

1 **ORDINANCE NO. 2026 -**

2 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF**  
3 **PINECREST, FLORIDA AMENDING THE PINECREST CODE OF**  
4 **ORDINANCES, CHAPTER 15, NUISANCES, INCLUDING ARTICLE I, IN**  
5 **GENERAL, AND ARTICLE II, NOISES UNNECESSARY AND EXCESSIVE**  
6 **PROHIBITED; PROVIDING FOR AMENDMENT AND ADOPTION;**  
7 **PROVIDING FOR INCLUSION IN THE VILLAGE OF PINECREST CODE OF**  
8 **ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING FOR**  
9 **SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**  
10

11 WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State  
12 of Florida, and Section 166.021(1), Florida Statutes, the Village of Pinecrest, Florida (the  
13 "Village"), a municipal corporation, enjoys all governmental, corporate, and proprietary  
14 powers necessary to conduct municipal government, perform municipal functions, and  
15 render municipal services, and may exercise any power for municipal purposes, except  
16 as expressly prohibited by law; and

17 WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,  
18 Florida Statutes, provide municipalities the authority to exercise any power for municipal  
19 purposes, except where prohibited by law, and to adopt ordinances in furtherance of  
20 such authority; and

21 WHEREAS, the Village Council of the Village of Pinecrest ("Village Council") finds  
22 it periodically necessary to amend its Code of Ordinances and Land Development  
23 Regulations ("Code") in order to update regulations and procedures to implement  
24 municipal goals and objectives; and

25 WHEREAS, the Village Council of the Village of Pinecrest, Florida amended the  
26 Village's Comprehensive Development Master Plan on October 18, 2016, and will  
27 consider comprehensive updates to the Comprehensive Development Master Plan on April  
28 14, 2026; and

29 WHEREAS, the Village Council of the Village of Pinecrest, Florida adopted the  
30 *Pinecrest Parkway (US 1) Vision Plan* on October 9, 2012, and updated the Plan in  
31 2022, for the future development, redevelopment, beautification, and enhancement of  
32 Pinecrest Parkway; and

Note:  
~~Strikethrough words~~ are deletions to the existing words in the Code of Ordinances and Land Development Regulations.  
Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.

33 WHEREAS, the Village Council has identified amendments to the Village’s Code  
34 of Ordinances and Land Development Regulations necessary for implementation of the  
35 goals, objectives, and policies of the Village’s Comprehensive Development Master Plan,  
36 and Pinecrest Parkway (US 1) Vision Plan; and

37 WHEREAS, the Village Charter empowers the Village Council to adopt, amend or  
38 repeal its ordinances and resolutions as may be required for the benefit of the residents of  
39 the Village of Pinecrest; and

40 WHEREAS, the Local Planning Agency, held a duly advertised public hearing on  
41 April 14, 2026; and

42 WHEREAS, after reviewing the Local Planning Agency’s recommendations, the  
43 recommendations of Village staff, and comments from the public, the Village Council finds  
44 that the proposed amendments to its Code of Ordinances and Land Development  
45 Regulations are in compliance and consistent with Florida law, its adopted  
46 Comprehensive Development Master Plan, and the Pinecrest Parkway (US 1) Vision Plan;  
47 and

48 WHEREAS, the Village Council further finds it to be in the best interest of the public  
49 health, safety and welfare of the citizens to adopt this ordinance amending the Village’s  
50 Code of Ordinances and Land Development Regulations;

51 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE  
52 VILLAGE OF PINECREST, FLORIDA:

53  
54 **SECTION 1. Recitals.**

55 The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being  
56 true, correct and reflective of the legislative intent underlying this Ordinance and are  
57 hereby made a specific part of this Ordinance.

58 **SECTION 2. Amendment and Adoption.**

Note:  
~~Strikethrough words~~ are deletions to the existing words in the Code of Ordinances and Land Development Regulations.  
Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.

59           The amendments to the Village of Pinecrest Code of Ordinances and Land  
60 Development Regulations, attached hereto and incorporated herein as Exhibit "A", are  
61 hereby adopted.

62           **SECTION 3. Inclusion in the Code of Ordinances.**

63           It is the intention of the Village Council and it is hereby ordained that the  
64 amendments to the Code of Ordinances and Land Development Regulations made by this  
65 Ordinance as set forth in Exhibit "A" shall become part of the Code of Ordinances, and  
66 that the sections of this Ordinance may be renumbered and relettered as necessary, and  
67 that the word "Ordinance" may be changed to "Section, "Article" or other appropriate  
68 word.

