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**ORDINANCE NO. 2003-051**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY FLORIDA REPEALING ARTICLE I THROUGH ARTICLE IV, CHAPTER 14 OF THE PALM BEACH COUNTY CODE (ORDINANCE 78-1) AND ARTICLE II, CHAPTER 20 OF THE PALM BEACH COUNTY CODE (ORDINANCE 77-7, AS AMENDED); CREATING THE PALM BEACH COUNTY PROPERTY MAINTENANCE CODE; PROVIDING FOR TITLE; PROVIDING FOR REPEAL OF EXISTING ORDINANCES; PROVIDING FOR ADMINISTRATIVE PROVISIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR RESIDENTIAL REQUIREMENTS; PROVIDING FOR NON-RESIDENTIAL REQUIREMENTS; PROVIDING FOR LOT CLEARING; PROVIDING FOR APPLICABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 125.01(1), Florida Statutes, empowers Palm Beach County to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law, and

WHEREAS, Section 125.01(1), Florida Statutes, enables Palm Beach County to perform acts not inconsistent with law which are in the common interest of the people of the County, and

WHEREAS, enactment of a Property Maintenance Code is in the best interest of and will promote, protect and improve the health, safety and welfare of the citizens of Palm Beach County.

**NOW, THEREFORE, BE IT ORDAINED BE THE BOARD OF COINTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 1. Title**

This Ordinance Shall Be Known and Cited as the Property Maintenance Code of Palm Beach County.

**Section 2. Repeal of Existing Ordinances**

Article I through Article IV, Chapter 14 of the Palm Beach County Code (Ordinance 78-1) and Article II, Chapter 20 of the Palm Beach County Code (Ordinance 77-7, as amended) are hereby repealed in their entirety.

**Section 3. Administrative Provisions**

**CHAPTER 1  
ADMINISTRATION**

**SECTION 101 - GENERAL**

**Section 101.1 Title:** These regulations shall be known as the Palm Beach County Property Maintenance Code hereinafter referred to as "Maintenance Code."

**Section 101.2 Scope:** The purpose of this code is to protect the public health, safety and welfare in all structures, residential and nonresidential, and on all premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of structures and premises, and providing for administration,

1 enforcement and penalties.  
2 **Section 101.3 Intent:** This code shall be construed to secure its expressed intent, which is to ensure  
3 public health, safety and welfare insofar as they are affected by the continued occupancy and/or  
4 maintenance of structures and premises. Existing structures and premises that do not comply with  
5 these provisions shall be altered or repaired to provide a minimum level of health and safety as  
6 required herein.  
7  
8 **Section 101.4 Existing remedies:** The provisions in this code shall not be construed to abolish or  
9 impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or  
10 demolition of any structure that is dangerous, unsafe and unsanitary.  
11  
12 **Section 101.5 Workmanship:** All repairs, maintenance work, alterations or installations that are  
13 caused directly or indirectly by the enforcement of this code shall be executed and installed in a  
14 workmanlike manner.  
15  
16 **Section 101.6 Application of other codes:** Any repairs, additions or alterations to a structure, or  
17 changes of occupancy, shall be done in accordance with the procedures and provisions of all laws,  
18 rules and regulations in Palm Beach County.  
19  
20 **SECTION 102 - MAINTENANCE**  
21  
22 **Section 102.1 Required:** All structures, buildings, equipment, systems, devices and safeguards  
23 required by this code or another existing or previous statute or code for the structure or premises  
24 when erected or altered shall be maintained in good working order. The requirements of this code  
25 are not intended to provide the basis for removal or abrogation of fire protection and safety systems  
26 and devices in existing structures.  
27  
28 **SECTION 103 - DUTIES AND POWERS OF THE CODE OFFICIAL**  
29  
30 **Section 103.1 General:** The code official shall be responsible for enforcement of all of the  
31 provisions of this code.  
32  
33 **Section 103.2 Notices and orders:** The code official shall issue all necessary notices or orders to  
34 ensure compliance with the code.  
35  
36 **Section 103.3 Right of entry:** The code official is authorized to enter the structure or premises at  
37 reasonable times to inspect subject to constitutional restrictions. If entry is refused or not obtained,  
38 the code official is authorized to pursue recourse as provided by law.  
39  
40 **Section 103.4 Access by owner or operator:** Every occupant of a structure or premises shall give  
41 the owner or operator thereof, or agent or employee, access to any part of such structure or its  
42 premises at reasonable times for the purpose of making such inspection, maintenance, repairs or  
43 alterations as are necessary to comply with the provisions of this code.  
44  
45 **Section 103.5 Interpretive authority:** The code enforcement director shall have power as necessary  
46 in the interest of public health, safety and general welfare, to interpret and implement the provisions  
47 of this code.  
48  
49 **Section 103.6 Restriction of employees:** An official or employee connected with the enforcement  
50 of this code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor,  
51 materials or appliances for the construction, alteration or maintenance of a building, or the  
52 preparation of construction documents thereof, unless that person is the owner of the building; nor  
53 shall such officer or employee engage in any work that conflicts with official duties or with the  
54 interests of the department.  
55  
56 **Section 103.7 Relief from personal responsibility:** The code official, officer or employee charged  
57 with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered  
58 liable personally, and is hereby relieved from all personal liability for any damage accruing to  
59 persons or property as a result of any act required or permitted in the discharge of official duties.

1 Any suit instituted against an officer or employee because of an act performed by that officer or  
2 employee in the lawful discharge of duties and under the provisions of this code shall be defended  
3 by the legal representative of the jurisdiction until the final termination of the proceedings. The  
4 code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is  
5 instituted in pursuance of the provisions of this code; and any officer of the department of building  
6 inspection or code enforcement, acting in good faith and without malice, shall be free from liability  
7 for acts performed under any of its provisions or by reason of any act or omission in the performance  
8 of official duties in connection therewith.

9  
10 **SECTION 104 - VIOLATIONS**

11  
12 **Section 104.1 Unlawful acts:** It shall be unlawful for any person, firm or corporation to maintain,  
13 fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to  
14 occupy any premises, property, structure or equipment regulated by this code, or cause same to be  
15 done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to  
16 obey a lawful order of the code official, or to remove or deface a placard or notice posted under the  
17 provisions of this code.

18  
19 **Section 104.2 Enforcement:** The provisions of this Code shall be enforced by (1) the Palm Beach  
20 County Code Enforcement Board and/or Special Master pursuant to the authority granted by Sec.  
21 162.01 et. seq., Florida Statute, as may be amended, (2) the Board of County Commissioners  
22 through its authority to enjoin and restrain any person violating the Code, or (3) Palm Beach County  
23 through the prosecution of violations in the name of the State of Florida pursuant to the authority  
24 granted by Sec. 125.69, Florida Statutes, as may be amended. The Code Enforcement Director may  
25 pursue these or any other enforcement remedies available to and applicable to Palm Beach County.

