



Property Maintenance Standards

Introduction

Like people, neighborhoods and structures require maintenance to stay in good condition as they age. Inevitably, structures and neighborhoods that are not properly maintained deteriorate. There is a simple solution to maintaining good neighborhoods- ***property owner responsibility.***

The Village of Wellington has adopted many property maintenance standards that, if followed, will contribute to good neighborhoods and higher property values. Use the following information as a guide to evaluate your property and to decide if anything needs attention.

Structure Maintenance Standards

Maintain all principal and accessory buildings and structures, including roofs, walls, trim, soffits, fascia, awnings, driveways, sidewalks, parking areas, flags, flagpoles, screen enclosures and the like, free of debris, stains, mold, discoloration or deterioration.

Yard and Landscaping Maintenance

Provide maintenance of all landscaping in a way that presents a healthy, neat and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed, consistent with acceptable horticultural practices.

Hat racking of trees is prohibited, a maximum of ¼ of a tree canopy can be removed.

Grass, weeds and underbrush need to be maintained within the following standards:

- Less than six inches in height on developed lots.
- Less than twelve inches in height on undeveloped lots

Residential Architectural Standards

Standards have been adopted that regulate the material and colors for exterior walls, trim, driveways, roofs, awnings, screen enclosures and fences. A permit is required prior to applying the material or color of any principal or accessory structure. Before you change the material or color of any of these types of residential features, you must contact the Planning and Zoning Division to determine the standards that apply to your property. Your HOA should also be contacted.

Miscellaneous Standards

Outdoor clotheslines and drying of clothes in any yard or any portion of a yard that is visible from the street or from neighboring properties is prohibited. Any rear or side yard utilized for this purpose must be screened by fences or hedges.



Household items, maintenance supplies, or other articles not intended as outdoor amenities are prohibited in any rear or side yard that is visible from the street.

equipment or designed and prohibited in any front,

Portable basketball backboards and hoops are permitted in front yards provided they are located no closer than 15 feet to the front property line, 3 feet from the side property line and do not exceed 14 feet above the grade level, or provided they are removed and stored indoors when not in use.

Structures Erected Without Permits

Most structures and improvements to structures require building permits. Improvements such as decks, fences, patio slabs, concrete or asphalt driveways and sheds also require permits. Before beginning any home improvement, it is suggested that you contact the Planning, Zoning and Building Department to determine whether permits are required. Your Homeowner's Association should also be contacted.

Vegetation Removal Permits Required

A vegetation removal permit is required prior to the removal of all trees, including dead trees or invasive non-native vegetation (Melaleuca, Brazilian pepper, Australian pine, etc)

Equestrian Overlay District

Some regulations have been modified to ensure the preservation and protection of neighborhoods which comprise Equestrian Preservation Areas, the equestrian industry and the rural lifestyles that exist in the Equestrian Preservation Areas.

The Equestrian Preservation Areas include, but are not limited to, Palm Beach Little Ranches, Palm Beach Little Ranches East, Paddock Park No. 2, Saddle Trail Park, Rustic Ranches and areas located south of Lake Worth Road and west of 120th Avenue, including all of Palm Beach Point.

Prior to any improvement to your property including dressage walls, fences and tents as temporary stalls, please contact the Planning and Zoning Division to obtain the standards that apply to your property.

Fences – Design, Location and Maintenance

Fences up to a maximum of 6 feet in height are permitted in rear and side setbacks, except as otherwise noted. The height of a fence is measured at the highest point above natural grade on either side of the fence. Fences may not be located closer than 5 feet to the front plane of the principal structure. Fences shall not be located closer than 3 feet to any street right-of-way. The finished side of all fences shall face the street or adjoining property. The Village has specific approved fence designs, materials and colors that include: major thoroughfare fences; three board, split rail, wooden picket; decorative, board on board, vertical shadow box; chain-link fences and aluminum picket. Before you install a new fence, contact the Planning and Zoning Division to verify which type of fence is appropriate for your property. In some cases, landscaping and irrigation requirements may apply to the type of fence you select.

