

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCES 71-8 AND 78-3 WHICH ARE THE ORDINANCES PROHIBITING LITTERING AND THE ABANDONMENT OF CARS ON PUBLIC RIGHT OF WAYS; THIS ORDINANCE PROVIDES DEFINITIONS, PROHIBITS THE PLACEMENT OF LITTER ON PUBLIC AND PRIVATE RIGHT OF WAYS; PROHIBITS ABANDONING MOTOR VEHICLES ON PUBLIC AND PRIVATE RIGHT OF WAYS; PROHIBITS THE PLACEMENT OF LITTER IN OR ON PUBLIC LANDS OR BUILDINGS EXCEPT IN CONTAINERS PROVIDED THEREFOR OR EXCEPT WITH THE GOVERNING BODIES PERMISSION; PROHIBITS THE PLACEMENT OF LITTER IN OR ON THE PROPERTY OF OTHERS EXCEPT IN CONTAINERS PROVIDED THEREFOR OR EXCEPT WITH THEIR PERMISSION; PROHIBITS THE PLACEMENT OF LITTER IN THE PRIVATE DUMPSTERS AND PRIVATE OUTSIDE TRASH CONTAINERS OF OTHERS EXCEPT WITH THEIR WRITTEN PERMISSION; PROVIDES FOR LIABILITY OF THE OWNER AND THE OPERATOR OF A BOAT OR MOTOR VEHICLE FROM WHICH LITTER IS DISCARDED; PROHIBITS THE PLACEMENT OF LITTER IN THE RIVERS, STREAMS AND PUBLIC WATERS WITHIN THE COUNTY; PROVIDES PRESUMPTIONS OF GUILT; PROVIDES PENALTIES;

PROVIDES FOR SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. St. Johns County ordinances 71-8 and 78-3 are hereby repealed.

Section 2. Definitions: As used in this ordinance

- a) Litter means any garbage, construction debris, rubbish, trash, refuse, can, bottle, container, paper, lighted or unlighted cigarette or cigar, dead fish, dead animal, solid and liquid waste, tree limbs and branches, leaves and grass cuttings, and any flaming or glowing material.
- b) Person means any individual, firm, corporation or unincorporated association. It shall also mean the employer or principal of any employee or agent who violates this ordinance while acting within the scope of their employment or agency.

Section 3. It is unlawful for any Person to throw, discard, place, or deposit, Litter in any manner or amount, or having done so, to allow such Litter to remain:

- a) In or on any public or private highway, road, street, alley, sidewalk or thoroughfare, including any portion of the right of way thereof, or any public lands or buildings, located within St. Johns County, Florida, except in containers lawfully provided as public Litter receptacles or with the consent of the governing body of the public lands and buildings;
- b) In or on any freshwater lake, river, or stream or wetlands or tidal or coastal water of the state of Florida located within the boundaries of St. Johns County, Florida;
- c) In or on any private property located within St. Johns County, Florida, except in containers lawfully provided as public Litter receptacles or unless prior consent of the owner of the private property has been given and unless such Litter will not cause a public nuisance or be in violation of any state or local law, rule, or regulation;
- d) In or on any private dumpster or other private outside trash container located within St. Johns County, Florida, without the written consent of the owner or lessee of the dumpster or container.

Section 4. Whenever any Litter is thrown or discarded or allowed to fall from a motor vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

Section 5.

NOT USED

Section 6. It shall be unlawful for any Person to place or cause to be placed, or be the owner of, any junked or abandoned motor vehicle along or within the right of way of any public or private road, highway, street or ditch within St. Johns County, Florida. For

the purpose of this ordinance, junked or abandoned motor vehicle shall mean any motor vehicle which has been dismantled or wrecked, or which does not have a valid current state license attached thereto, or which remains within such right of way without being moved for more than 48 continuous hours.

Section 7. Any Person whose name or identity is found in or upon any Litter that is placed or found in violation of this ordinance wherein the location of such name or identification or other circumstance of such name or identification indicate that such Person was the last owner or possessor of such Litter shall be presumed to have placed or caused such Litter to be placed in violation of this ordinance.

Section 8. Should any section, phrase, or provisions of this ordinance, or the application of any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the remainder of this ordinance.

Section 9. Any Person violating any of the provisions of this ordinance, shall be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that an offense or violation of this ordinance continues, shall be deemed a separate offense.

Section 10. This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State, to the Clerk of the Board of County Commissioners that same has been filed.

PASSED by the Board of County Commissioners of St. Johns County, State of Florida this 14th day of June, 1988.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY Lawrence O. Hartley
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl "Bud" Markel
Clerk

ORD. BOOK 8 PAGE 668

Adopted regular meeting June 14, 1988

Effective June 27, 1988



RECEIVED
ST. JOHNS COUNTY, FLORIDA

FLORIDA DEPARTMENT OF STATE

'88 JUN 27 110:21

Jim Smith
Secretary of State
DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

Carl Bud Markel
CLERK, COUNTY COMMISSION

June 23, 1988

Honorable Carl "Bud" Markel
Clerk of Circuit Court
St. Johns County Courthouse - P. O. Drawer 300
St. Augustine, Florida 32085

Attention: Connie E. McDaniel, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of June 21, 1988
and certified copy/ies of St. Johns
County Ordinance(s) Nos. 88-26, 88-27, 88-28, 88-29
and 88-30
2. Receipt of _____ County Ordinance(s)
relative to:
 - (a) _____
which we have numbered _____
 - (b) _____
which we have numbered _____
3. We have filed ~~this~~/these ordinances in this office
on June 23, 1988. (11:20 am)
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/