26  
27 **Section 104.4 Transfer of ownership:** It shall be a violation of this code for the owner of any  
28 dwelling unit or structure who has received a notice of violation of this code to sell, transfer,  
29 mortgage, lease or otherwise dispose of such dwelling or structure to another until the provision of  
30 the compliance order or notice of violation has been complied with, or until such owner shall first  
31 furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of  
32 violation issued by the code official. In addition, the owner shall furnish to the code official a signed  
33 and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt  
34 of such compliance order or notice of violation and fully accepting the responsibility without  
35 condition for making the corrections or repairs required by notice of violation.

36  
37 **Section 4. Definitions**

38 **CHAPTER 2**  
39 **DEFINITIONS**

40  
41 **SECTION 201 GENERAL**

42  
43 **Section 201.1 Scope:** Unless otherwise expressly stated, the following terms shall, for the purposes  
44 of this code, have the meanings shown in this chapter.

45  
46 **Section 201.2 Interchangeability:** Words stated in the present tense include the future; words stated  
47 in the masculine gender include feminine and neuter; the singular number includes the plural and the  
48 plural the singular.

49  
50 **Section 201.3 Terms defined in other codes:** Where terms are not defined in this code and are  
51 defined in the building, electrical, plumbing or mechanical codes, or the Unified Land Development  
52 Code adopted by Palm Beach County, such terms shall have the meanings ascribed to them as in  
53 those codes.

54  
55 **Section 201.4 Terms not defined:** Where terms are not defined, through the methods authorized by  
56 this section, such terms shall have ordinarily accepted meanings such as the context implies.

57  
58 **Section 201.5 Parts:** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,”  
59 “rooming house,” “rooming unit” or “story” are stated in this code, they shall be construed as though

1 they were followed by the words “or any part thereof.”

2  
3 **SECTION 202. GENERAL DEFINITIONS**

4  
5 **Alteration:** Means any change or modification in construction or occupancy.

6  
7 **Approved:** Approved by the code enforcement director.

8  
9 **Basement:** That portion of a building which is partly or completely below grade.

10  
11 **Bathroom:** A room containing plumbing fixtures including a bathtub or shower.

12  
13 **Boarding house:** A dwelling, or part thereof, in which lodging is provided by the owner or operator  
14 to two (2) or more boarders.

15  
16 **Building:** Shall mean any structure built for the support, shelter, or enclosure of persons, animals,  
17 chattels, or property of any kind. The term “building” shall be construed as if followed by the words  
18 “or part there of”.

19  
20 **Building Code:** Shall mean the Florida Building Code.

21  
22 **Code official:** The code enforcement director or any duly authorized representative.

23  
24 **Condemn:** To adjudge unfit for occupancy.

25  
26 **Construction documents:** All the written, graphic and pictorial documents prepared or assembled  
27 for describing the design, location and physical characteristics of the elements of the project  
28 necessary for obtaining a building permit. The construction drawings shall be drawn to an  
29 appropriate scale.

30  
31 **Exterior property:** The open space on the premises and on adjoining property under the control of  
32 owners or operator of such premises.

33  
34 **Extermination:** The control and elimination of insects, rats or other pests by eliminating their  
35 harborage places; by removing or making inaccessible materials that serve as their food; by poison  
36 spraying, fumigating, trapping or by any other approved pest elimination methods.

37  
38 **Family:** Means either a single person occupying a dwelling unit and maintaining a household,  
39 including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or more  
40 persons related by blood, marriage, or adoption occupying a dwelling, living together and  
41 maintaining a common household, including not more than one (1) such boarder, roomer, or lodger;  
42 or not more than four (4) unrelated persons occupying a dwelling, living together and maintaining a  
43 non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house,  
44 hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all  
45 members thereof have access to all parts of the dwelling.

46  
47 **Floor area:** Shall mean the total gross area of all habitable space in a building or structure measured  
48 to the outside of exterior walls.

49  
50 **Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and  
51 consumption of food.

52  
53 **Habitable space:** Space in a residential structure or unit for living, sleeping, eating or cooking.  
54 Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered  
55 habitable spaces.

56  
57 **Infestation:** The presence, within or contiguous to, a structure, building or premises of insects, rats,  
58 vermin or other pests.

59 **Inoperable vehicle:** Shall mean one which cannot be driven upon the public streets for reasons

1 including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or in a  
2 state of being incapable of being moved under it's own power.  
3

4 **Let for occupancy or let:** To permit, provide or offer possession or occupancy of a dwelling unit,  
5 rooming unit, building, premise or structure by a person who is or is not the legal owner of record  
6 thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or  
7 unrecorded agreement of contract for the sale of land.  
8

9 **Occupancy:** The purpose for which a building or portion thereof is utilized or occupied.  
10

11 **Occupant:** Any person living or sleeping in a building; or having possession of a space within a  
12 building, including employees.  
13

14 **Openable area:** That part of a window or door which is available for unobstructed ventilation and  
15 which opens directly to the outdoors.  
16

17 **Operator:** Any person who has charge, care or control of a structure or premises which is let or  
18 offered for occupancy.  
19

20 **Owner:** Shall mean the holder of the title in fee simple and any person, group or persons, company,  
21 association or corporations in whose name tax bills on the property are submitted. It shall also mean  
22 any person who, alone or jointly or severally with others:  
23

24 (a) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual  
25 possession thereof; or  
26 (b) shall have charge, care or control of any dwelling or dwelling unit, as owner, executor,  
27 executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in  
28 possessions, assignee of rents, lessee, or other person, firm or corporation in control of a  
29 building; or their duly authorized agents. Any such person thus representing the actual owner  
30 shall be bound to comply with the provision of this ordinance, and of rules and regulations  
31 adopted pursuant thereto, to the same extent as if he were the owner. It is his responsibility to  
32 notify the actual owner of the reported infractions of these regulations pertaining to the property  
33 which shall apply to the owner.  
34

35 **Person:** An individual, corporation, partnership or any other group acting as a unit.  
36

37 **Plumbing:** The practice, materials and fixtures utilized in the installation, maintenance, extension  
38 and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the  
39 following: sanitary drainage or storm drainage facilities, the venting system and the public or  
40 private water supply systems, within or adjacent to any building, structure, or conveyance; also the  
41 practice and materials used in the installation, maintenance, extension or alteration of the storm  
42 water, liquid waste, or sewerage, and water supply systems of any premises to their connection with  
43 any point of public disposal.  
44

45 **Plumbing fixture:** A receptacle or device which is either permanently or temporarily connected to  
46 the water distribution system of the premises, and demands a supply of water there from; or  
47 discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the  
48 drainage system of the premises; or which requires both a water supply connection and a discharge  
49 to the drainage system of the premises.  
50

51 **Premises:** A lot, plot or parcel of land including any structures thereon.  
52

53 **Registered design professional:** An architect or engineer, registered or licensed to practice  
54 professional architecture or engineering, as defined by the statutory requirements of the professional  
55 registration laws in the state of Florida.  
56

57 **Repair:** The reconstruction or renewal of any part of any existing building for the purpose of its  
58 maintenance.  
59

1 **Rubbish:** Combustible and noncombustible waste materials, except garbage; including paper, rags,  
2 cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral  
3 matter, glass, crockery, trash and debris and other similar materials and shall include the residue  
4 from the burning of wood, coal, coke and other combustible materials.