69           **SECTION 4. Conflicts.**

70           All ordinances or parts of ordinances and all resolutions or parts of resolutions in  
71 conflict with the provisions of this Ordinance are hereby repealed.

72           **SECTION 5. Severability.**

73           If any section, clause, sentence or phrase of this Ordinance is for any reason held  
74 invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect  
75 the validity of the remaining portions of this Ordinance.

Note:  
~~Strikethrough words~~ are deletions to the existing words in the Code of Ordinances and Land Development Regulations.  
Underlined words are additions to the existing words in the Code of Ordinances and Land Development Regulations.



**Exhibit "A"**

**CHAPTER 15 – NUISANCES**

## **ARTICLE I. - IN GENERAL**

### **Sec. 15-1. - General.**

(a) *Definitions.* The following words, terms and phrases shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

*Abandoned vehicle* means any motor or other vehicle in a wrecked, junked or partially dismantled condition and does not display a current tag, **or has flat tire(s).**

***Commercial vehicle. Category 1 - A vehicle that is: under 20 feet in length; or any passenger vehicle truck or van with a maximum height of 8 feet from the ground marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise other than those which identify the vehicle maker or dealer. A sport utility vehicle marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise, other than those which identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle.***

***Commercial vehicle. Category 2 - A vehicle that is eight feet or less in height that displays externally stored or mounted equipment either in a fixed or temporary manner including but not limited to food vending equipment, ladders, paint cans, lawn care equipment.***

***Commercial vehicle. Category 3 - A vehicle other than a recreational vehicle exceeding 20 feet in length or more than eight feet in height from the ground, including but not limited to tow trucks, dump trucks, construction or earth moving vehicles or equipment and semi-tractors and trailers.***

*Enforcement officer* means the village manager and/or designated village staff responsible for enforcing codes.

*Garbage* means every waste accumulation of animal or vegetable matter.

***Junk means inoperative, dilapidated, abandoned or wrecked materials, including but not limited to vehicles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap materials, scrap building material scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery and similar materials having no intrinsic value.***

***Life safety violations include but are not limited to stagnant pools, unsecure pools and dwellings, overgrown conditions, accumulation of junk, trash and/or hazardous materials, abandoned vehicles, mosquito or bee infestation, and other similar types of violations.***

*Litter* means garbage, trash, animal food and all other waste material which, if thrown or deposited as herein prohibited, tends to create an adverse effect upon public health, safety or the economic welfare of surrounding properties.

*Mobile home* means a nonmotorized vehicle designed to be used either temporarily or permanently as a residence or living quarter.

***Open deck trailer means a flat trailer with no walls or roof.***

***Open-Air Storage means placement of an article in an area other than in a structure enclosed by four walls and a roof, such as a garage or utility shed, that conceals it from public view. Placement of an article under a carport or front porch that is not so enclosed shall be considered open-air storage.***

*Public nuisance* means an act, which is committed by a person or persons, or a condition which is allowed to exist on a property by a person or persons, which has an adverse economic effect on neighboring properties or which threatens the public health, safety or welfare.

*Receptacle* means a litter storage and collection receptacle.

*Stagnant water* means any unsanitary water that is standing or ponding.

*Swale area* means that area immediately adjacent to a roadway between the driving surface of the roadway and the adjacent private property line.

*Trailer* means any wheeled device or vehicle upon or within which persons or property may be transported over a road, if coupled to or capable of being drawn by a motor vehicle.

*Trash* means every waste accumulation other than garbage and shall include:

*Industrial waste* **is** defined as every waste accumulation of metal, metal products, minerals, chemicals, rocks, cement, asphalt, tar, oil, grease, glass, crockery, rubber, tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses or other materials usually created by commercial enterprises; and

*Yard trash* **is** defined as every waste accumulation of lawn, grass or shrubbery cuttings or clippings and dry leaf rakings, free of dirt, rocks, large branches and bulky or noncombustible material.

*Vehicle(s):*

*Bus* is any motor vehicle used or originally designed for transporting ten or more passengers, whether or not such transportation is for compensation.

*Commercial accessory use vehicle* is a trailer used for commercial purposes.

*Commercial vehicle* is a motorized vehicle utilized for commercial purposes.

