

ORDINANCE NO. 456

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 58-321, OPEN STORAGE, TO PROVIDE THAT NO STORAGE CONTAINERS AND NO OPEN STORAGE SHALL BE PERMITTED ON VACANT LOTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 58-321 sets forth the regulations pertaining to open storage; and

WHEREAS, the Town Council is desirous of clarifying that no item of tangible personal property, and no storage containers, may be stored on vacant lots; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council, after duly noticed public hearings has determined that the adoption of these regulations would further the public's health, safety and general welfare.

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

Section 1. Recitals. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Amendment. Chapter 58, Zoning, Article IX, Supplemental District Regulations, Division 1, Section 58-321, entitled "Open Storage" is hereby amended as follows:

See Exhibit "A" attached hereto and made a part hereof

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

FIRST READING this 12th day of July, 2018.

THE SECOND AND FINAL READING was held this 26th day of July, 2018. Council member *Gordon* offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member *Sohn*, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTGRAPH, Council Member
REMAR HARVIN, Council Member
DANIEL H. SOHN, Council Member

Aye
Aye
Aye
Aye
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA

[Signature]
Janice C. Rutan, Town Admin.

[Signature]
Jay G. Foy, Mayor



TOWN OF HAVERHILL

Exhibit "A" – Ordinance 456

Sec. 58-321. - Open storage.

(a) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the open space that lies between the buildings and nearest lot line of such residential property, or any part thereof, for the storage or keeping of any (i) inoperable machinery or equipment (including lawn or recreational equipment); (ii) icebox, refrigerator, stove, or other appliance unless specifically designed and manufactured for outdoor use and unless such appliance is operable, and the appliance and any utility connections relating thereto, have received all applicable and necessary permits from the town; or (iii) glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the yard all such items as listed above.

(b) No open storage of machinery or equipment, such as lawn mowers or attachments, shall be permitted at any time in front of an imaginary straight line, contiguous with the part of the front wall of any building which is closest to the front property line and extending therefrom to the side lines of the property. For corner lots, the front property for purposes of this provision only shall be deemed to be all sides adjacent to a street.

(c) It shall be unlawful for the owner of any vacant lot within the Town to have storage containers of any size or style on the lot, or store on said vacant lot any tangible personal property of any kind.