5  
6 **Structure:** That which is built or constructed or a portion thereof, including the term building.

7  
8 **Tenant:** A person, corporation, partnership or group, whether or not the legal owner of record,  
9 occupying a building or portion thereof as a unit.

10  
11 **Toilet room:** A room containing a water closet or urinal but not a bathtub or shower.

12  
13 **Ventilation:** The natural or mechanical process of supplying conditioned or unconditioned air to, or  
14 removing such air from, any space.

15  
16 **Workmanlike:** Executed in a skilled manner; e.g. generally plumb, level, square, in line,  
17 undamaged, and without marring adjacent work.

18  
19 **Yard:** An open space on the same lot with a structure.

20  
21 **Section 5. General Requirements**

22  
23 **CHAPTER 3**  
24 **GENERAL REQUIREMENTS**

25  
26 **SECTION 301 GENERAL**

27  
28 **Section 301.1 Scope:** The provisions of this chapter shall govern the minimum conditions and the  
29 responsibilities of persons for maintenance of structures, equipment and exterior property.

30  
31 **Section 301.2 Responsibility:** The owner of the premises shall maintain the structures and exterior  
32 property in compliance with these requirements, except as otherwise provided for in Sections 305.3  
33 and 306.1. A person shall not occupy as owner-occupant or permit another person to occupy  
34 premises which do not comply with the requirements of this chapter.

35  
36 **Section 301.3 Vacant structures and land:** All vacant structures and premises thereof or vacant  
37 land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not  
38 to cause a deteriorating problem or adversely affect the public health, safety or welfare.

39  
40 **Section 301.3.1:** The exterior of all vacant structures shall be maintained in a manner  
41 required of occupied structures as provided in this code: window areas shall be  
42 maintained with appropriate glass and glazing treatment, exterior doors shall be  
43 water- and weather-tight, walls and roof areas shall be maintained in a clean, safe  
44 and intact condition, and water- and weather-tight.

45  
46 **SECTION 302 EXTERIOR PROPERTY AREAS**

47  
48 **Section 302.1 Sanitation:** All exterior property and premises shall be maintained in a clean, safe  
49 and sanitary condition. The occupant shall keep that part of the exterior property which such  
50 occupant occupies or controls in a clean and sanitary condition.

51  
52 **Section 302.2 Sidewalks and driveways:** All sidewalks, walkways, stairs, driveways, parking lots,  
53 parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from  
54 hazardous conditions. Stairs shall comply with the requirements of Section 304.7.

55  
56 **Section 302.3 Weeds:** All premises and exterior property shall be maintained free from weeds or  
57 plant growth in excess of 18 inches, as set forth in Chapter 6. All noxious weeds shall be prohibited.  
58 This term shall not include cultivated flowers and gardens, or native vegetation.

59

1 **Section 302.4 Accessory structures:** All accessory structures, including detached garages, fences,  
2 walls, and swimming pools shall be maintained structurally sound and in good repair.

3  
4 **Section 302.4.1 Water clarity in swimming pools:** Water clarity shall be maintained.  
5 When standing at the pool's edge at the deep end, the deepest portion of the swimming pool  
6 floor shall be visible.

7  
8 **SECTION 303. EXTERIOR OF STRUCTURE OR BUILDING**

9  
10 **Section 303.1 General:** The exterior of a structure shall be maintained in good repair, structurally  
11 sound and sanitary so as not to pose a threat to the public health, safety or welfare.

12  
13 **Section 303.2 Exterior painting:** All wood and metal surfaces including but not limited to, window  
14 frames, doors, door frames, cornices, porches and trim shall be maintained in good condition.  
15 Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

16  
17 **Section 303.3 Street numbers:** One (1) address sign shall be required for each principal building or  
18 use on premises showing only the numerical address designation on the premises upon which they  
19 are maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building  
20 address shall be posted on such marquee/signboard. The address shall be posted in a color  
21 contrasting that of the marquee/signboard or building a minimum of 4" for residential and 6" for  
22 commercial structure, and of sufficient size to be plainly visible and legible from the roadway. When  
23 the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address  
24 range shall be posted as indicated above. Signs shall be plainly visible from the street or right-of-  
25 way providing access to the lot and shall be installed and maintained pursuant to the Palm Beach  
26 County Building Security Code. This requirement shall apply to all new and existing structures.

27  
28 **Section 303.4 Structural members:** All structural members shall be maintained free from  
29 deterioration, and shall be capable of safely supporting the imposed dead and live loads.

30  
31 **Section 303.5 Foundation walls:** All foundation walls shall be maintained plumb and free from  
32 open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

33  
34 **Section 303.6 Exterior walls:** All exterior walls shall be free from holes, breaks, loose or rotting  
35 materials; and maintained weatherproof and properly surface coated where required to prevent  
36 deterioration.

37  
38 **Section 303.7 Roofs and drainage:** The roof and flashing shall be sound, tight and not have defects  
39 that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or  
40 interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good  
41 repair and free from obstructions. Roof water shall not be discharged in a manner that creates an  
42 adjacent public nuisance.

43  
44  
45 **Section 303.8 Decorative features:** All cornices, belt courses, terra cotta trim, wall facings and  
46 similar decorative features shall be maintained in good repair with proper anchorage and in a safe  
47 condition.

48  
49 **Section 303.9 Overhang extensions:** All canopies, marquees, signs, metal awnings, fire escapes,  
50 stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be  
51 properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of  
52 metal or wood shall be protected from the elements and against decay or rust by periodic application  
53 of weather-coating materials, such as paint or similar surface treatment.

54  
55 **Section 303.10 Stairways, decks, porches and balconies:** Every exterior stairway, deck, porch,  
56 balcony, railings and all other appurtenances attached thereto, shall be maintained structurally  
57 sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

58  
59 **Section 303.11 Chimneys and towers:** All chimneys, cooling towers, smoke stacks, and similar

1 appurtenances shall be maintained structurally safe and sound, and in good repair.

2  
3 **Section 303.12 Handrails and guards:** Every handrail and guard shall be firmly fastened and  
4 capable of supporting normally imposed loads and shall be maintained in good condition.

5  
6 **Section 303.13 Window and doorframes:** Every window, door and frame shall be kept in sound  
7 condition, good repair and weather tight.

8  
9 **Section 303.13.1 Glazing:** All glazing materials shall be maintained free from cracks and  
10 holes.

11  
12 **Section 303.13.2 Openable window:** Every window, other than a fixed window, shall be  
13 easily openable and capable of being held in position by window hardware.

14  
15 **Section 303.14 Doors:** All exterior doors and hardware shall be maintained in good condition.  
16 Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

## 17 18 **SECTION 304 INTERIOR OF STRUCTURE OR BUILDING**

19  
20 **Section 304.1 General:** The interior of a structure and equipment therein shall be maintained in  
21 good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of  
22 the structure which such occupant occupies or controls in a clean and sanitary condition. Every  
23 owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or  
24 two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared  
25 or public areas of the structure and exterior property.

