* shall mean a vehicle without either a valid and current vehicle license tag affixed thereto, which is properly registered to the vehicle upon which it is affixed, or if ownership of the vehicle does not require a license tag, then the vehicle being without a valid and current registration.

Unregistered vessel shall mean a vessel without a state operating license which is issued with an identifying number, an annual certificate of registration, and a decal designating the year for which a registration fee is paid.

*Vehicle* means any device, licensed or unlicensed, designed to travel along the ground or waterway and shall include, but not be limited to, ~~watercraft, boats, ships,~~ automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, mobile homes, campers, and trailers.

Vessel shall mean boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, motorboat, sailboat, houseboat, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Waterway shall mean the navigable waters in Palm Beach County, Florida, within the territorial area of the Town of Lantana as more fully defined in section 5-51(a) of this Code or Ordinances.

SECTION 2: Chapter 12. Nuisances. of the Code of Ordinances of the Town of Lantana is amended at Section 12-52. – Nuisance declared; exceptions. by repealing and readopting same, as revised to update Section 12-52 due to the revisions and additional definitions incorporated into Section 12-51; providing that Section 12-52 shall hereafter read as follows:

**Sec. 12-52. – Nuisance declared; exceptions.**

(a) Declared. No person shall park, store, leave or permit the parking, storing or leaving of any junked ~~vehicle or appliance~~ or abandoned Article as defined herein, ~~or any abandoned vehicle or appliance, as defined herein,~~ upon any public property for a period of time in excess of twelve (12) hours or private property within the town for a period of time in excess of ~~seventy-two (72)~~ forty-eight (48) hours. The presence of such junked or abandoned ~~article~~ Article on public or private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article.

(b) Exception. This section shall not apply to:

(1) Any ~~vehicle or appliance~~ Article completely enclosed and fully shielded from public view within a building on private property;

(2) Lawfully established salvage yards, junk yards, wrecking yards, storage yards or other similar establishments which are legally licensed and zoned for the operation of such types of businesses and which fully comply with all applicable laws, ordinances and regulations

pertaining to the operation of such types of businesses;

(3) ~~Vehicles or appliances~~ Articles, or parts thereof, stored or parked on private property solely for prompt repair at a ~~duly licensed~~ legally permitted business or enterprise operated and conducted for the repair of ~~vehicles or appliances~~ such Articles, provided such Articles are completely enclosed and fully shielded from public view within a fenced-in enclosure or a building and are otherwise in full compliance with applicable laws, ordinances and regulations. This exception does not allow for the parking, storing or leaving of Articles awaiting or undergoing repair in required parking spaces in accordance with section 23-131(c).

SECTION 3: Each and every other Section and Subsection of Chapter 12. Nuisances. shall remain in full force and effect as previously enacted.

SECTION 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

SECTION 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6: Specific authority is hereby granted to codify this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon adoption.

(The remainder of this page intentionally left blank.)



FIRST READING this 22<sup>nd</sup> day of July, 2019.

SECOND AND FINAL READING this 12<sup>th</sup> day of August, 2019.

TOWN OF LANTANA

✓  
Aye

\_\_\_\_\_  
Nay

David J. Stewart  
Mayor David J. Stewart

✓  
Aye

\_\_\_\_\_  
Nay

Malcolm Balfour  
Vice Mayor Malcom Balfour

✓  
Aye

\_\_\_\_\_  
Nay

Philip J. Aridas  
Councilmember Philip J. Aridas

✓  
Aye

\_\_\_\_\_  
Nay

Lynn J. Moorhouse  
Councilmember Lynn J. Moorhouse

✓  
Aye

\_\_\_\_\_  
Nay

Edward Paul Shropshire  
Councilmember Edward Paul Shropshire

ATTEST:

(SEAL)

Nicole A. Ditz  
TOWN CLERK



Approved as to form and legal sufficiency:

R. M. [Signature]  
TOWN ATTORNEY