Fences must be maintained in good repair. Painted surfaces shall not be faded and shall be free of discoloration, staining or peeling. Other surfaces shall not be faded, discolored, stained, peeling, chipped or broken. Surfaces shall be cleaned or repainted when any surface is more than 10% stained or discolored or if the paint is peeling over more than 5% of any surface. Broken boards, posts, slats or fittings shall be replaced immediately. Fences must be maintained in a vertical configuration and shall not be allowed to lean. Rails and posts must be structurally sound and not bent. Fabric, rails, posts, fitting and gates that become more than 10% discolored shall be cleaned or replaced. Chipped or broken walls shall be repaired immediately.

Landscaping and barrier hedges are required to be trimmed and maintained in a healthy and neat condition and can not extend onto or over public properties, rights-of-way or easements.

Solid Waste Storage and Dumpster and Garbage Can Placement

Store solid waste in garbage cans or dumpsters. Garbage cans and other trash or recycling containers may be placed at the curb no earlier than 6 P.M. on the day prior to scheduled pick-up and removed from the curb no later than 11 P.M. on the day of the pick-up. Garbage cans, recycling containers and any other trash containers must be stored indoors or in a portion of the rear or side yard that is screened from view by walls, fences or hedges.

Vegetative Waste

Vegetative waste, resulting from yard and landscaping maintenance that cannot be broken down to fit in a waste container may be placed on the unpaved public right-of-way **no more** than 24-hours prior to scheduled pickup. Small loose materials such as leaves, trimmings, fruit, seeds, small fronds and weeds must be put in a container. Those containers may be put out as noted for garbage cans above. If your backyard abuts a major thoroughfare, vegetative waste may NOT be placed on the major thoroughfare right-of-way due to potential safety hazards during pickup.

Vegetative waste, except palm fronds, must be no more than six feet in length and no single item shall weigh more than 50 pounds.

It is the property owner's responsibility to assure proper removal and disposal of debris caused by the removal of any trees or vegetation. The contractor may not pick up excessive debris, debris in front of an undeveloped lot or debris that is not cut and/or bundled appropriately.

Neighborhood Improvement Inspections

The Code Compliance Division periodically conducts pro-active Neighborhood Improvement Inspections in each residential community. If violations of any of the property maintenance standards are noted, a notice will be given to the property owner of record, and in some cases the tenant, to advise them of the problem(s).

A property owner will be given a period of time to correct the violation, usually three to thirty days. The amount of time provided for corrective action is largely dependent upon the type of violation noted. If the violation is not corrected within that period of time, a case will be sent to the Special Magistrate.

Resident Complaints

Residents may file a complaint by calling the Code Compliance hotline (561)753-2560, visiting www.wellingtonfl.gov or emailing code@wellingtonfl.gov. Please provide the nature of the complaint and the complete address of the alleged violation(s).

IF YOU RECEIVE A NOTICE OF VIOLATION

Please take prompt action to correct the violation. If you have questions, or if you are working toward correcting the violation, but need additional time due to special circumstances, please call the Code Compliance Officer at 753-2560 as soon as possible.

If prompt action is not taken to bring the violation into compliance, you may be served with a Notice of Hearing requiring your appearance before the Special Magistrate.

The Special Magistrate will hear the case and issue an order directing you to correct the violation within a specified period of time. The costs incurred by the Code Compliance Division in the prosecution of a case may be assessed. Failure to pay the costs assessed and correct the violation by the time specified in the Order may result in a lien placed against the property.

Frequently Asked Questions

Can I appeal the Special Magistrate's decision to the Wellington Council?

No. Based on Florida Statute Chapter 162, an appeal is only to the Circuit Court.

Can I file an appeal of a decision of the Special Magistrate?

Yes. Per Florida Statute Chapter 162, an appeal of a decision by the Special Magistrate must be filed to the Circuit Court within 30 days of the date of the Order.

Can the Code Officer enter onto my property to conduct the inspection?

Not unless invited onto the property by the property owner or tenant. As a general rule, inspections must be performed from a public right-of-way or easement. In some cases however, a neighboring property owner may give permission to enter onto their property to observe your property.

Can Wellington foreclose on the property if the liens are not paid?

Yes. Except for homestead property, Florida Statute Chapter 162 provides that liens which remain unpaid for a period of 3 months may be foreclosed upon. The city would prefer to avoid such extreme consequences where possible.

Does Wellington ever correct or "abate" the violation?

If a nuisance or life safety violation exists, Wellington may correct the violation. Three examples of when Wellington may consider correcting the violation is an overgrown lot, an unsecured swimming pool or an unsecured building providing an attractive nuisance. If Wellington does correct the violation, liens are placed against the property for the costs associated with the correction.