26  
27 **Section 304.2 Structural members:** All structural members shall be maintained structurally sound,  
28 and be capable of supporting the imposed loads.

29  
30 **Section 304.3 Interior surfaces:** All interior surfaces, including windows and doors, shall be  
31 maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed  
32 wood, and other defective surface conditions shall be corrected.

33  
34 **Section 304.4 Lead-based paint:** Interior and exterior painted surfaces of dwellings and child and  
35 day care facilities, including fences and outbuildings, which contain lead levels equal to or greater  
36 than 1.0 milligram per square centimeter or in excess of 0.50-percent lead by weight shall be  
37 maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an  
38 approved manner. Any surface to be covered shall first be identified by approved warnings as to the  
39 lead content of such surface.

40  
41 **Section 304.5 Stairs and railings:** All interior stairs and railings shall be maintained in sound  
42 condition and good repair.

43  
44 **Section 304.6 Stairs and walking surfaces:** Every stair, ramp, balcony, porch, deck or other  
45 walking surface shall be maintained structurally sound and be capable of supporting the imposed  
46 loads.

47  
48 **Section 304.7 Handrails and guards:** Every handrail and guard shall be firmly fastened and  
49 capable of supporting normally imposed loads and shall be maintained in good condition.

## 50 51 **SECTION 305 RUBBISH AND GARBAGE**

52  
53 **Section 305.1 Accumulation of rubbish or garbage:** It shall be unlawful for the owner or occupant  
54 of a building, structure or property to utilize the premises of such property for the open storage of  
55 any motor vehicle which is inoperable and in a state of disrepair, ice box, refrigerator, stove, or other  
56 appliances, glass, building material, building rubbish, debris, garbage or similar items. It shall be  
57 the duty and responsibility of every such owner or occupant to keep the premises of such property  
58 clean and to remove from the premises all such items as listed above including but not limited to  
59 dead trees, trash, garbage, or similar items.



1 requirements of this chapter.

2

3 **SECTION 402 LIGHT**

4

5 **Section 402.1 Habitable spaces:** Every habitable space shall have at least one window of approved  
6 size facing directly to the outdoors or to a court. The minimum total window area, measured  
7 between stops, for every habitable space shall be 8 percent of the floor area of such room, except in  
8 kitchens and bathrooms where artificial light is provided in accordance with the provisions of the  
9 Building Code. Wherever walls or other portions of a structure face a window of any room and such  
10 obstructions are located less than 3 feet from the window and extend to a level above that of the  
11 ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court  
12 and shall not be included as contributing to the required minimum total window area for the room.

13

14 **Section 402.2 Other spaces:** All other spaces shall be provided with natural or artificial light  
15 sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and  
16 utilization of the appliances, equipment and fixtures.

17

18 **SECTION 403 VENTILATION**

19

20 **Section 403.1 Habitable spaces:** Every habitable space shall have at least one openable window  
21 that can be easily opened. The total openable area of the window in every room shall be equal to at  
22 least 45 percent of the minimum glazed area required in Section 402.1.

23

24 **Section 403.1.1 Screens:** Every door, window and other outside opening utilized or intended  
25 for ventilation purposes serving any structure containing habitable rooms, shall have  
26 approved, tightly fitting screens of not less than 16 mesh per inch.

27

28 **Section 403.2 Bathrooms and toilet rooms:** Every bathroom and toilet room shall comply with the  
29 ventilation requirements for habitable spaces as required by Section 404.1, except that a window  
30 shall not be required in spaces equipped with a mechanical ventilation system that complies with the  
31 following:

32

33 A. Air exhausted by a mechanical ventilation system from a bathroom shall be  
34 exhausted to the exterior and shall not be re-circulated to any space, including the  
35 space from which such air is withdrawn.

35

36 **Section 403.3 Cooking facilities:** Unless approved through the certificate of occupancy, cooking  
37 shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance  
38 shall not be permitted to be present in a rooming unit or dormitory unit.

39

40 **Section 403.4 Clothes dryer exhaust:** Clothes dryer venting systems shall be independent of all  
41 other systems and shall be vented in accordance with the manufacturer's instructions and/or  
42 code.

43

44 **SECTION 404 OCCUPANCY LIMITATIONS**

45

46 **Section 404.1 Privacy:** Dwelling units, hotel units, rooming units and dormitory units shall be  
47 arranged to provide privacy and be separate from other adjoining spaces.

48

49 **Section 404.2 Access from sleeping rooms:** Sleeping rooms shall not constitute the only means of  
50 access to other sleeping rooms or habitable spaces.

51

52 **Exception:** Dwelling units that contain fewer than two bedrooms.

53 **Section 404.3 Area for sleeping purposes:** Every habitable room used for sleeping purposes by one  
54 occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping  
55 purposes by more than one person shall contain at least 50 square feet of floor area for each  
56 occupant thereof. Exception: Shelters, hospitals and similar uses shall be exempt.

57

58 **Section 404.4 Water closet accessibility:** Every bedroom shall have access to at least one water  
59 closet and one lavatory without passing through another bedroom.

1  
2 **Section 404.5 Prohibited occupancy:** Kitchens, non-habitable spaces and interior public areas shall  
3 not be used for sleeping purposes.

4  
5 **Section 404.6 Minimum ceiling heights:** In residential units habitable spaces, hallways, corridors,  
6 laundry areas, bathrooms, toilet rooms, non-habitable basement areas shall have a clear ceiling  
7 height of not less than 7 feet.

8  
9 **Exceptions**

10 1. In one- and two-family dwellings, beams or girders spaced not  
11 less than 4 feet on center projecting not more than 6 inches below  
12 required ceiling height.

13 2. Basement rooms in one- and two-family dwellings occupied  
14 exclusively for laundry, study or recreation purposes, having a ceiling  
15 height of not less than 6 feet 8 inches with not less than 6 feet 4  
16 inches of clear height under beams, girders, ducts and similar  
17 obstructions.

18 3. Rooms occupied exclusively for sleeping, study or similar  
19 purposes and having a sloped ceiling over all or part of the room,  
20 with a clear ceiling height of at least 7 feet over not less than one-  
21 third of required minimum floor area. In calculating the floor area of  
22 such rooms, only those portions of the floor area with a clear ceiling  
23 height of 5 feet or more shall be included.

24  
25 **Section 404.7 Minimum room widths:** A habitable room, other than a kitchen, shall not be less  
26 than 7 feet in any dimension. Kitchens shall have a clear passageway of not less than 3 feet between  
27 counter fronts and appliances, counter fronts and walls.

28  
29 **Section 404.8 Food preparation:** All spaces to be occupied for food preparation purposes shall  
30 contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There  
31 shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including  
32 facilities for temporary storage.

33  
34 **SECTION 405 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

35  
36 **Section 405.1.1 Dwelling units:** Every dwelling unit shall contain its own bathtub or shower,  
37 lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working  
38 condition. The lavatory shall be placed in the same room as the water closet or located in close  
39 proximity to the door leading directly into the room in which such water closet is located.

