

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**ORDINANCE NUMBER**

**AN ORDINANCE AMENDING SECTION 67.201, NUISANCES DECLARED, ARTICLE 7, NUISANCE ABATEMENT, CHAPTER 67, ENVIRONMENTAL CONTROLS, GENERAL ORDINANCES, MARTIN COUNTY CODE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE AND CODIFICATION.**

**WHEREAS**, the Board of County Commissioners of Martin County is authorized, pursuant to Sections 1 and 6, Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt and amend ordinances; and

**WHEREAS**, the Board of County Commissioners has determined it is in the best interest of the public health, safety and welfare to periodically update Chapter 67, Environmental Controls; and

**WHEREAS**, lack of maintenance of the frontage of property could constitute a sanitary nuisance and/or impede sight distance for motorists; and

**WHEREAS**, the Board has determined that it is in the public interest to implement this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

**PART I. AMENDMENT OF SECTION 67.201, ARTICLE 7, CHAPTER 67, GENERAL ORDINANCES, MARTIN COUNTY CODE.**

Section 67.201 is hereby amended to read as follows:

Sec. 67.201. – Nuisances declared.

It shall be unlawful and a violation of this article for any property owner to maintain, keep or permit a public nuisance on real property, including but not limited to:

67.201.A. *Weeds, undergrowth.* The excessive accumulation of untended growth exceeding ~~48~~ 12 inches in height of weeds, undergrowth or other dead or

living plant life, other than undisturbed original natural growth, upon any lot, tract or parcel of land, improved or unimproved, ~~within 100 feet of any improved property within the unincorporated areas of the County,~~ to the extent in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents or vermin or may furnish a breeding place for mosquitoes, or is or may become a fire hazard, negatively impact stormwater system functionality, or threaten or endanger the public health, safety or welfare, or may reasonably cause disease, or adversely affect or impair the economic welfare of adjacent property, is hereby prohibited and declared to be a public nuisance. This section shall not require the clearing of native upland habitat as defined in division 2 of article 4 of the Land Development Regulations. For properties located in the Primary Urban Service District and the Secondary Urban Service District, this provision applies to any areas between the property line of the lot, tract or parcel and the edge of the roadway.

67.201.B. *Trash*. The existence of excessive accumulation of trash, rubbish, debris and other unsightly or unsanitary matter upon any lot, tract or parcel of land, improved or unimproved, including any areas between the property line of the lot, tract or parcel and the edge of the street surface, within the unincorporated areas of the County, to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents or vermin or may furnish a breeding place for mosquitoes or is or may become a fire hazard, negatively impact stormwater system functionality, or endanger the public health, safety or welfare or may reasonably cause disease, or adversely affect or impair the economic welfare of adjacent property, is hereby prohibited and declared to be a public nuisance.

(1) *Debris* means fragments or accumulations of pieces of metal, rubber, plastic, cloth or any other natural, manufactured or vegetative matter, including building materials; however, building materials present on any property that is the subject of active, on-going and in-progress construction activity shall not be deemed to be debris for the purposes of this Section.

(2) *Trash* means material, including, but not limited to, garbage, combustible and non-combustible waste, vegetative matter, and generally all other materials such as paper, cloth, cardboard, tin cans, buckets, barrels, lumber, concrete rubble, glass bedding, crockery, household furnishings, household appliances, dismantled pieces of motor vehicles,

trailers, vessels or aircraft, or other machinery, rubber tires, rusted metal articles of any kind, broken parts of trees, pruning and clippings.

67.201.C. *Brush and trees.* The excessive or untended growth of brush or trees upon any lot, tract, or parcel of land, improved or unimproved, to the extent that such vegetation extends into the right of way, and is or may contribute to reduced sight distance, impede pedestrian or vehicular use, negatively impact stormwater system functionality, or reduce or endanger public health, safety or welfare, is hereby prohibited and declared to be a public nuisance. Dead or hazardous trees located within 100 feet of any structure that presents a health and safety risk and are hereby prohibited and declared to be a public nuisance. For properties located in the Primary and Secondary Urban Service Districts this provision applies to the parcel itself as well as any areas between the property line of the lot, tract or parcel and the edge of the roadway.

## **PART II. CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

## **PART III. SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

## **PART IV. APPLICABILITY OF ORDINANCE.**

This ordinance shall be applicable throughout the unincorporated area of Martin County.

## **PART V. FILING WITH DEPARTMENT OF STATE.**

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

**PART VI. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon filing with the Department of State.

**PART VII. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the County Code, except Parts II through VII shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

**DULY PASSED AND ADOPTED this 20<sup>th</sup> day of June, 2023.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

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CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

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EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL  
SUFFICIENCY:

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SARAH W. WOODS, COUNTY ATTORNEY

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