



Town of Haverhill
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Ray Caranci, Council Member
Dr. Teresa Johnson, Council Member
Dennis Withington, Council Member
Tracey L. Stevens, Town Administrator

BUSINESS IMPACT ESTIMATE

PROPOSED ORDINANCE NO. 521

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 58-584 OF DIVISION 14, PROPERTY MAINTENANCE STANDARDS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, OF CHAPTER 58, ZONING, TO CLARIFY THAT MAINTENANCE OF SANITARY FACILITIES INCLUDES SEPTIC SYSTEMS AND WELLS AND REQUIRING THAT SUCH SYSTEMS BE MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE HEALTH REGULATIONS AND THAT A PRIVATE PROVIDER ISSUE A REPORT IDENTIFYING ANY PROBLEMS AND REMEDIAL ACTION, IF NECESSARY; REQUIRING ALL RENTAL DWELLING UNITS HAVE THE SEPTIC AND/OR WELL SYSTEM INSPECTED AS PART OF ITS LICENSING PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are highlighted below, this means the Town of Haverhill is of the view that a business impact estimate is not required by law for the proposed ordinance, but the Town of Haverhill is, nevertheless, providing this Business Impact Estimate as a courtesy to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation.
- The proposed ordinance relates to the issuance or refinancing of debt.
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- The proposed ordinance is required to implement a contract or an agreement, including but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government.

- The proposed ordinance is an emergency ordinance.
- The ordinance relates to procurement.
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders development agreements, and development permits.
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code.
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above applies, the Town of Haverhill hereby publishes the following information:

The Town Council deems it necessary for the purpose of promoting the health, safety and general welfare of the Town to enact an Ordinance amending Sec. 58-584, Maintenance and appearance standards for all real property, by clarifying that septic systems and wells located on all property in the Town must be maintained to a condition as required by applicable regulations adopted from time to time by the Florida Department of Environmental Protection and the Palm Beach County Health Department [emphasis added], and any other applicable regulations, and requiring all rental dwelling units to have their septic and wells inspected as part of the rental licensing process, in order to promote and protect the Town, since septic systems and wells that are not maintained not only can create hazardous conditions threatening life and property of the Town residents, but it can adversely affect property values and make the Town a less desirable place to live.

ORDINANCE NO. 521

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 58-584 OF DIVISION 14, PROPERTY MAINTENANCE STANDARDS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, OF CHAPTER 58, ZONING, TO CLARIFY THAT MAINTENANCE OF SANITARY FACILITIES INCLUDES SEPTIC SYSTEMS AND WELLS AND REQUIRING THAT SUCH SYSTEMS BE MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE HEALTH REGULATIONS AND THAT A PRIVATE PROVIDER ISSUE A REPORT IDENTIFYING ANY PROBLEMS AND REMEDIAL ACTION, IF NECESSARY; REQUIRING ALL RENTAL DWELLING UNITS HAVE THE SEPTIC AND/OR WELL SYSTEM INSPECTED AS PART OF ITS LICENSING PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

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, the Town Council of the Town of Haverhill, as the governing body of the Town of Haverhill, pursuant to the authority vested in Chapter 166, Florida Statutes, and the Charter of the Town of Haverhill, is authorized and empowered to consider such matters relating to the maintenance of property within the Town including the septic and/or well systems serving any such property; and

WHEREAS, the Town Council deems it necessary for the purpose of promoting the health, safety and general welfare of the Town to enact an Ordinance amending Sec. 58-584, Maintenance and appearance standards for all real property, by clarifying that septic systems and wells located on all property in the Town must be maintained to a condition as required by applicable regulations adopted from time to time by the Florida Department of Environmental Protection and the Palm Beach County Health Department, and any other applicable regulations, and requiring all rental dwelling units to have their septic and wells inspected as part of the rental licensing process, in order to promote and protect the Town, since septic systems and wells that are not maintained not only can create hazardous conditions threatening life and property of the Town residents, but it can adversely affect property values and make the Town a less desirable place to live; and

WHEREAS, all requirements of the applicable state statutes and Town Charter with regards to the preparation and adoption of this amendment have been met; and

WHEREAS, the notice and hearing requirements of the Town Zoning Code and Florida law have been satisfied; and

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

WHEREAS, this amendment is consistent with the requirements of the Comprehensive Plan, as amended, and with the Zoning Code; and

WHEREAS, this amendment promotes the public health, safety and welfare of the residents of the Town and is in the best interest of the Town:

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

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 to Chapter 58, Zoning: That the Code of Ordinances of the Town of Haverhill, Florida, is hereby amended by amending Sec. 58-584, Maintenance and appearance standards for all real property, Division 14, Property Maintenance Standards, Article IX, Supplemental District Regulations, of Chapter 58, Zoning, 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 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. For purposes of codification of any existing section of the Haverhill Town Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged. 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. In addition, typographical and/or scriveners' errors, which do not affect the intent of this Ordinance, may be corrected by the Town Administrator, or his or her designee, without the necessity of public hearing, or Town Council approval, by filing the corrected or re-codified copy of the same with the Town Clerk.

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

PASSED AND APPROVED ON FIRST READING this 14th day of December, 2023.

THE SECOND AND FINAL READING was held this 25th day of January, 2024. Council member _____ offered the foregoing Ordinance and moved its adoption. The Motion was seconded by Council member _____, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor	_____
LAWRENCE GORDON, Vice Mayor	_____
DENNIS WITHINGTON, Council Member	_____
RAYMOND CARANCI, Council Member	_____
DR. TERESA JOHNSON, Council Member	_____

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

Tracey L. Stevens, Town Administrator

Jay G. Foy, Mayor

TOWN OF HAVERHILL

Exhibit "A" to Ordinance No. 521

Sec. 58-584 - Maintenance and appearance standards for all real property.