40  
41 **Section 405.1.2 Rooming houses:** At least one water closet, lavatory and bathtub or shower shall be  
42 supplied for each four rooming units.

43  
44 **SECTION 405.2 TOILET ROOMS**

45  
46 **Section 405.2.1 Privacy:** Toilet rooms and bathrooms shall provide privacy and shall not constitute  
47 the only passageway to a hall or other space, or to the exterior.

48  
49 **Section 405.2.2 Location:** Toilet rooms and bathrooms serving hotel units, rooming units or  
50 dormitory units, shall have access by traversing not more than one flight of stairs and shall have  
51 access from a common hall or passageway.

52  
53 **SECTION 405.3 PLUMBING FIXTURES**

54  
55 **Section 405.3.1 General:** All plumbing fixtures shall be properly installed and maintained in  
56 working order, and shall be kept free from obstructions, leaks and defects and be capable of  
57 performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall  
58 be maintained in a safe, sanitary and functional condition.

59 **Section 405.3.2 Fixture clearances:** Plumbing fixtures shall have adequate clearances for usage and

1 cleaning.

2

3 **SECTION 405.4 WATER SYSTEM**

4

5 **Section 405.4.1 General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or  
6 other plumbing fixtures shall be properly connected to either a public water system or to an  
7 approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and  
8 showers shall be supplied with hot and cold running water.

9

10 **Section 405.4.2 Contamination:** The water supply shall be maintained free from contamination,  
11 and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.  
12 Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are  
13 attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an  
14 approved permanently attached hose connection vacuum breaker.

15

16 **Section 405.4.3 Supply:** The water supply system shall be installed and maintained to provide a  
17 supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at  
18 pressures adequate to enable the fixtures to function properly, safely, and free from defects and  
19 leaks. Water supply to a residential structure shall not be obtained from another residential unit.

20

21 **Section 405.4.4 Water heating facilities:** Water heating facilities shall be properly installed,  
22 maintained and capable of providing an adequate amount of water to be drawn at every required  
23 sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F.  
24 (43 degrees C.). A gas-burning water heater shall not be located in any bathroom, toilet room,  
25 bedroom or other occupied room normally kept closed, unless adequate combustion air is provided.  
26 An approved combination temperature and pressure relief valve and relief valve discharge pipe shall  
27 be properly installed and maintained on water heaters.

28

29 **SECTION 405.5 SANITARY DRAINAGE SYSTEM**

30

31 **Section 405.5.1 General:** All plumbing fixtures shall be properly connected to either a public sewer  
32 system or to an approved private sewage disposal system.

33

34 **Section 405.5.2 Maintenance:** Every plumbing stack, vent, waste and sewer line shall function  
35 properly and be kept free from obstructions, leaks and defects.

36

37 **SECTION 405.6 STORM DRAINAGE**

38

39 **Section 405.6.1 General:** Drainage of roofs and paved areas, yards and courts, and other open areas  
40 on the premises shall not be discharged in a manner that creates a nuisance.

41

42 **SECTION 406 MECHANICAL AND ELECTRICAL REQUIREMENTS**

43

44 **SECTION 406.1 HEATING FACILITIES**

45

46 **Section 406.1.1 Facilities required:** Heating facilities shall be provided in structures as required by  
47 this section.

48

49 **Section 406.1.2 Residential buildings:** Every dwelling shall be provided with heating facilities  
50 capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms,  
51 bathrooms and toilet rooms.

52 **Section 406.1.4 Room temperature measurement:** The required room temperatures shall be  
53 measured at a point 3 feet above the floor and 3 feet from the exterior walls.

54

55 **SECTION 406.2 MECHANICAL EQUIPMENT**

56

57 **Section 406.2.1 Mechanical equipment:** All mechanical equipment, fireplaces and solid fuel-  
58 burning appliances shall be properly installed and maintained in a safe working condition, and shall  
59 be capable of performing the intended function.

1  
2 **Section 406.2.2 Cooking and heating equipment:** All cooking and heating equipment, components  
3 and accessories in every heating, cooking and water-heating device shall be maintained in good  
4 repair, free from leaks and obstructions.

5  
6 **Section 406.2.3 Flue:** All fuel-burning equipment and appliances shall be connected to an approved  
7 chimney or vent.

8  
9 **Exception:** Fuel-burning equipment and appliances which are labeled for unvented  
10 operation.

11  
12 **Section 406.2.4 Clearances:** All required clearances to combustible materials shall be maintained.

13  
14 **Section 406.2.5 Safety controls:** All safety controls for fuel-burning equipment shall be maintained  
15 in effective operation.

16  
17 **Section 406.2.6 Combustion air:** A supply of air for complete combustion of the fuel and for  
18 ventilation of the space shall be provided for the fuel-burning equipment.

19  
20 **SECTION 406.3 ELECTRICAL FACILITIES**

21  
22 **Section 406.3.1 Facilities required:** Every occupied building and work area shall be provided with  
23 an electrical system in compliance with the requirements of this section.

24  
25 **Section 406.3.2 Service:** The size and usage of appliances and equipment shall serve as a basis for  
26 determining the need for additional facilities in accordance with the codes applicable in Palm Beach  
27 County.

28  
29 **Section 406.3.3 Electrical system hazards:** Where it is found that the electrical system in a  
30 structure constitutes a hazard to the occupants or the structure by reason of inadequate service,  
31 improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for  
32 similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

33  
34 **SECTION 406.4 ELECTRICAL EQUIPMENT**

35  
36 **Section 406.4.1 Installation:** All electrical equipment, wiring and appliances shall be property  
37 installed and maintained in a safe and approved manner.

38  
39 **Section 406.4.2 Receptacles:** Every habitable space in a dwelling shall contain at least two separate  
40 and remote receptacle outlets. Every laundry area shall contain at least one grounded-type  
41 receptacle. Every bathroom shall contain at least one receptacle.

42  
43 **Section 406.4.3 Lighting fixtures:** Every public hall, interior stairway, water closet compartment,  
44 bathroom laundry room, furnace room and the like, shall contain at least one electric lighting fixture.

45  
46 **Section 7. Non-Residential Requirements**

47  
48 **CHAPTER 5**  
49 **NON-RESIDENTIAL REQUIREMENTS**

50  
51 **SECTION 501 - GENERAL**

52  
53 **Section 501.1 Scope:** In addition to the General Requirements in Chapter 3, the provisions of this  
54 Chapter shall apply to all structures except for residential one- or two-family dwellings.

55  
56 **SECTION 502 – COMMON AREAS**

57  
58 **Section 502.1 Common halls and stairways:** Every common hall and stairway shall be lighted at  
59 all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square

1 feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every  
2 exterior stairway shall be illuminated with a minimum of 1 footcandle at floors, landings and treads.

3  
4 **Section 502.2 Other spaces:** All other spaces shall be provided with natural or artificial light  
5 sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and  
6 utilization of the appliances, equipment and fixtures.