*Inoperable vehicle* is an abandoned vehicle.

*Recreational vehicle* is any vehicle or equipment which is designed or primarily used for recreational, camping or travel use, which either has its own motor power, or which is mounted upon or drawn by another vehicle and used or designed to be used as temporary living or sleeping quarters or for recreational purposes.

(b) *Weeds, wild growth, stagnant water, flora, trash*, **right-of-way/private property maintenance.**

- (1) It shall be unlawful for any owner of any lot, parcel or tract of land to permit weeds, grass or undergrowth to grow to a height beyond 12 inches or more from the ground, to allow invasive vegetation to grow onto a neighboring property or to interfere with utility lines, or to allow trash, abandoned materials or other unsightly or unsanitary matter to accumulate thereon, or to allow a property to remain in an unsafe or unsanitary condition, or to allow the presence of **ponding and/or** stagnant water thereon.
- (2) It shall be the responsibility of the owner to maintain both improved and unimproved property, including **their abutting** swale areas, and to keep these areas free from the accumulation of trash, construction materials, and other unsightly or unsanitary matter. **Sidewalks shall be maintained free of yard debris, vegetation, and slippery conditions.**
- (3) The enforcement official shall notify the owner of any real property upon which a violation is alleged to exist. Notice to the owner shall be provided as required in the code. The notice shall state the nature of the violation and provide for a reasonable time for correction depending on the nature and extent of the violation.
  - a. Violations which are deemed to be threats to life safety or which may cause harm to an individual, may be corrected immediately by the village and the costs shall be borne by the owner, including recording, administrative, collection, and legal fees. The village shall make every effort to notify the owner but shall not be bound by strict notification requirements due to threats of life safety.
  - b. Notices to owners shall provide for corrective action within a specified time period and shall advise that, upon failure to correct or remedy the conditions causing or creating the violations within the specified time may be cause for the village to remedy the violation. Such notification shall be provided by certified mail to the owner of record according to the most current tax rolls of the county once per calendar year without the necessity for further notification by the village. Any other violations occurring during this one-year period will be remedied by the village without further notice and the costs shall be assessed accordingly.
  - c. The cost for clearing, cleaning or remedying violations shall be by direct or contract labor and the costs shall become a lien against the property upon which the work was performed, including administrative costs.
  - d. After performing the work, the owner shall be notified by the village that the work has been performed and the owner shall be responsible for paying the costs incurred by the village, including all administrative fees. If the owner fails to pay the village within 30 days of receipt of billing, the village may record a lien against the property in the public records of the county for the full amount of the work, including administrative and recording costs. The charges and liens provided herein shall bear interest at the legal rate and may be foreclosed in the manner provided by law for municipal tax and special assessment liens.

- (c) *Structure maintenance/depreciation of surrounding property.* The exterior of every structure, walls, and fences shall be so maintained ~~with reasonable attractiveness so~~ as not to allow scaling of paint, graffiti, staining, **dirt, disrepair,** discoloring or excessive mildew. **Black, blue, or silver tarps on roofs are allowed on a temporary basis while in the process of obtaining a permit for roofing repair, and shall remain intact and in good condition.** Exterior wall and fence surfaces shall be kept free from materials, objects and conditions, which will have an adverse effect on adjacent premises. Roofs shall be maintained free of scaling, cracking, disrepair, **algae,** and mildew and if painted, shall be painted the same color over the entire surface, except for multicolored roof tile. The exterior surface of all fences shall be maintained in a uniform color consistent with the architectural style and color requirements of these regulations. Windows shall be maintained and broken window panes shall be replaced within 30 days of damage. Windows shall not be boarded except for a maximum period of 30 days during window repair or window pane replacement. **Commercial** parking lot surfaces shall be maintained with a smooth surface free of broken pavement with clearly visible, unfaded striping, and all striping and restriping of parking lots shall require a permit from the building and planning department.
- (d) *Graffiti removal by the property owner.* Whenever the village becomes aware of the existence of graffiti visible from the public right-of-way on any property, real or personal, including structures or improvements within the village, a code compliance officer is authorized, upon such discovery, to give or cause to be given, notice to take corrective action to the property owner or the property owner's agent or manager.
- (e) *Unlawful accumulations of materials; disposal and storage of goods.*
- (1) It shall be unlawful for any person or **entity to allow or** ~~persons~~ to place, sweep, scatter, throw, **drain** or dump or cause to be placed, swept, scattered, thrown, **drained** or dumped, for any purpose whatsoever, any refuse, rubbish or trash of any kind, any wrecked, derelict or partially dismantled motor vehicle, trailer, boat, machinery, refrigerator, washing machine, plumbing fixture, furniture or similar article, any garbage, household trash, commercial trash, industrial waste, **liquid waste,** yard trash, tree trimmings or similar material in or upon:
- a. Any road, street, parkway, sidewalk, park, lake or bank of any river, stream, lake, watercourse or pool, or any portion thereof, within the limits of this village, or upon any village owned real property, except under the rules and regulations promulgated for the handling of such material, at a designated place, and with the consent of the village or its designated agents or employees. Garbage shall be placed in secured containers (i.e. garbage cans) in order to prevent disturbance of contents by animals.
- b. Private property not owned by said person or persons, within the village limits, without the consent of the owner of said private property.
- (2) It shall be unlawful for any person or entity to throw, drain, run, allow to seep, **allow ponding of water,** or otherwise discharge or allow to be thrown, drained, seep, **pond,** or otherwise discharge any organic or inorganic materials into or onto swales, alleys or streets. This shall not apply to individual single-family or duplex homeowners that may wash their own vehicles on their own property, provided that all runoff is