- (a) The owner and/or operator and/or occupant of real property within the Town shall maintain all structures and landscaping in such a manner to conform with all Town codes and ordinances in order to avoid blighting influences on neighboring properties and to avoid the creation of hazards to public health, safety, and welfare. All real property, including all structures and landscaping, shall be maintained in accordance with the following standards:
- (1) The exterior of all structures, including, but not limited to, all roofs, fences, walls, screens, mailboxes, and similar enclosures, shall be maintained in good condition and free of evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks. All roofs shall be maintained in a secure and watertight condition. All awnings or canopies facing or visible from the public right-of-ways shall be maintained in good condition. Torn and loose awnings shall be promptly repaired or replaced. All screened enclosures shall be properly fitted and maintained in a good state of repair. Accessory structures, including sheds, shall be structurally sound and maintained in good repair. All sheds shall be secured pursuant to the manufacturer's requirements. All other surfaces shall be maintained free of broken glass, crumbling stone, brick, or stucco, or other conditions reflective of deterioration or inadequate maintenance. All fences supplied or erected on any property shall consist of metal, wood, masonry or other decay resistant material. Fences shall be maintained in good condition, secure, upright, and perpendicular to the ground, and in the manner in which they were properly constructed. Rotten fence posts shall be repaired or replaced as necessary. Materials, other than decay resistant varieties, shall be protected against decay and/or mildew by use of paint, stain, or other wood or surface preservatives.
 - (2) All surfaces requiring paint or which are otherwise protected from the elements shall be kept painted or protected and shall be free of peeling paint and/or mildew. All surfaces shall be maintained free of graffiti and void of any evidence of deterioration. In addition, all exterior surfaces should be cleaned on a regular basis so as to prevent and remove mildew formation. All required painting shall be completed within a reasonable period of time.
 - (3) All off-street parking shall be on asphalt, concrete, block, pavers or other material approved by the Town engineer or designee, taking into consideration the nature and architecture of the surrounding properties and size of the lot, and shall be maintained in good repair and shall be free from ruts, potholes, loose aggregate, and/or deterioration in compliance with the Town codes.

- (4) All real property shall be kept free from weeds, rubbish, trash, and/or other refuse, and all landscaping shall be maintained in good condition consistent with the requirements of section the Landscape Code (Div. 6, Article IX, Chapter 58). Provided, however, that the irrigation requirements of Sec. 58-417 (d) shall not be interpreted to require existing residential properties to install irrigation if such installation was not required at the time the property was developed.
- (5) All real property where exposed to public view shall be kept free of outdoor storage, including, but not limited to, debris and accumulations of property, materials, and equipment. Outdoor storage where not exposed to public view shall be confined to the required rear or side yard setback between a building and an adjacent street or building and shall be maintained in a clean, neat, and presentable manner; provided, however, that such outdoor storage shall not become a hazard or projectile in the event of a tropical storm event and shall comply with Sec. 18-61 of the Town Code.
- (6) All real property shall be maintained so as to prevent the accumulation of stagnant water thereon.
- (8) All real property shall be maintained free of hazards, including, but not limited to, the following:
 - a. Dead and dying trees, limbs, and/or vegetation.
 - b. Loose and overhanging objects, including, but not limited to, loose and overhanging landscaping within a public right-of-way, public street, or sidewalk, which, by reason of location above ground level, constitute a danger of falling on persons or property in the vicinity thereof and/or impede the movement of motor vehicles and/or pedestrians.
 - c. Holes, excavations, breaks, projections, or obstructions.
 - d. Excretions of pets and/or other animals on paths, walks, driveways, parking lots, and parking areas, and/or other parts of the real property which are accessible to or used by persons on the real property.
 - e. Inadequate runoff drains for stormwater.
 - f. Sources of infestation of rodents, vermin, and/or other pests.
 - g. Tree stumps. All tree stumps shall be either ground down or removed, and the natural grade of the land shall be restored and maintained.
- (b) All real property shall be kept in a clean and sanitary condition and in a good state of repair, including all equipment, sanitary facilities, courts, courtyards, driveways, landscaping, lawns, and shrubbery. The owner and/or operator and/or occupant shall prevent the infestation of rodents, vermin, and other pests within the structure and on the real property he/she occupies or controls. Septic systems, including the tank and drainfield, and wells, shall be designed, installed and maintained at all times consistent with standards promulgated by the Florida

Department of Environmental Protection and the Palm Beach County Health Department. In the event any member of the Town staff suspects that a septic and/or well system is not functioning properly, the Town is authorized to require the property owner to obtain an inspection and report from an authorized Private Provider in accordance with Chapter 2022-105, Sec. 381.0065, Fla. Stat., and by the Florida Administrative Code. Any problems, issues or violations of a septic and/or well system found by the Private Provider must be remedied by the property owner within thirty (30) days, unless extended by the Town Administrator for good cause. All Rental Dwelling Units subject to a license and business tax receipt pursuant to Sec. 16-6, Town Code, shall have the septic and/or well system inspected, and the Town may require for a follow-up inspection by a Private Provider if any concerns with the system(s) are noted as part of the rental inspection.

- (c) The owner and/or occupant shall prevent animals or pets from creating an unsanitary condition or a nuisance on any real property in the owner's, and/or occupant's control.
- (d) All repairs and installations shall be made so as to comply with the provisions of the Florida Building Code and all other applicable regulations, laws, and/or codes. All work shall proceed in a timely fashion and shall be done in a professional manner. The owner and/or operator shall apply for and obtain a building permit from the Town prior to any repairs and installations being made.