

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RELATING TO REMOVAL OF ABANDONED, JUNK, INOPERABLE, OR WRECKED MOTOR VEHICLES FROM PRIVATE OR PUBLIC PROPERTY; PROVIDING DEFINITIONS AND ENFORCEMENT PROCEEDINGS; PROVIDING PROCEDURES PERTAINING TO NOTICE AND HEARING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, large numbers of junk, inoperable, or abandoned vehicles have accumulated in St. Johns County, Florida and are a detriment to the health, safety and welfare of the citizens of the community; and

WHEREAS, such accumulation of said vehicles is unsightly and creates a blighting effect upon the neighborhood or area in which the vehicle is situated; and

WHEREAS, such vehicles may become attractive nuisances to children who may be injured by the poor and deteriorated condition of said vehicles; and

WHEREAS, such vehicles by reason of their state of disrepair and lack of use could possibly become infested with vermin, rodents, etc.; and

WHEREAS, it is in the interest of the public health, safety and welfare that such vehicles be removed from private and public property.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida, that:

Section 1. FINDINGS OF FACT. The Recitals contained in the above "WHEREAS" paragraphs are hereby adopted as findings of fact and incorporated herein.

Section 2. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (A) "Abandoned" vehicle shall mean a motor vehicle, which does not display a valid license plate within clear view or displays a license plate which is invalid for a period of 90 days or more, and which is not in a Structure.
- (B) "County" shall mean St. Johns County, Florida.
- (C) "Enforcement Officer" shall mean any designated employee or agent of St Johns County or the St. Johns County Sheriff's Office, including but not limited to, code inspectors and other code compliance personnel (building zoning, and environmental personnel), animal control officers and law enforcement officers.

- (D) "Inoperable" vehicle shall mean a motor vehicle incapable of being immediately driven, and specifically includes, but is not limited to, vehicles, which do not have tires and/or wheels and vehicles, which do not have engines.
- (E) "Junk" vehicle shall mean a motor vehicle, which is substantially dismantled, including wrecked, inoperable, or abandoned vehicles, and/or obviously lacks value other than nominal salvage value.
- (F) "Motor Vehicle" shall mean a vehicle or conveyance, which is self-propelled and designed to travel along the ground. This includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, go-carts, golf carts and motor homes. This definition does not include mobile homes.
- (G) "Private property" shall mean any real property within the unincorporated areas of the County that is privately owned and which is not defined as public property herein.
- (H) "Public property" shall mean land and improvements thereon, roads, streets, alleys, highways, easements, and rights of way owned by the County.
- (I) "Wrecked" vehicle shall mean any motor vehicle which has visibly incurred substantial damage and is inoperable.
- (J) "Structure" shall mean a roofed building that is principally above ground, a manufactured home, or other man-made facility or improvement.

Section 3. REMOVAL OF ABANDONED, INOPERABLE, JUNK OR WRECKED VEHICLES FROM PRIVATE PROPERTY. Whenever an Enforcement Officer has reasonable cause to believe that an Abandoned, Inoperable, Junk or Wrecked vehicle exists for thirty days or longer on Private property that is viewable from the public right-of-way, the officer shall attempt to obtain permission of the property owner or controlling resident to further examine the vehicle. If such permission is obtained, the officer shall examine the vehicle and if such is found to be in violation of this ordinance, the officer shall post a notice of said violation on the vehicle. (Nothing in this section shall prevent any Enforcement Officer otherwise lawfully on Private property from posting a Notice of Violation on a vehicle.) The notice shall contain the following:

- (A) Date notice was posted;
- (B) Brief description and location of vehicle; county ordinance number; provision for requesting in writing a hearing within 15 days of date notice was posted, and notice that if hearing is not requested, vehicle will be removed with owner liable for all costs;
- (C) Name, signature, title, address and telephone number of enforcement officer.

If the officer does not obtain permission to examine such vehicle (or is not otherwise lawfully on the Private property), the officer shall post said notice on the public right-of-way in a location clearly visible from and adjacent to the normal entrance to said property.

If the violation has not been rectified within fifteen (15) days from the date notice was posted and the owner has failed to request a hearing in accordance with the procedures stated herein, the County shall have the right to remove the vehicle and impound it and dispose of it at the expense of the owner. The salvage value, if any, of such vehicle shall be retained by the County to be applied against the cost of removal and disposal of the vehicle with the remainder returned to the owner.

Section 4. REMOVAL OF ABANDONED, INOPERABLE, JUNKED OR WRECKED VEHICLES FROM PUBLIC PROPERTY. Whenever an Enforcement Officer observes an Abandoned, Inoperable, Junk or Wrecked vehicle on Public property for a period of time of seventy-two (72) hours or more, the vehicle shall be removed by the County with no notice to the owner, at the owner's expense.