7  
8 **Section 503 - VENTILATION**

9  
10 **Section 503.1 Process ventilation:** Where injurious, toxic, irritating or noxious fumes, gases, dusts  
11 or mists are generated, a local exhaust ventilation system shall be provided to remove the  
12 contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to  
13 any space.

14  
15 **Section 504 - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

16  
17 **Section 504.1 Employee's facilities:** A minimum of one water closet, one lavatory and one drinking  
18 facility shall be available to employees.

19  
20 **Section 504.1.1 Drinking facilities:** Drinking facilities shall be a drinking fountain, water  
21 cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking  
22 facilities shall not be located in toilet room or bathrooms.

23  
24 **Section 504.2 Hotels:** Where private water closets, lavatories, and baths are not provided, one water  
25 closet, one lavatory and one bathtub or shower having access from a public hallway shall be  
26 provided for each ten occupants.

27  
28 **SECTION 504.3 TOILET ROOMS**

29  
30 **Section 504.3.1 Privacy:** Toilet rooms and bathrooms shall provide privacy and shall not constitute  
31 the only passageway to a hall or other space, or to the exterior.

32  
33 **Section 504.3.2 Location:** Toilet rooms and bathrooms serving hotel units, rooming units or  
34 dormitory units, shall have access by traversing not more than one flight of stairs and shall have  
35 access from a common hall or passageway.

36  
37 **SECTION 504.4 PLUMBING FIXTURES**

38  
39 **Section 504.4.1 General:** All plumbing fixtures shall be properly installed and maintained in  
40 working order, and shall be kept free from obstructions, leaks and defects and be capable of  
41 performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall  
42 be maintained in a safe, sanitary and functional condition.

43  
44 **Section 504.4.2 Fixture clearances:** Plumbing fixtures shall have adequate clearances for usage and  
45 cleaning.

46  
47 **SECTION 504.5 WATER SYSTEM**

48  
49 **Section 504.5.1 General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or  
50 other plumbing fixtures shall be properly connected to either a public water system or to an  
51 approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and  
52 showers shall be supplied with hot and cold running water.

53  
54 **Exception:** Non-residential structures may only provide cold running water, unless required  
55 by another code or ordinance.

56  
57 **Section 504.5.2 Contamination:** The water supply shall be maintained free from contamination,  
58 and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.  
59 Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are

1 attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an  
2 approved permanently attached hose connection vacuum breaker.

3  
4 **Section 504.5.3 Supply:** The water supply system shall be installed and maintained to provide a  
5 supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at  
6 pressures adequate to enable the fixtures to function properly, safely, and free from defects and  
7 leaks.

#### 8 **SECTION 504.6 SANITARY DRAINAGE SYSTEM**

9  
10 **Section 504.6.1 General:** All plumbing fixtures shall be properly connected to either a public sewer  
11 system or to an approved private sewage disposal system.

12  
13 **Section 504.6.2 Maintenance:** Every plumbing stack, vent, waste and sewer line shall function  
14 properly and be kept free from obstructions, leaks and defects.

#### 15 **SECTION 504.7 STORM DRAINAGE**

16  
17  
18 **Section 504.7.1 General:** Drainage of roofs and paved areas, yards and courts, and other open areas  
19 on the premises shall not be discharged in a manner that creates a public nuisance.

#### 20 **SECTION 505 MECHANICAL AND ELECTRICAL REQUIREMENTS**

21  
22  
23 **Section 505.1 Mechanical equipment:** All mechanical equipment, fireplaces and solid fuel-  
24 burning appliances shall be properly installed and maintained in a safe working condition, and shall  
25 be capable of performing the intended function.

26  
27 **Section 505.1.1 Cooking and heating equipment:** All cooking and heating equipment, components  
28 and accessories in every heating, cooking and water-heating device shall be maintained in good  
29 repair, free from leaks and obstructions.

30  
31 **Section 505.1.2 Flue:** All fuel-burning equipment and appliances shall be connected to an approved  
32 chimney or vent.

33  
34 **Exception:** Fuel-burning equipment and appliances which are labeled for unvented  
35 operation.

36  
37 **Section 505.1.3 Clearances:** All required clearances to combustible materials shall be maintained.

38  
39 **Section 505.1.4 Safety controls:** All safety controls for fuel-burning equipment shall be maintained  
40 in effective operation.

41  
42 **Section 505.1.5 Combustion air:** A supply of air for complete combustion of the fuel and for  
43 ventilation of the space shall be provided for the fuel-burning equipment.

#### 44 **SECTION 505.2 ELECTRICAL FACILITIES**

45  
46  
47 **Section 505.2.1 Facilities required:** Every occupied building shall be provided with an electrical  
48 system in compliance with the requirements of this section.

49 **Section 505.2.2 Service:** The size and usage of appliances and equipment shall serve as a basis for  
50 determining the need for additional facilities in accordance with the adopted guidelines of Palm  
51 Beach County.

52  
53 **Section 505.2.3 Electrical system hazards:** Where it is found that the electrical system in a  
54 structure constitutes a hazard to the occupants or the structure by reason of inadequate service,  
55 improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for  
56 similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### 57 **SECTION 505.3 ELECTRICAL EQUIPMENT**

1 **Section 505.3.1 Installation:** All electrical equipment, wiring and appliances shall be property  
2 installed and maintained in a safe and approved manner.

3 **Section 505.3.2 Lighting fixtures:** Every public hall, interior stairway, water closet compartment,  
4 bathroom laundry room, furnace room and the like, shall contain at least one electric lighting fixture.

5  
6 **SECTION 505.4 ELEVATORS, ESCALATORS AND DUMBWAITERS**

7  
8 **Section 505.4.1 General:** Elevators, dumbwaiters and escalators shall be maintained to sustain  
9 safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

10  
11 **Section 505.4.2 Elevators:** In buildings equipped with passenger elevators, at least one elevator  
12 shall be maintained in operation at all times when the building is occupied.

13  
14 **Exception:** Buildings equipped with only one elevator shall be permitted to have the  
15 elevator temporarily out of service for testing, servicing, or repair.

16  
17 **Section 8. Lot Clearing**

18  
19 **CHAPTER 6**  
20 **LOT CLEARING REQUIREMENTS & PROCEDURES**

21  
22 **SECTION 601 DEFINITIONS.** The following definitions shall apply in the interpretation and  
23 enforcement of this chapter:

24  
25 *Adjacent property* shall mean the lot or lots immediately adjacent or contiguous to a lot that is  
26 subject to review under this ordinance.

27  
28 *Department* shall mean the Palm Beach County Department of Planning, Zoning and Building.

29  
30 *Developed* shall mean containing building, structures, paving, or other improvements; excluding  
31 solely underground utilities, pipes, wires, cables, culverts, conduits, or other similar improvements  
32 or facilities; or plantings; all of which are maintained and utilized in a manner permitted by the Palm  
33 Beach County Unified Land Development Code.

34  
35 *Lot* shall mean any tract or parcel of land other than an approved landfill site.

36  
37 *Native vegetation* shall mean any plant species with a geographic distribution indigenous to all or  
38 part of Palm Beach County. Plant species which have been introduced by man are not native  
39 vegetation.