contained on the property. Draining of pools must be contained within the property and must not spill onto public property. Dumping of wash buckets, chemicals, grease, liquid waste is prohibited on public or private property.

(f) *Abandoned/inoperable vehicles.*

(1) It shall be unlawful for any person to park, store, allow or leave any motor vehicle, recreational vehicle, or trailer in a wrecked, junked, partially dismantled, abandoned, or inoperable condition on public or private property in the village. All vehicles, motor vehicles and trailers, which are wrecked, junked, partially dismantled, abandoned or inoperable are declared to be a public nuisance and shall be removed from the property upon "notice" from the village. Any vehicle or trailer, which does not display a current tag is presumed to be inoperable.

(2) Procedure for removal of abandoned, wrecked or derelict vehicles.

a. Abandoned, inoperable or derelict vehicles on public property. Whenever the enforcement officer of the village shall ascertain that an abandoned, inoperable or derelict vehicle is present on public property within the limits of the village, the officer shall cause a notice to be placed upon such abandoned vehicle and proceed in compliance with F.S. § 705.101 et seq.

~~b. Abandoned, inoperable or derelict vehicles on private property. Whenever the enforcement officer of the village shall ascertain that an abandoned, inoperable or derelict vehicle is present on private property within the limits of the village, the officer shall cause a notice to be placed upon such vehicle in substantially the following form:~~

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) located at (setting forth brief description of location) is improperly stored and is in violation of (setting forth ordinance or section of village code) and must be removed within ten days from date of this notice; otherwise it shall be presumed to be abandoned, inoperable or derelict, and will be removed and destroyed by the village. Dated this: (setting forth date of posting notice). Signed: (setting forth name, title, address and telephone number of enforcement officer)."

**b. If at the end of ten days after posting (public property) such notice as set forth in a. above, the vehicle owner or any person interested in the inoperable or derelict vehicle described in such notice has not removed the same and complied with the ordinance or section of this ordinance cited in the notice, or shown reasonable cause for failure so to do, the enforcement officer may cause the abandoned vehicle to be removed and destroyed, and the salvage value, if any, of such abandoned vehicle shall be retained by the village to be applied against the cost of removal and destruction thereof.**

c. Such notice as set forth in a. ~~or b.~~ above shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the

name and address of the ~~property and~~ vehicle owner, and if such is reasonably available to the enforcement officer he/she shall mail a copy of such notice to the **vehicle** owner on or after the date of posting.

