

ORDINANCE NO. 519

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING DIVISION 6, LANDSCAPING REQUIREMENTS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, CHAPTER 58, ZONING, OF THE CODE OF ORDINANCES OF THE TOWN OF HAVERHILL, BY AMENDING SECTION 58-419, EXOTIC VEGETATION REMOVAL, TO ADOPT THE LIST OF PROHIBITED PLANT SPECIES IN RULE 5b-57.007, F.A.C. AND THE NOXIOUS WEED LIST PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND OTHER PURPOSES.

WHEREAS, the Town of Haverhill, Florida (“**Town**”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution, Chapter 166, Florida Statutes, and its Home Rule powers; 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 property standards; and

WHEREAS, the Town’s Code of Ordinances under Division 6 of Article IX, Chapter 58, sets for the Town’s landscaping standards for property within the Town; and

WHEREAS, the Town Council desires to provide for a more complete listing of plant species that should be prohibited in the Town and desires to adopted the list of prohibited plant species as set forth in Rule 5B-57.007, F.A.C. and the noxious weed list published by the Florida Department of Agriculture and Consumer Services; 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 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 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 foregoing “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 Section 58-419, Exotic Vegetation Removal, Division 6, Landscaping Requirements, Article IX, Supplemental District Regulations, Chapter 58, Zoning, as set forth on **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*; provided, however, that Sections 3, 4, 5, 6 and 7 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 September, 2023.

THE SECOND AND FINAL READING was held this 28th day of September, 2023. Council member Caranci offered the foregoing Ordinance and moved its adoption. The Motion was seconded by Council member Withington, 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

<u>Aye</u>
<u>Absent</u>
<u>Aye</u>
<u>Aye</u>
<u>Aye</u>

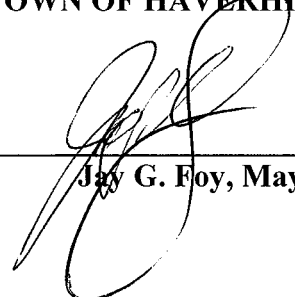
The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

ATTEST:

TOWN OF HAVERHILL, FLORIDA



Tracey L. Stevens, Town Administrator



Jay G. Foy, Mayor

EXHIBIT A

ORDINANCE NO. 519

Sec. 58-419. Exotic Vegetation Removal

A. General.

1. Purpose. This section establishes a program to require the eradication of harmful invasive exotic plant species.
2. Applicability. The provisions of this section shall apply within the Town of Haverhill and shall apply to the alteration or removal of non-native upland vegetation. Terms specific to this section are defined in subsection D below.

B. Vegetation Removal Notice – New Construction

1. Minimum Alteration. The extent of removal of vegetation shall be limited to the minimum necessary to accomplish the purpose of the site plan.
2. Removal of Prohibited Plant Species. Complete removal or eradication of prohibited plant species, as defined below, shall be completed for the entire site prior to receipt of the Certificate of Occupancy (C.O.). Planting or installation of these plants species is prohibited. Periodic removal is required to prevent future re-establishment of the prohibited species on site. The following plant species are prohibited:

Melaleuca, punk tree or paper tree- *Melaleuca quinquenervia*

Brazilian pepper or Florida holly- *Schinus teribinthifolius*

Australian pine- *Casuarina* spp.

Earleaf acacia- *Acacia auriculiformis*

Kudzu- *Pueraria montana* (*P. lobata*)

Small-leaved climbing fern- *Lygodium microphyllum*

Air potato vine- *Dioscorea bulbifera*

Carrotwood- *Cupaniopsis anacardiodes*

Schefflera- *Schefflera actinophylla*

Bishopwood – *Bischofia javanica*

Woman's Tongue – *Albizia lebeck*

Plants listed in Rule 5B-57.007 F.A.C. and noxious weed list from the Florida Department of Agriculture and Consumer Services, as such plant and weed list may be amended from time to time

3. Permit Duration. The Vegetation Removal Notice shall be in effect for one (1) year after the issuance date. The issuance date may be the date of issuance of the building construction permit.

C. Removal of Prohibited Plant Species. All developed property approved or constructed in the Town shall have prohibited plant species removed by the property owner, shall be maintained free of prohibited plant species, except as provided below.

1. Removal of prohibited plant species. All developed property shall have prohibited plant species removed by the property owner unless such species is a tree with a diameter greater than 12" diameter at breast height. Prohibited plant species greater than 12" diameter shall be removed by the property owner at the minimum rate of one per year until all prohibited species are removed. Periodic removal is required to prevent future re-establishment of the prohibited species on site.

2. Enforcement. In order to enforce compliance with the provisions of this section, the Town of Haverhill may issue a cease and desist order or require that a building permit or C.O. be withheld. Violations of the provisions of this section shall be punishable through the remedies as outlined in Section 58-422.

D. Glossary of Terms. Terms used in this section shall have the following definitions.

1. Diameter at breast height (dbh) means the diameter of a tree trunk measured at a point four and one half (4.5) feet above the ground.
2. Exotic plant species means a plant species not indigenous to Florida including those plants listed as prohibited and invasive non-native plant species in this section.
3. Listed species means any species listed as endangered, threatened, rare, or of special concern by one (1) or more of the following agencies:
 - a. U.S. Fish and Wildlife Service;
 - b. Florida Game and Fresh Water Fish Commission;
 - c. Florida Committee on Rare and Endangered Plants and Animals;
 - d. Florida Department of Agriculture and Consumer Services; and
 - e. Treasure Coast Regional Planning Council.
4. Native tree(s) or native vegetation means plants species with a natural geographic distribution indigenous to Florida. Plant species introduced by humans are not native vegetation.
5. Native upland vegetation means the plant component of a native Florida upland community, (a characteristic assemblage of native plant and animal species which are interrelated and occupy predominantly upland terrain), which includes intact vegetation, such as Florida scrub, pine flatwoods, scrubby flatwoods, hammocks, and dry prairies.
6. Prohibited Plant Species means those prohibited plant species identified and listed in Rule 5B-57.007 F.A.C., noxious weed list from the Florida Department of Agriculture

and Consumer Services as may be amended from time to time, and includes those specific plant species listed in subsection B2 above.

6. Tree means a woody or fibrous perennial plant commonly with a single stem having a minimum trunk dbh of three (3) inches and having a more or less defined crown, that usually grows to at least four (4) meters or thirteen (13) feet in height at maturity.

Tree survey means a comprehensive survey document or site plan that provides site specific information for trees three (3) inches or greater dbh or for palm trees with an overall clear trunk height of eight (8) feet that are on the site. The survey shall be performed by a Florida-licensed land surveyor, and ERM shall determine the applicability and the extent of each survey.