

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 23-LANDSCAPING, ARTICLE 1. - IN GENERAL, SECTION 23-12 - MAINTENANCE OF LANDSCAPING AND AMENDING APPENDIX A ZONING, ARTICLE XL SECTION 40.9 LANDSCAPE MAINTENANCE REQUIREMENTS; PROVIDING FOR ENCROACHING ON THE PROPERTY OF OTHERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

Section 1: Chapter 23-Landscaping, Article 1. - In General, Section 23-12 - Maintenance of Landscaping, is hereby amended to read as follows:

Sec. 23-12. - Maintenance of landscaping.

(A) General.

(1) Responsible party.

(a) The owner or owners, together with their tenants and individuals or entities legally in control or responsible for real property, shall be jointly and severally responsible for the maintenance of all landscaping existing or which previously had been installed on any developed site which they own or control within the city.

1 (2) Requirements.

2 (a) All landscaping shall be maintained in a healthy
3 and growing condition.

4 (b) All cuttings not shredded for use as mulch onsite
5 shall be disposed of properly and removed from the
6 site. Grass clippings and other yard waste are not
7 permitted to be disposed of within any storm drain.

8 (c) All trash container and dumpster areas shall be
9 maintained so as to prevent the runover of refuse.

10 (d) Walls, fences and curbing shall be maintained free
11 of breaks, decay and stains.

12 (3) Encroaching on property of others.

13 No person shall permit any tree, bush, shrub, or other
14 vegetation growing on his property to grow so as to encroach
15 upon any adjacent parcel of property without permission of the
16 adjacent property owner. Permission of the adjacent property
17 owner shall be presumed where the encroachment is tolerated
18 without written objection delivered to the owner of the
19 encroaching vegetation. Where a tree, bush or shrub located on
20 one parcel of property encroaches on another parcel of
21 property through the growing of branches, vines, stems or
22 other extensions of such tree, bush or shrub, then, and in

1 that event, the property owner upon whose property the tree,
2 bush or shrub encroaches shall have the right to trim or prune
3 the encroaching portion of such tree, bush or shrub, provided
4 that such trimming or pruning is conducted in compliance with
5 the requirements of any and all City regulations regarding
6 tree abuse, tree trimming or tree pruning. Nothing in this
7 section shall be deemed to require that any tree, bush or
8 shrub be pruned or trimmed in a manner that would constitute
9 tree abuse or violate any other section of this Code or the
10 City's Land Development Code. This section shall not be
11 enforced against the owner of any tree, bush or shrub if the
12 adjacent property owner fails to allow entry onto his property
13 for the purpose of maintaining the vegetation. This section
14 shall not apply to any vegetation growing on property owned or
15 maintained by the City or any other government entity, except
16 that the adjacent property owner may trim or prune the
17 encroaching vegetation.

18
19 Section 2: Appendix A Zoning, Article XL Section 40.9
20 - Landscape Maintenance Requirements, is hereby amended to
21 read as follows:
22

23
24 Section 40.9. - Landscaping maintenance requirements.

25 All owners of land shall be responsible for the maintenance of
26 all landscaping. This includes mowing and maintaining abutting

1 rights-of-way, swales, lake and canal banks. Landscaping shall
2 be maintained in a good condition so as to present a healthy,
3 neat and orderly appearance at least equal to the original
4 installation and shall be mowed or trimmed in a manner and at
5 a frequency so as not to detract from the appearance of the
6 general area. Landscaping shall be maintained such that it
7 will not cause property damage and public safety hazards,
8 including removal of living, dead or decaying plant material,
9 removal of low hanging branches below twelve (12) feet above
10 grade and those obstructing street lighting. Landscaping shall
11 be maintained in accordance with the following standards:

12 (a) Insects, disease, etc.: Landscaping shall be kept free
13 of visible signs of insects and disease and appropriately
14 irrigated and fertilized to enable landscaping to be in a
15 healthy condition.