- d. **Abandoned, inoperable or derelict vehicle(s) on private property. Whenever the enforcement officer of the village shall ascertain that an abandoned, inoperable or derelict vehicle is present on private property within the limits of the village, the officer shall issue a code compliance reminder notice to the property and vehicle owner, if possible.**

~~Such notice as set forth in a. or b. above shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the name and address of the property and vehicle owner, and if such is reasonably available to the enforcement officer he/she shall mail a copy of such notice to the owner on or after the date of posting.~~

~~If at the end of ten days after posting (public property) such notice as set forth in a. above, the owner or any person interested in the inoperable or derelict vehicle described in such notice has not removed the same and complied with the ordinance or section of this ordinance cited in the notice, or shown reasonable cause for failure so to do, the enforcement officer may cause the abandoned vehicle to be removed and destroyed, and the salvage value, if any, of such abandoned vehicle shall be retained by the village to be applied against the cost of removal and destruction thereof.~~

- e. **If Aa** ~~at the end of the ten days of posting of the vehicle on~~ **the vehicle has not been removed or brought into compliance (private property)**, the enforcement officer will schedule a hearing before the special magistrate ~~for imposition of a fine if a finding is entered on behalf of the village.~~ The special magistrate shall set a date for compliance and impose fines for both administrative costs and penalties for non-removal of the vehicle. A lien may be imposed for noncompliance, and the village may rectify the violation by having the vehicle removed. All procedures shall be consistent with the requirements of state statutes.

- f. Costs and expenses of removal, etc., assessed against owner; interest. All costs and expenses incurred by the village in enforcing the provisions of the code shall be and constitute a charge and lien against the owner of the vehicle, the owner of the real property when it is determined that the abandoned vehicle belongs to the owner, and the abandoned vehicle, until paid, with interest to accrue at the rate of six percent annually.

- (g) *Commercial vehicles/equipment/**trailers**/open-air storage in residential districts.*

- (1) **A Category 1 commercial vehicle may be stored on an approved hard surface on private property, and such vehicle must be owned by the property owner or tenant. No more than one (1) Category 1 vehicle is allowed and in no case shall it be parked in the right-of-way.**

**Category 2 and 3** Commercial vehicles are prohibited in residential districts unless such vehicles are properly licensed contractor vehicles, where permits have been issued to perform work on the subject premises and the work is actively being performed at the site.

- (2) Tow trucks are prohibited unless such vehicles or equipment are on the property or on the public right-of-way abutting the property for the purpose of delivery or retrieval of a vehicle owned or leased by the occupant-owner or occupant-lessee of the site concerned, or owned or leased by a bona fide house guest of the occupant-owner or occupant-lessee of the site concerned.
- (3) Outside storage of commercial equipment, steel storage containers, supplies, or materials are prohibited in all land use districts within the village, except that one storage container or trailer may be temporarily located on a construction site within the commercial zoning districts to allow for the temporary storage of materials and supplies during construction provided the container is set back a minimum of 25 feet from any adjoining right-of-way and screened behind a required temporary construction fence. The storage container or trailer shall be permitted in conjunction with issuance of a building permit and shall be removed upon completion of construction and prior to issuance to a certificate of occupancy.
- (4) Open-air storage of the following materials is prohibited:
  - a. Junk, as defined in Chapter 30, Land Development Regulations;
  - b. Merchandise or manufacturing materials;
  - c. Motor vehicle parts, including without limitation automobile engines and transmissions;
  - e.d.** Household furniture, including without limitation sofas and recliners;
  - f.e.** Construction materials, including without limitation lumber and cement blocks;
  - g.f.** Construction and demolition equipment, including without limitation cement mixers, jack hammers, and roof tar pots, provided, however, that light-use equipment customarily used for do-it-yourself home repair, including without limitation hand tools, power tools, and table saws, shall not be prohibited.
- (5) Tractor-trailers, tractor-trucks, semi-trailers, mobile homes, trailers, and portable dwelling units shall not be stored on any parcel of land within the village. Tractor-trailers may be permitted for purposes of loading and unloading. Port-a-potties shall not be placed on swales and must be located 15 feet from the property line. A construction trailer may be approved by the village for development of subdivisions (two or more lots) in residential districts or for a commercial/multi-family construction project, provided it is hooked up to a sanitary disposal system and used for an office on the site. A construction trailer permit is required and may only be issued in conjunction with a permit to develop a site. Construction trailers are to be utilized as offices only and may not be occupied overnight by employees, night watchman or security personnel, and may not be utilized as a construction equipment storage

container. Upon completion of the work, and prior to the issuance of a certificate of occupancy, a temporary certificate of occupancy or a certificate of completion, all trailers and port-a-potties shall be removed from the site. **One (1) open deck trailer may be stored behind the front building line of the property completely obscured from the right-of -way and any abutting neighboring property by means of a solid hedge or fence and such trailer must be owned by the property owner or tenant. A trailer may not exceed 8 feet in height, 6 feet in width and 12 feet in length, and must be setback five (5) feet from all property lines.**

