

## **ORDINANCE 2022-08**

**AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING REGULATIONS IN CHAPTER 22 OF THE TOWN OF MONTVERDE CODE OF ORDINANCES RELATING TO RESPONSIBILITY OF PROPERTY OWNER TO MAINTAIN RIGHT-OF-WAY LANDSCAPING WITHIN THE TOWN OF MONTVERDE; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town finds that it is important to ensure landscaping inclusive of grass located within the right-of-way is properly maintained to ensure safety of persons walking or driving on sidewalks and/or streets adjacent to the landscaped right-of-way, as well as to enhance aesthetics of the rights-of-way within the Town; and

**WHEREAS**, the Town of Montverde desires to impose clear requirements for right-of-way maintenance within the Town of Montverde; and

**WHEREAS**, the Town of Montverde has determined that it is necessary to amend the Town's Code of Ordinances relating to maintenance of landscaping within the right-of-way of the Town of Montverde to protect the health, safety, and welfare of its citizens; and

**WHEREAS**, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

**WHEREAS**, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Montverde, Florida, as follows:

**SECTION 1. Legislative Findings and Intent.** The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

**SECTION 2.** That Section 22-6 of Article I in Chapter 24, of the Town of Montverde Code of Ordinances shall be created to read as follows:

### **Sec. 22-6. - Responsibility of Homeowner to Maintain Right-of-Way Landscaping.**

Maintenance of right-of-way. For the purposes of this section, right-of-way shall include grass strips, alleys or alley easements up to and including the median point of the alley or alley easement, curbs, swale areas and stormwater management facilities and the rights-of-way up to the pavement of any public street.

Swale area. For the purposes of this section, swale area means that area between the property line and the back of the curb or the edge of a paved roadway or the edge of an unpaved road or alley.

(c) Owner's responsibility for maintaining right-of-way.

(1) All owners of unimproved property, and occupants and owners of improved property are responsible at all times to maintain their property in a clean, litter-free, and mowed condition, including sidewalks, grass strips, alleys up to and including median point of the alley, curb, swale area, or rights-of-way up to the edge of pavement of any public street. Maintenance shall include, but not be limited to, mowing the grass and weeds, and general edging, trimming and clean-up activities. Grasses or weeds shall not exceed 12 inches in height. Property owners and occupants or their designees are prohibited from removing trees and performing other activities within the town rights-of-way except in accordance with a right-of way utilization permit issued by the town or county and as may otherwise be regulated by this code. The town may, upon approval of the town manager, mow selected areas of rights-of-way when doing so is found to serve a public interest.

(b) Stormwater management facilities. Owners and occupants of lots or agents for the owners of lots, unoccupied as well as occupied, are responsible for maintaining the stormwater management facilities in the right-of-way adjacent to the property by keeping it free from any accumulation of filth, debris, obstruction, or other matter. Stormwater management facilities owned by or dedicated to a homeowner association must be maintained by the homeowner association, and is not the responsibility of the individual homeowners and occupants.

**SECTION 3. Codification.** It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

**SECTION 4. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 5. Conflicts.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.

**SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon adoption.

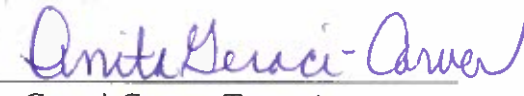
**PASSED AND DULY ADOPTED** by the Town of Montverde, Lake County, Florida this 14<sup>th</sup> day of June, 2022.

  
Joe Wynkoop, Mayor

Attest:

  
Sandy Johnson, Town Clerk

Approved as to form and legality:

  
Anita Geraci-Carver, Town Attorney

First Reading 5/10/2022

Second Reading 6/14/2022

Council Member Bates moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by ~~Council Member~~ <sup>Vice Mayor</sup> Ley and upon roll call on the motion the vote was as follows:

	YEA	NAY
Bill Bates, Councilmember	✓	
Allan Hartle, Councilmember	✓	
Jim Ley, Vice Mayor	✓	
Judy Smith, Councilmember	✓	
Joe Wynkoop, Mayor	✓	