16 (b) Mulching: Three (3) inches of clean, weed-free,
17 appropriately sterilized organic mulch shall be maintained
18 over all areas originally mulched at all times until
19 landscaped area matures to one hundred (100) coverage.

20 (c) Turf edge trimming: All roadways, curbs and sidewalks
21 shall be edged to prevent encroachment from the adjacent
22 turfed areas.

1 (d) Maintenance of irrigation systems: Irrigation systems
2 shall be maintained to eliminate water loss due to damaged,
3 missing or improperly operating sprinkler heads, emitters,
4 pipes and all other portions of the irrigation system and
5 shall not be installed or operated to place water on roads.

6 (e) Replacement requirements: An owner is responsible to
7 ensure that living material are replaced with like material if
8 such living material or trees die, or are abused.

9 (f) Removal of root systems: Removal of root systems which
10 show evidence of destroying public or private property is
11 required.

12 (g) Tree abuse: Tree abuse is prohibited within the City in
13 accordance with section 23-16 of the City of Margate Code of
14 Ordinances.

15 (h) Tree pruning:

16 (1) All owners of land must prune trees in accordance
17 with the National Arborist Association Standards. Any
18 pruning performed without conformance to the National
19 Arborist Association Standards shall be subject to
20 enforcement by the city.

21 (2) All tree pruners or removers that provide services
22 for a fee within the City of Margate shall hold a valid

1 occupational license in either Broward, Palm Beach, or
2 Miami-Dade Counties.

3 (i) Encroaching on property of others.

4 No person shall permit any tree, bush, shrub, or other
5 vegetation growing on his property to grow so as to encroach
6 upon any adjacent parcel of property without permission of the
7 adjacent property owner. Permission of the adjacent property
8 owner shall be presumed where the encroachment is tolerated
9 without written objection delivered to the owner of the
10 encroaching vegetation. Where a tree, bush or shrub located on
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12 property through the growing of branches, vines, stems or
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14 that event, the property owner upon whose property the tree,
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18 the requirements of any and all City regulations regarding
19 tree abuse, tree trimming or tree pruning. Nothing in this
20 section shall be deemed to require that any tree, bush or
21 shrub be pruned or trimmed in a manner that would constitute
22 tree abuse or violate any other section of this Code or the
23 City's Land Development Code. This section shall not be

1 enforced against the owner of any tree, bush or shrub if the
2 adjacent property owner fails to allow entry onto his property
3 for the purpose of maintaining the vegetation. This section
4 shall not apply to any vegetation growing on property owned or
5 maintained by the City or any other government entity, except
6 that the adjacent property owner may trim or prune the
7 encroaching vegetation.

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9 SECTION 3: All ordinances or parts of ordinances in conflict
10 herewith are and the same is hereby repealed to the extent of
11 such conflict.

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13 SECTION 4: If any section, sentence, clause, or phrase of this
14 ordinance is held to be invalid or unconstitutional by a court
15 of competent jurisdiction, then said holding shall in no way
16 affect the validity of the remaining portions of this
17 ordinance.

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19 SECTION 5: It is the intention of the City Commission that the
20 provisions of this ordinance shall become and be made a part
21 of the City of Margate Code, and that the sections of this
22 ordinance may be renumbered or relettered and the word
23 "ordinance" may be changed to "section", "article" or such
24 other appropriate word or phrase in order to accomplish such
25 intentions.

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27 SECTION 6: This ordinance shall become effective
28 immediately upon adoption at its second reading.
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31 PASSED ON FIRST READING THIS ____ day of _____ 2016.

32 PASSED ON SECOND READING THIS ____ day of _____ 2016.
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34

1 ATTEST:

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3
4 JOSEPH KAVANAGH
5 CITY CLERK

MAYOR TOMMY RUZZANO

8 RECORD OF VOTE - 1ST READING

RECORD OF VOTE - 2ND READING

9
10 Simone _____
11 Peerman _____
12 Talerico _____
13 Bryan _____
14 Ruzzano _____

Simone _____
Peerman _____
Talerico _____
Bryan _____
Ruzzano _____