**(6) "PODs" (Personal On Demand Storage containers) are allowed in residential districts for a period of no more than thirty (30) days. Pods shall be stored on an approved hard surface and ten (10) feet from the abutting neighboring property line. Permit is required.**

(h) *Litter/waste.*

- (1) *Waste liquid or refuse upon public ways.* It shall be unlawful to permit wastewater, oil, grease or other waste liquids to drain from any premises upon and across, or to permit or cause waste matter or refuse of any nature whatsoever to rest or accumulate upon the sidewalks, streets or other public ways of the village, except in alleys in receptacles approved by the enforcement official.
- (2) *Litter in public places.* It shall be unlawful to throw or deposit litter in or upon any street, sidewalk or other public place within the village except in public receptacles, in authorized private receptacles for collection, or in official trash stations.
- (3) *Placement of litter in receptacles.* Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
- (4) *Sweeping litter into public ways.* It shall be unlawful to sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter **or yard debris** from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- (5) *Litter in parks.* It shall be unlawful to throw or deposit litter in any park within the village except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

- (6) *Posting notices prohibited.* It shall be unlawful to post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.
- (7) *Litter on occupied private property.* It shall be unlawful to throw or deposit litter on any occupied private property within the village, whether owned by such person or not, except that the owner or person in control of private property may maintain thereon private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
- (8) *Owner to maintain premises free of litter.* The owner or person in control of any private property whether occupied or vacant, shall at all times maintain the premises free of litter. This ordinance shall not prohibit the storage of litter in authorized private receptacles for collection.
- (9) *Litter on vacant lots.* It shall be unlawful to throw or deposit litter on any open or vacant private property within the village whether owned by such person or not.
- (10) *Lighting.* Exterior lights installed on private property must be designed, arranged or shielded in such a manner that all adjacent properties and the public roadways are protected from direct or reflective glare or hazardous interference to pedestrians or motorists. The fixtures shall provide shall be shielded and aimed downwards. Lighting intensity shall be limited to 0.5 foot-candles at the property line.
- (11) *Unattended animal ~~food~~ **feeding.** **No person shall feed wildlife in a manner that creates litter, unsanitary conditions, disturbances to others, or any public nuisance. Feeding must be contained and monitored to prevent the formation of feeding colonies. Feeding peafowl is prohibited.** To prevent attracting vermin, raccoons, peafowl or other nuisance animals, it is unlawful to leave unattended animal food in any public space regardless of the location of feeding. It is further unlawful to leave food unattended on any private property unless the food is (a) in an enclosed, gated area or (b) under a covered space that is immediately adjacent to the dwelling, such as a front porch, carport or similar structure. This provision **does** shall not apply to birdfeeders **bird feeders** that are installed on private property **provided they are maintained** in a **way** manner to **that** prevents access by **such** nuisance animals.*
- (12) Commercial storm drains. All commercial properties are required to maintain their storm drains free of debris, objects and materials that would impede proper flow. Owners will provide invoices from certified firms that indicate the date and**

**type of work performed as part of maintenance of their commercial drainage systems.**

**(12)(13)** *Enforcement and penalties.* Enforcement of this subsection shall be in accordance with Chapter 2, Article 5, Code Compliance, and penalties for violations shall be as provided in section 2-174 of this Code.

- (i) *Public nuisances.* No owner, lessee, occupant, guest, or agent for the owner shall allow the keeping of a public nuisance on any property, developed or undeveloped.
- (j) *Diseased trees.* The existence of trees infected with Lethal Yellowing Disease and Laurel Wilt Disease are declared a public nuisance as those trees continue to be infectious and constitute a threat to healthy trees in the area and to the agricultural industry. Trees and shrubs infected with lethal yellowing disease and laurel wilt disease as certified by the village arborist shall be removed within 20 days of notification by the Village of Pinecrest.