Section 5. ENFORCEMENT. For enforcement purposes, the following shall apply:

- (A) A vehicle will not be considered Junk, Inoperable, Wrecked or Abandoned if it is stored within a Structure, or on the premises of a vehicle repair business licensed and operated in a lawful place and manner, or on a bona fide sales lot or automobile storage or wrecking yard. This ordinance shall not apply to any ancient or antique vehicle that is registered with the State of Florida as such pursuant to Section 320.086, Florida Statutes.
- (B) A vehicle is determined to be inoperable if it is a Wrecked vehicle as defined herein, or there is a visible indication of an inoperable condition, for example, dismantled to the degree that it cannot be immediately driven.
- (C) In making a determination as to whether a vehicle is Abandoned, Inoperable, Junk, or Wrecked, the Enforcement Officer may rely on visible indications of the condition of the particular vehicle, provided those indications can be reasonably articulated by the Enforcement Officer.

Section 6. NOTICE AND HEARING. The Notice to be posted on the vehicle under the provisions of Section 3 of this ordinance shall notify the vehicle owner and the owner of Private property where the vehicle is located, of the right to request a hearing before the County Administrator or his designee within fifteen (15) days. If the County Administrator or his designee finds that the Motor Vehicle is in violation of this ordinance, it shall be removed by the County after a reasonable warning period determined by the County Administrator or his designee. If a hearing is not requested and the vehicle is removed by the County, the County shall furnish notice of its intent to dispose of said vehicle by certified mail, return receipt requested, to the last known registered owner of the Motor Vehicle at his last known address, no longer than and no less than fifteen (15) days before disposing of the Motor Vehicle. The County shall also provide notice in the same manner to the owner of the Private property from which the vehicle was removed based on the current records of the Property Appraiser's Office. Notice under this section shall contain the following information:

- (A) Year, make, model, and vehicle identification number of the vehicle.

- (B) The name and address of the last known registered owner of the Motor Vehicle, if available.
- (C) The vehicle registration number and the title registration number of the Motor vehicle, if available.
- (D) The date on which the vehicle was removed.
- (E) The location from which the Motor vehicle was removed.
- (F) The location in which the Motor vehicle is being stored or in the alternative a number to contact.

The County shall have the right to dispose of the vehicle if the County fails to receive a response within five (5) days after the certified mail receipt is returned to the County.

When the County removes a vehicle from Public property under Section 4 of this ordinance, prior to the County's disposal of said vehicle, notice shall be provided to the last known registered owner of the vehicle in accordance with this section.

Section 7. SEVERABILITY. If any section, part of a sentence, paragraph, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall be valid and in full force and effect.

Section 8. EFFECTIVE DATE. This ordinance shall take effect upon receipt by the Secretary of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 1st day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK RENDITION DATE 12/16/2004

By: 
Robin L. Platt, Deputy Clerk

Effective Date: 12/7/2004

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared CHARLES BARRETT who on oath says that he is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being NOTICE OF HEARING in the matter of JUNK VEHICLE ORDINANCE was published in said newspaper in the issues of NOVEMBER 18, 2004.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 18 TH day of NOVEMBER, 2004.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Patricia A. Bergquist] (Signature of Notary Public)



Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Wednesday, December 1, 2004 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S.1 North, St. Augustine, Florida, to consider adoption of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RELATING TO REMOVAL OF ABANDONED, JUNK, INOPERABLE, OR WRECKED VEHICLES FROM PRIVATE OR PUBLIC PROPERTY; PROVIDING DEFINITIONS AND ENFORCEMENT PROCEEDINGS; PROVIDING PROCEDURES PERTAINING TO

NOTICE AND HEARING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 820-2235 of the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk L2780-4 Nov 18, 2004



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

December 7, 2004

Ms. Cheryl Strickland
Clerk
St. Johns County
Minutes & Records Division
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Yvonne King, Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 6, 2004 and certified copy of St. Johns County Ordinance No. 2004-112, which was filed in this office on December 7, 2004.

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>
 LEGISLATIVE LIBRARY SERVICE RECORDS MANAGEMENT SERVICES FLORIDA STATE ARCHIVES
(850) 488-2812 • FAX: (850) 488-9879 (850) 487-2180 • FAX: (850) 413-7224 (850) 245-6700 • FAX: (850) 488-4894
 ADMINISTRATIVE CODE AND WEEKLY
(850) 245-6270 • FAX: (850) 245-6282

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