40  
41 *Non-residential* shall mean any activity which occurs in any building, structure or open area which is  
42 not used primarily as a private residence or dwelling. For purposes of the Chapter non-residential  
43 shall exclude agricultural uses as set forth in the ULDC. (amnd 05-061)

44  
45 *Owner* shall mean the owner or owners of record of a lot as such appears in the Official Records of  
46 the Property Appraiser's Office in and for Palm Beach County.

47  
48  
49 *Rubble and debris* shall mean waste materials resulting from the construction or demolition of  
50 structures or buildings. This shall include construction material left or abandoned on site.

51  
52 *Street* shall mean any strip of land which is open to the public for the use of vehicular traffic and  
53 containing delineations, signs, or other traffic control devices to channel traffic.

54  
55 *Tree* shall mean any woody plant or palm which, in its mature state under normal growing  
56 conditions, reaches a height of fifteen (15) feet or greater.

57  
58 *Uncultivated vegetation* shall mean living plants allowed to grow in an uncontrolled manner, or not  
59 cared for or maintained on a regular basis. Neither native vegetation in its natural state, or

1 mangroves subject to the Palm Beach County Mangrove Protection Ordinance, shall be considered  
2 uncultivated vegetation.

3  
4 *Waste* shall mean garbage, rubbish and refuse from residential, commercial, or industrial activities,  
5 including kitchen and table food waste, animal, or vegetative waste that is attendant with or results  
6 from the storage, preparation, cooking, or handling of food material; paper, wood, and wood scraps,  
7 cardboard, cloth, glass, rubber, plastic; discarded automobiles, tires and automobile fixtures;  
8 household goods and appliances; toys; tools and equipment; trash; debris; lumber; appliances;  
9 machinery and similar materials.

10  
11 *Yard trash* shall mean abandoned vegetative material from landscaping, maintenance or land  
12 clearing operations, and includes such materials as tree and shrub trimmings, grass clippings, palm  
13 fronds, tree limbs, tree stumps, and similar materials.

14  
15 **SECTION 602 NUISANCE DECLARED**

16  
17 It is hereby declared and determined by the Board of County Commissioners of Palm Beach County,  
18 Florida, that the following shall each individually, or in any combination, be considered nuisances  
19 when they exist upon a lot in the unincorporated area of Palm Beach County.

20  
21 **Section 602.1:** Accumulations of waste, yard trash, or rubble and debris;

22  
23 **Section 602.2:** Accumulations of waste, yard trash, or rubble and debris that may harbor rats or  
24 poisonous snakes or that may contain pools of water that may serve as breeding grounds for insects  
25 or other disease vectors;

26  
27 **Section 602.3:** Uncultivated vegetation when 1) greater than 18” in height located on vacant lots, or  
28 2) greater than 7” in height when located on developed residential or developed non-residential lots;  
29 (amnd 05-061)

30  
31 **Section 602.4:** *Schinus terebinthifolius* (commonly known as Brazilian Pepper) bushes or trees, if  
32 uncultivated;

33  
34 **Section 602.5:** Uncultivated vegetation that constitutes a fire hazard; or

35  
36 **Section 602.6:** Vegetation, whether or not cultivated, that impedes or obstructs adequate view of  
37 intersections, traffic signs, railroad crossings or traffic from any street, road, or highway.

38  
39 **Section 602.7:** Any standing dead trees in close proximity to developed lots or rights-of-way.

40  
41 **SECTION 603 NUISANCE TO BE ABATED.**

42  
43 It is further determined by the Board of County Commissioners that any nuisance declared by this  
44 section which is found upon a lot in the unincorporated area of Palm Beach County shall be abated  
45 in the following manner:

46  
47 **Section 603.1:** If the nuisance consists solely of accumulations of waste, yard trash, or rubble and  
48 debris as provided in Section 602.1 and 602.2, it shall be abated in its entirety, provided that the  
49 nuisance lies upon a lot which is adjacent to a property which is developed and used or has been  
50 used for residential, commercial or industrial purposes; or

51  
52 **Section 603.2:** If the nuisance consists solely of uncultivated vegetation as provided in Section  
53 602.3, 602.4, 602.5, and the parcel is less than ½ acre in size, the nuisance shall be abated in its  
54 entirety. If the parcel is greater than ½ acre in size only so much of the nuisance shall be abated as  
55 lies within twenty-five (25) feet of the boundary of any adjacent property which is developed and  
56 used or has been used for residential, commercial or industrial purposes.

57 **Section 603.3:** In cases involving areas declared by the Board of County Commissioners as  
58 blighted, pursuant to state statutes or in any cases which there is evidence of vagrants using the  
59 overgrown property for habitation or that crimes of a violent nature or crimes involving the sale or

1 possession of illegal substances are occurring on the premises, then the nuisance may be abated in its  
2 entirety, regardless of lot size, provided that the nuisance lies upon a lot which is adjacent to  
3 property which is developed. The evidence required must be documented by the Palm Beach  
4 County Sheriff's Department or other appropriate Law Enforcement Agency. For purposes of  
5 this section only, rights-of-way shall be considered adjacent, developed property. The owner and  
6 the department are encouraged to preserve, and need not clear trees and *Serenoa repens* (commonly  
7 known as Saw Palmetto); and provided further that the owner and the department are encourage to  
8 clear *Melaleuca quinquenervia* (commonly known as Punk Tree, Cajeput, or Paper Bark Tree),  
9 *Casurina Spp.* (commonly known as Australian Pine); *Acacia Ariculaeformis* (commonly known as  
10 Earleaf Acacia); and provided further that the owner and the department shall clear *Schinus*  
11 *terebinthifolius* (commonly known as Brazilian Pepper).

12  
13 **Section 603.4:** If the nuisance consists of the obstruction of adequate view of intersections,  
14 crossings, or traffic signs as provided in Section 602.6, the nuisance shall be abated in accordance  
15 with the provisions of Article 7, Section 7.3. E.13 of the Unified Land Development Code (Safe  
16 Sight Distance Triangles), or, when not provided in that section, the nuisances shall be abated so as  
17 to afford a clear, unobstructed view.

18  
19 **Section 603.5:** If the nuisance consists of dead trees, only those standing dead trees located in an  
20 area that, if they fell, would likely cause damage to adjacent developed lots, sidewalks, or rights-of-  
21 way, need be removed.

22  
23 **Section 603.6:** If the nuisance consists in part of uncultivated vegetation and in part of other  
24 nuisances declared by this Chapter, the provisions of subsections (1), (2) and (3) shall each apply to  
25 its abatement.

