

DIVISION 7. SWALE AREAS

Sec. 25-251. Maintenance of swale area.

The owner and/or occupant of private property shall maintain abutting swale areas, including sidewalks, pathways, or driveways as provided in the Engineering Design Standards Manual, including, but not limited to, keeping the area free of trip hazards, holes, and obstructions.

(Ord. No. 4429, § 1, 1-12-99; Ord. No. 4639, § 5, 4-9-02)

Sec. 25-252. Maintenance.

(1) The owner of private property abutting the rights-of-way shall maintain all trees and other vegetation upon the private property and adjacent rights-of-way as provided in the Engineering Design Standards Manual.

(2) No roots from any vegetation located upon private property or adjacent rights-of-way shall be permitted to grow in such a manner that causes damage to paved rights-of-way, water, or sewer lines, or other elements of the city's infrastructure.

(Ord. No. 4429, § 1, 1-12-99; Ord. No. 4639, § 6, 4-9-02)

Sec. 25-253. Notice to owner to maintain; service of notice; right of hearing.

(1) Upon failure of the abutting property owner to maintain a swale area, or adjacent vegetation, the city manager or designee shall give written notice to the record owner of such abutting property, at the address indicated in the records of the county property appraiser, of such failure and direct the owner to maintain the swale area or adjacent vegetation. Notice shall be provided to the abutting private property owner by: Certified mail, return receipt requested; delivery by a certified courier service; hand delivery by a law enforcement officer, code inspector, or other person designated by the city manager; or leaving the notice at the abutting property owner's usual place of residence with any person residing therein who is at least 16 years of age and informing such person of the contents of the notice. The service of such notice shall be deemed complete upon mailing and shall be deemed sufficient notice of failure to maintain the right-of-way as required herein.

(2) The notice shall:

- (a) Advise the owner of his or her failure to maintain the swale area or adjacent vegetation;
- (b) Specify what maintenance must be performed;
- (c) Require the owner to maintain the swale area or adjacent vegetation within 10 days of receipt of the notice;
- (d) State that failure to maintain the swale area or adjacent vegetation within the specified time will result in the city maintaining the swale area or adjacent vegetation, the cost of which maintenance, plus administrative charges, shall constitute a lien against the property as provided in section 10-31 of the Code;

City of Boca Raton

CITY HALL • 201 WEST PALMETTO PARK ROAD • BOCA RATON, FLORIDA 33432-3795 • PHONE: (561) 393-7700
(FOR HEARING IMPAIRED) TDD: (561) 367-7046
INTERNET: www.ci.boca-raton.fl.us



Notice of Violation Sidewalk Repair

Date: _____

Property Owner: _____

Violation Address/Location: _____

Parcel Control Number: _____

Violation: Section 2B-251 City of Boca Raton Code of Ordinances- Failure of the property owner to maintain the abutting swale areas including sidewalks, pathways, or driveways as provided in the Engineering Design Standards Manual, including, but not limited to, keeping the area free of trip hazards, holes, and obstructions.

Specific Violation: _____

Corrective Action Required: Obtain a permit and make necessary repairs to the sidewalk and/or maintain adjacent swale area within 10 days upon receipt of this notice. Or the property owner may grant permission to the City of Boca Raton's Municipal Services Department to make the necessary repairs.

The estimated cost for the City of Boca Raton to make the sidewalk repairs: \$ _____

This estimate includes the permit, materials, labor and inspections. If the owner agrees to this estimate and would prefer the City to repair and remove the violation please sign, date and return this form by mail, e-mail PDF or fax to the following address: Streets Division 2500 NW 1 Ave., Building A Boca Raton, FL 33431, mstreets@myboca.us or FAX #561-416-9942. If you have any questions regarding the estimate or scheduling please contact a Street Maintenance Supervisor 561-416-9361.

Property Owners Signature: _____ Date: _____

Upon completion of the repairs the property owner will be provided with an invoice by mail from the City of Boca Raton's Finance Department which shall be paid within 30 days.

Note: An owner may appeal the determination of this notice and request a hearing, as provided in section 10-30 of the Code. If a hearing is requested within 10 days from the date of receipt of the notice, action shall proceed as provided in section 10-30 of the Code. If no hearing is requested within 10 days from the date of receipt of the notice and the owner has not commenced the corrective action required, the city shall take the steps reasonably necessary to maintain the swale area. The cost of the corrective action (i.e. maintenance, plus administrative charges) shall constitute a lien against the property as provided in section 10-31 of the Code.

To request a hearing please submit your request to the Code Compliance Division at 201 West Palmetto Park Road, Boca Raton, FL 33432 or fax 561-367-7049.

City Designee: _____ Date: _____