ORDINANCE NO. 2026-04

AN ORDINANCE OF THE TOWN OF YANKEETOWN, FLORIDA, REQUIRING OWNERS AND OCCUPANTS OF PROPERTY ADJACENT TO TOWN RIGHTS-OF-WAY TO MAINTAIN THOSE RIGHTS-OF-WAY; ESTABLISHING SAFETY RULES, EXCEPTIONS, ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, mowed Town rights-of-way improve visibility, drainage, appearance, and public safety; and

WHEREAS, the Town does not have staff available to mow and routinely maintain all Town rights-of-way; and

WHEREAS, this Ordinance is not intended to regulate vegetation maintenance performed by an electric utility within an established electric transmission or distribution right-of-way where such local regulation is preempted by section 163.3209, Florida Statutes, as may be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN, FLORIDA:

SECTION 1. MANDATORY MOWING AND MAINTENANCE.

1. Every owner or occupant of property adjacent to Town Right-of-way must mow and keep mowed all grass and nonwoody weeds in the Town right-of-way adjoining the property. The right-of-way must be kept in a regularly maintained condition. Failure to mow is a violation of this Ordinance.
2. Mowing shall not damage utilities, markers, signs, mailboxes, pavement, sidewalks, trees, approved landscaping, or other public or private property.

SECTION 2. ASSUMPTION OF RISK.

A person performing mowing and maintenance is responsible for following the law and for damage or injury caused by negligent or unlawful conduct. Nothing in this Ordinance waives any Town defense, immunity, or limit of liability under section 768.28, Florida Statutes, or other law.

SECTION 3. SEVERABILITY.

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

SECTION 4. CONFLICTS.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

SECTION 5. CODIFICATION.

The substantive provisions of this Ordinance shall be codified the Town Code of Ordinances. The codifier may renumber or reletter provisions and correct scrivener's errors without changing their meaning. The recitals and provisions concerning severability, conflicts, codification instructions, and execution need not be codified.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

REVIEWED AND ADOPTED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN at a duly noticed public meeting held on the ___ day of _____, 2026.

PASSED ON FIRST READING by the Town Council of the Town of Yankeetown, Florida, at a duly noticed public meeting held on the ___ day of _____, 2026.

PASSED AND ADOPTED ON SECOND AND FINAL READING by the Town Council of the Town of Yankeetown, Florida, at a duly noticed public meeting held on the ___ day of _____, 2026.

TOWN OF YANKEETOWN, FLORIDA

By: _____
Laurence Vorisek, Mayor

ATTEST:

_____
Seante Gyukeri, Town Administrator,

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Norm D. Fugate, Town Attorney