\* \* \*

**Sec. 15-6 - Trees posing a risk to neighboring properties.**

**(a) Definitions. For purposes of this Section, the following words, terms, and phrases, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:**

**(1) Hazardous Encroaching Tree. A tree with branches, stems, or canopy coverage that extends beyond the property line where the tree is rooted and has an alleged harmful effect, or creates a potentially hazardous condition, on adjoining private property. A Hazardous Encroaching Tree as defined in this section includes, but is not limited to, a tree or its branches with structural weakness or defects; a tree with branches that may cause interference with power or cable lines; a tree which is significantly leaning and unstable; a tree that is dead or diseased; and a tree that has branches which can potentially cause damage to adjacent private property, including landscaping.**

**(2) Complainant. A property owner, or person with a right to possess said property, who reports a Hazardous Tree that encroaches on the private property by filing a report on a form created by the Village.**

**(3) Encroaching Materials. Tree branches, stems, or canopy portions of a Hazardous Tree encroaching onto a Complainant's property.**

**(4) Tree Owner. The owner of real private property where a Hazardous Tree is rooted in its entirety.**

**(b) Reporting Procedure.**

**(1) Any Complainant may report an alleged hazardous encroaching tree that encroaches onto their private property to the Administrative Official or his/her designee by filing a report on a form to be created by the Village. Within the form, the Complainant shall identify all encroaching materials together with the following supporting documentation:**

**a. Photographic evidence of the reported conditions;**

**b. An affidavit attesting to the contents of the form;**

**c. A survey of the affected property, if required by the Administrative Official;**

**d. Complainant's written consent that the Tree Owner, or its agent(s) shall be afforded access to Complainant's property if such access is necessary to safely and securely cut and remove the Encroaching Materials;**

**e. Permission allowing the Village to conduct an onsite investigation of Complainant's property. The Complainant shall provide the Village with written consent to access their property to personally observe the conditions on a specified date and time to be agreed upon by the Village and the Complainant; and**

**f. Any further documentation necessary to authenticate the report.**

**The Village at any time may request the Village arborist or its consultant to provide an arborist statement providing the condition(s) of the Hazardous Encroaching Tree. Any fee associated with said arborist statement shall be the responsibility of the Complainant.**

**(c) Report Assessment. Within thirty (30) days of receiving a Complainant's completed report, the Village shall review the report and accompanying documents to determine whether the Hazardous Encroaching Tree may be encroaching on the Complainant's property. If the Administrative Official or his/her designee determines that a violation of this Section may exist, then the Village Manager or designee shall conduct an onsite investigation.**

**(d) Remedial Action Required.**

**(1) If, after the inspection, the Village determines the Hazardous Encroaching Tree is encroaching on the Complainant's property, then the Village may issue a courtesy notice to the Tree Owner to eliminate the condition within sixty (60) days. The Tree Owner may elect to:**

**a. Cut, or cause to be cut, all Encroaching Materials at their own expense; or**

**b. Provide the Complainant, or Complainant's agent, with reasonable access to the Tree Owner's property for the purpose of safely and securely cutting and removing the Encroaching Materials, if necessary. If the Complainant removes any or all Encroaching Materials, then such removal shall be at the Complainant's expense.**

**Notwithstanding anything to the contrary, all cutting of Encroaching Materials must be conducted in compliance with Division 6.1 and 6.2 of the Village Code.**

**(2) After issuing a courtesy notice, the Village may issue a citation to the Tree Owner, pursuant to section 2-174 of the Code, if corrective tree maintenance to the Hazardous Encroaching Tree does not commence within the sixty (60) day notice period established herein.**

**(e) Nothing contained herein shall be interpreted to:**

**(1) require the Village to issue a courtesy notice, a citation, and/or violation if the Village arborist determines the Hazardous Tree is likely to be substantially injured or killed by the removal of all Encroaching Materials; or**

**(2) require the Village to issue a courtesy notice, a citation, and/or violation if the Village finds it to be averse to the best interest of the public's health, safety, or welfare;**

**(3) prohibit any person from cutting, or causing to be cut, Encroaching Materials on his or her property; or**

**(4) require any person to perform corrective tree maintenance that constitutes destruction of a tree, tree abuse, or hat-racking.**

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## **ARTICLE II. - NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED**

\* \* \*

### **Sec. 15-21.3. Specific acts considered to be unreasonably loud and raucous noise.**

Any of the following acts is presumed to be in violation of this Article and to constitute unreasonably loud and raucous noise. This enumeration does not constitute an exclusive list:

