

Neighborly Nuisances—Part One, the Plants  
by Kim Douglas Sherman, Esquire

A nice neighbor is a nice thing to have, but a bad neighbor is a nightmare. Sometimes it is just the little things that are annoying. The next-door neighbors are probably good people who really have no intention to annoy you...or... you wonder, “do they?” Perhaps they have a dog that barks incessantly or maybe it is a parrot cackling to itself night and day. In this series of articles we are talking about the neighbors’ animals, trees, yard, garbage, and noises that get under your skin.

In my law practice over the years, the most frequent complaint that I hear about is the neighbors’ trees over hanging the property line. Those branches can be a nuisance for a variety of reasons: they block the sun; they intrude on the ability to use the property; they drop leaves or fruits or berries [which may attract flies, cockroaches, and vermin]; and they are knocking over your fence. Along with the intruding branches problem we often hear about the tree’s roots invading and pushing up the pavement or cracking into the sewage lines or house foundation. You cannot cut down the annoying neighbors’ tree, but you are privileged, at your own expense, to trim back any encroaching branches, tree roots, or other vegetation which have grown onto your property. If, by some chance, the trees are Australian Pine, Norfolk Island Pine, Melaleuca, Brazilian Pepper, or Florida Holly, Section 86-1 of the Lighthouse Point City Code requires that the tree must be removed if they were planted after 1979.

Unkempt yards certainly can be annoying, not to mention an eyesore in an otherwise lovely Lighthouse Point neighborhood. Section 30-31 of the City’s Code compels owners or occupants to keep their lots reasonably clean of all refuse, trash, and debris. If you complain to the City, it must send the offending owner or occupant a notice to clean-up or be charged by the City for the cost. If the lot is not cleaned within fourteen days of the notice, Section 30-34 provides that: “the city shall cause it to be cleaned and the costs thereof shall be assessed against the lot as a special assessment.”

Section 86-30 provides minimum standards for maintaining property: the grass shall not exceed eight inches high, adequate irrigation must be provided, and the lot to be “reasonably free of weeds, disease, dead plants and other conditions evidencing inadequate care and maintenance.” The trees, shrubs, hedges and groundcover must not be allowed to become overgrown. In the case of hedges, that height is five feet above the normal ground level from the front setback line to the front lot line and six feet high to the rear lot line. On waterfront lots, the height is limited to three feet from the rear setback line. Corner lots cannot have a hedge or wall within twenty-five feet of the corner. In all cases no wall, fence, tree, or hedge may obstruct motorists’ safe use of the roadway.

Ask your neighbor nicely to do the right thing, but, if that doesn’t work cut the offending intrusion off your property and call the city to report the other violations.

In our next articles on Neighborly Nuisances we will take up the subjects of offending noise, animals, flooding, and property use. Stay tuned, there will be something to annoy everyone.