How does the Code Compliance Division "select" the properties they inspect?

The Division caseload is generated in one of two methods. Responding to citizen complaints is a first priority. In addition, the code officers periodically tour residential communities performing Neighborhood Improvement Inspections.

If a lien is filed, does it attach to only the property that was the subject of the violation?

No. The lien will attach to all properties owned by the property owner in Palm Beach County.

Is the Code Compliance Division required to provide a first notice?

No, it is provided primarily as a courtesy to the property owner. The code officer may choose to send a case directly to the Special Magistrate without providing the first courtesy notice if there is a life safety violation, if a nuisance has been declared, or if there is a repetitive history for the property or owner. In that case, a Notice of Violation/Notice of Hearing will be sent to the property owner notifying them of the violation and Special Magistrate hearing date.

What do I do if I receive a violation notice?

Take prompt action to correct the violation. If you are not sure what needs to be corrected, how to correct it or, if you are working toward correcting the violation, but need additional time due to special circumstances, it is important that you call the code officer to discuss your issues. In most cases additional time will be given if the individual circumstances warrant such an extension.

What happens if I do not attend the Special Magistrate hearing?

The Special Magistrate will issue an Order based upon the testimony provided at the hearing and will direct that the violation be corrected within a specified period of time. Fines and liens may be placed against a property as a result of any enforcement action, whether or not the property owner is present at the hearing.

What happens if I don't correct the problem within the time given by the code officer?

If the violation is not corrected, you will be served with a Notice of Hearing requiring your appearance before the Special Magistrate. The Special Magistrate can assess fines up to \$250.00 per day for each day the violation continues to exist.

What is a Neighborhood Improvement Inspection?

A Neighborhood Improvement Inspection is a pro-active, department generated inspection. The code officer will inspect each property to determine if there is any violation of a Wellington Regulation. Approximately 75-80% of our total cases are a result of the pro-active efforts of the code officer.

What type of notice does the Code Compliance Division provide if a violation is found?

If a violation is noted, a first or courtesy notice will be given to the property owner of record, and in some cases the tenant, to advise them of the problem(s). The notice may be in the form of a letter sent to the property owner, or it may be in the form of a "door hanger" left at the front door of the home. A property owner is given a period of time to correct a violation, usually three to thirty days.

Will I have to pay a fine

In most cases the costs that the Code Compliance Division incur in the prosecution of a case to the Special Magistrate will be assessed against the property owner at the hearing. A lien will be filed if the costs are not paid within the time frame given by the Special Magistrate. These costs are typically not less than \$175.00 but in some cases have been as much as \$600.00. Actual per day fines will be certified by the Special Magistrate if the violation is not corrected by the time specified in the Order. These per day fines will continue to accrue until a violation is corrected and the Code Compliance Division is notified of the correction. These fines can accumulate into many thousands of dollars and are filed as a lien against the property.

Animal Complaints

Animal complaints within the municipal boundaries of Wellington should be referred to the Palm Beach Animal Care and Control Division (561-233-1200), [PBC Animal Care](#).



Leash Law

1. It shall be unlawful for any dog to be off the owner's property unless the dog is under the restraint or control of a person by means of a chain, leash or other device or is sufficiently near his handler to be under his direct control and is obedient to that handler's commands, or is caged/crated.
2. It shall be unlawful for the owner of any dog to tie, chain or tether a dog on the owner's property in such a manner that the dog has access to public property or the property of another without the consent of the owner of such property.

Animals Creating a Nuisance

1. The owner having control or custody of any dog or cat which:
 - Habitually barks, whines, howls or cause other objectionable noise resulting in a serious annoyance to a neighboring resident;
 - Disturbs the peace by habitually or repeatedly destroying, desecrating or soiling public or private property, chasing persons, livestock, cars, or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of the property; shall be deemed to be committing an act in violation of this section.

Filing a Complaint

The Animal Care and Control Division will investigate complaints upon receipt of two (2) sworn affidavits from two (2) unrelated residents living in separate dwellings in the close vicinity of the alleged violation. The affidavit must specify the address or location of the alleged violation, the nature, time and date of the act, the name and address of the owner or custodian, if known and a description of the animal, if known.