- (1) *Animals.* The owning, harboring, possessing or keeping of any animal which causes frequent, habitual, or long continued noise which is plainly audible at a distance of 100 feet from the building, structure or yard in which the animal is located.
- (2) *Radios, televisions, boomboxes, stereos, loudspeakers, musical instruments, drums or similar devices.* Operating, playing or permitting the operation or playing of any radio, television, boombox, stereo, musical instrument, loud speakers, drum or similar device which produces or reproduces sound in such a manner as to be unreasonably loud and raucous, or in such a manner as to unreasonably disturb, injure, or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity. The operation of such equipment, instrument, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Radios, televisions, boomboxes, stereos, loudspeakers, musical instruments, drums, sound trucks or similar devices in/on any vehicle or by pedestrian.* Operating, playing or permitting the operation or playing of any radio, television, boombox, stereo, loud speaker, musical instrument, drum, sound truck or similar device, which is located in or on any vehicle or by any pedestrian on publicly owned land, a public parking lot, public street, or alley which produces or reproduces sound in such a manner as to be unreasonably loud and raucous, or in such a manner as to unreasonably disturb, injure, or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity. This subsection is not intended to be construed in a manner that would interfere with the legitimate use of loudspeakers in political campaigns.
- (4) *Loading or unloading.* Loading and unloading, opening, closing or other handling of boxes, crates, containers, equipment, building materials, garbage cans or similar objects between the hours of 11:00 p.m. and 7:00 a.m. on any day within or adjacent to a residential zone, provided that the noise is unreasonably loud and raucous, and can be heard across the property line of the property from which it emanates.
- (5) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn-edgers, weed trimmers, leaf blowers, chippers, chain saws, power tools or other noise-producing tools by non-commercial entities outside of permitted hours. Permitted hours are between 7:00 a.m. and 8:00 p.m. on Monday through Saturday, and between 12:00 p.m. and 4:00 p.m. on Sundays and legal holidays.
- (6) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle, except emergency vehicles, on any street or public place of the village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound and the sounding of any such signaling device for any unnecessary and unreasonable period of time.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises.
- (8) *Schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship, hospital, or court while

the same are in use, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, house of worship, hospital or court street.

- (9) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or advertisement of merchandise by creation of any unreasonably loud or unnecessary noise.
- (10) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential zone.
- (11) *Leaf blowers.* The use or operation of any leaf blower unless said machine has a stamp from the manufacturer or testing laboratory certifying a rating of no more than 65 dBA.
- (12) *Use of power tools and landscaping equipment by commercial entities.*
  - (a) The operation of noise-producing lawn-mowers, lawn-edgers, weed trimmers, leaf blowers, chippers, power tools, or other noise producing tools by a commercial entity:<sup>1</sup>
    - (i) On Monday through Thursday, between the hours of 5:00 p.m. **and** 8:00 a.m. the following day;
    - (ii) On Fridays between the hours of 5:00 p.m. and ~~9:00~~ **10:00** a.m. the following **day**
    - (iii) On Saturdays between the hours of ~~2:00~~ **3:00** p.m. through 8:00 a.m. on Monday; and
    - (iv) On legal holidays.
  - (b) The use of power tools and landscaping equipment by village staff or commercial entities engaged by the village are exempt from the hours of operation restrictions under this subsection during emergencies and may be extended to village residents by the village manager during a state of emergency.

<sup>1</sup> Permitted hours of operation for power tools and landscaping equipment used by commercial entities are as follows:

Sunday	Monday — Friday	Saturday	Legal Holidays
Prohibited	8:00 a.m. to 5:00 p.m.	<del>9:00</del> <b>10:00</b> a.m. to <del>2:00</del> <b>3:00</b> p.m.	Prohibited

**Sec. 15-21.4. Noise complaints.**

- (a) Noise complaints may be submitted orally or in writing to the village by any person. A noise complaint shall include the address, to the extent known, of the person or entity responsible for the loud and raucous noise, a description of the noise, and, if available, the date and time of the noise occurrence.

(b) Upon receiving and confirming a complaint as described in subsection (a) involving loud and raucous noise, the village will notify the person or entity responsible for the loud and raucous noise, advising that person or entity of the alleged noise and advising that immediate steps must be taken to abate the noise. Such notice may be an oral warning, a code compliance reminder or a civil violation notice, as deemed appropriate by a village officer.

**(c) Any individual, landscaping company or company that has been found to be in violation of the Village's Code of Ordinances by the Special Magistrate on more than one (1) occasion will be subject to the revocation of their landscape registration with the Village of Pinecrest and will be unable to conduct business within the Pinecrest limits for a period of one (1) year from the date of such order.**

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