26  
27 **SECTION 604 PROCEDURE FOR ENFORCEMENT.**

28  
29 **Section 604.1:** The Department is empowered to enter upon and inspect lots on which a nuisance is  
30 suspected to exist. Any code officer shall be immune from prosecution, civil or criminal, for  
31 reasonable, good faith entry upon residential, commercial or industrial property while in the  
32 discharge of duties imposed by these regulations. If inspection reveals the presence of a nuisance,  
33 the Department shall notify the owner by registered or certified mail, return receipt requested, sent to  
34 the last known address of the owner, that a nuisance exists which is a violation of this ordinance.  
35 The notice shall also: (1) advise the owner of the right to a hearing as provided in Section 605; (2)  
36 specify what corrective action must be taken; (3) state that a failure to abate the nuisance will result  
37 in the Department abating it, the cost of which action shall be assessed against the property and (4)  
38 that a lien shall be recorded against the property. The appeal forms required in Section 605 shall be  
39 included in the notice, along with a statement that such must be used to appeal the administrative  
40 determination. The owner shall have thirty (30) days from the date notice is mailed to abate the  
41 nuisance.

42  
43 **Section 604.2:** If an appeal is filed, enforcement action shall proceed as provided in Section 605.

44  
45 **Section 604.3:** If no appeal is filed as provided in Section 605, or if the notice sent as provided in  
46 subsection 604.1 of this section is returned unclaimed, the Department shall, upon the expiration of  
47 the notification period, reinspect the lot to determine whether or not the nuisance has been abated. If  
48 the Department determines that the lot still harbors a nuisance, it shall cause its abatement according  
49 to the provisions of this Chapter. To accomplish that goal, the Department or its agents are  
50 authorized by the Board of County Commissioners to enter upon the lot and to take steps reasonably  
51 necessary to effect abatement.

52  
53 **Section 604.4:** If abatement is effected by the Department as provided in subsection 604.3, the cost  
54 to the County of abating the nuisance on each lot, including an administrative and operating fee of  
55 five hundred forty dollars (\$540.00) shall be calculated and assessed against the lot by the Director  
56 of Planning, Zoning and Building or the Code Enforcement Director. The assessment shall describe  
57 the lot, show the cost of abatement, and specify the administrative and operating fee. The  
58 Department shall mail a notice of the assessment to the owner at the owner's last known address.  
59 Until full payment is received, assessments shall be legal, valid and binding obligations upon the

1 property. The assessment shall become due and payable to Palm Beach County as of the date of the  
2 mailing of the notice of assessment, interest shall begin to accrue at the rate of twelve (12) percent  
3 per annum on any unpaid portion thereof.  
4

5 **Section 604.5:** As soon as possible after the assessment has been made by the Director of Planning,  
6 Zoning and Building or Code Enforcement Director a certified copy of the assessment shall be  
7 recorded by way of a claim of lien for assessments in the Official Records of Palm Beach County  
8 maintained by the Clerk to the Board of County Commissioners. The lien shall become effective on  
9 the date that a copy of the lien is recorded.  
10

11 **Section 604.6:** Such lien assessments, together with interest thereon, may be enforced by civil action  
12 in the appropriate court of Palm Beach County. The lien created hereby shall be a first lien, equal to  
13 a lien for nonpayment of property taxes, on any lot against which an assessment for costs to abate a  
14 nuisance has been recorded. The lien shall continue in full force until discharge by payment or  
15 otherwise, until settled and released by the Director of Planning, Zoning and Building, the Code  
16 Enforcement Director, or the Office of Financial Management and Budget.  
17

18 **Section 604.7:** The Department shall mail a notice that a lien has been recorded to the owner of each  
19 record of each lot described in the lien for assessments. The notice shall be sent by certified or  
20 registered mail, return receipt requested, to the owner's last known address. The notice shall be in a  
21 form prepared by the Department which shall include the following information:  
22

- 23 Name and address of the owner;
- 24 Legal description of the lot where the nuisance has been abated;
- 25 Date of mailing of the notice of the lien;
- 26 A brief description of the nuisance;
- 27 Date that notice was originally sent to abate the nuisance;
- 28 A statement of the actual costs of abatement, the administrative fee, and any interest due;
- 29 Instructions regarding payment and removal of the lien; and
- 30 Additional information as necessary and appropriate.  
31

32 **Section 604.8:** Nothing in this part shall prevent the Department from pursuing enforcement of this  
33 Ordinance through other processes.  
34

### 35 **SECTION 605 APPEAL PROCEDURES.**

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37 Within twenty five (25) days after the initial notice of a nuisance is sent by the Department as  
38 provided in Section 604, the lot owner may make written request to the Palm Beach County  
39 Environmental Control Hearing Board for a hearing to show that the condition alleged in the notice  
40 does not exist, or to show that the condition does not constitute a nuisance. Notice of the right to a  
41 hearing shall be included in the initial notice to the lot owner. The owner's appeal shall be  
42 submitted upon forms to be provided by the Department, and shall be accompanied by a certified  
43 check or money order in the amount of one hundred dollars (\$100.00) made payable to Palm Beach  
44 County, which amount shall constitute a fee necessary to defray the costs to the County, the  
45 Department, and the Environmental Control Hearing Board of processing and administering the  
46 appeal. Failure to file an appeal or to appear before the Environmental Control Hearing Board in a  
47 timely way shall be deemed a waiver of the lot owner's rights to appeal the administrative action.  
48 The Palm Beach County Environmental Control Hearing Board shall hear the appeal on its regularly  
49 scheduled agenda. The Palm Beach County Environmental Control Hearing Board shall give the lot  
50 owner seeking an appeal written notice of the date and location of the scheduled hearing. At the  
51 hearing, the County and the lot owner may introduce such evidence as is relevant. The hearing shall  
52 be conducted in accordance with the rules of procedure of the Environmental Control Hearing  
53 Board. The decision of the Palm Beach County Environmental Control Hearing Board shall be final.  
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### 57 **Section 10. Applicability**

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59 This Ordinance shall be applicable in the unincorporated areas of Pam Beach County, Fl.

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**Section 11. Savings Clause**

Notwithstanding anything to the contrary, all provisions of Article I through IV of the Palm Beach County Code, codifying Ordinance No. 78-1 and Article II, Chapter 20 of the Palm Beach Code, codifying Ordinance No. 77-7, as amended, are specifically preserved and remain in full force and effect for the limited purpose of enforcing any alleged violations of said Code, which occurred prior to its repeal.

**Section 12. Repeal of Laws In Conflict**

All local laws and ordinances in conflict with any provisions of the Ordinance are hereby repealed to the extent of such conflict.

**Section 13. Severability**

If any section, paragraph, sentence, clause phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance. Further, if any provision of this Ordinance is found to be in conflict with the Florida Building Code, the Florida Building Code shall prevail as to that specific provision.

**Section 14. Inclusion In The Code Of Laws And Ordinances**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," article," or other appropriate word.

**Section 15. Effective Date**

The provisions of this Ordinance shall become effective upon filing with the Secretary of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

DOROTHY WILKEN, CLERK  
ITS  
Board of County Commissioners  
By \_\_\_\_\_  
Deputy Clerk

PALM BEACH COUNTY, FLORIDA BY  
BOARD OF COUNTY COMJMISSIONERS  
By: \_\_\_\_\_  
Karen Marcus, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

1 8/00\_6/03 8/03 9/03 9/23/03  
2 (prop\_mnt\_code.9-23-03.)