

## Chapter 14

### NUISANCES

Art. I. In General, §§ 14-1—14-15

Art. II. Abandoned Vehicles, §§ 14-16—14-22

#### ARTICLE I. IN GENERAL

Secs. 14-1—14-15. Reserved.

#### ARTICLE II. ABANDONED VEHICLES

Sec. 14-16. Definitions.

As used in this article, the following terms shall mean as indicated below:

*Abandoned:* When used in connection with "junk vehicle," means property having no value other than nominal salvage value, if any, which has been left unprotected from the elements with no intention by the owner to remain in possession of the property.

*Enforcement officer:* Any building inspector, zoning enforcement officer, zoning inspector, or duly constituted law enforcement officer.

*Junk:* When used in connection with "vehicle," a vehicle which is dismantled, wrecked, junked, and/or nonoperating.

*Keep:* When used in connection with "junk vehicle," means to keep, have or hold property having no value other than nominal salvage value, if any, which has been left unprotected from the elements with intention by the owner to remain in possession of the property.

*Private property:* means any real property other than public property.

*Public property:* Roads, streets, alleys, highways, or other public easements of the county.

*Vehicle:* A machine propelled by power other than human power designed to travel along the ground for the purposes

of transporting persons or property or pulling machinery, including, but without limitation to automobiles, trucks, motorcycles, and tractors. (Ord. No. 74-2, § 3, 3-26-74)

**Sec. 14-17. Prohibited.**

No person shall abandon or keep any junk vehicle on any public property or on any private property in the county. (Ord. No. 74-2, § 4, 3-26-74)

**Sec. 14-18. Junk vehicles on public property.**

(a) Whenever the enforcement officer of the county ascertains that a junk vehicle is present on public property, he shall cause a notice of sufficient size and weather-proofing to be placed upon the junk vehicle. In addition to said posting, he shall make a reasonable effort to ascertain the name and address of the owner of the vehicle, and upon such discovery he shall mail on the date of posting a copy of said notice to the owner of the vehicle.

(b) Such notice shall be substantially in the following form:

NOTICE TO THE OWNER OF THE ATTACHED VEHICLE: CLAY COUNTY ORDINANCE No. 74-2 DEFINES THIS PROPERTY (setting forth a brief description) AS A JUNK VEHICLE UNLAWFULLY PRESENT UPON PUBLIC PROPERTY KNOWN AS (setting forth a brief description), AND MUST BE REMOVED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS NOTICE. FAILURE TO COMPLY WILL RESULT IN A MISDEMEANOR CHARGE AGAINST THE VEHICLE OWNER, AND IT WILL BE PRESUMED THAT THE VEHICLE IS ABANDONED PROPERTY WHICH WILL BE REMOVED AND DESTROYED AT THE EXPENSE OF THE VEHICLE OWNER BY ORDER OF CLAY COUNTY ORDINANCE NO. 74-2. DATED THIS: (setting forth the date of notice posting). SIGNED: (setting forth name, title, address, and telephone number of the enforcement officer).

(c) If at the end of fifteen (15) days after posting such notice, the owner of the junk vehicle described in the notice has not removed the vehicle from the public property or shown reasonable cause for failure to do so, the enforcement officer may charge the vehicle owner, if known, with a violation of this Code, and cause the junk vehicle to be removed and destroyed pursuant to section 14-21 of this Code. (Ord. No. 74-2, § 7, 3-26-74)

SIGNED: (setting forth name, title, address, and telephone number of the enforcement officer).

**Sec. 14-19. Junk vehicles on private property.**

(a) Whenever the enforcement officer of the county ascertains that a junk vehicle is present on private property in unincorporated areas of the county, he shall cause a notice of sufficient size and weather-proofing to be placed upon the junk vehicle. In addition to said posting, he shall make a reasonable effort to ascertain the name and address of the owner of the vehicle, and upon such discovery he shall mail on the date of posting a copy of said notice to the owner of the vehicle. He shall also mail on the date of posting a copy of said notice to the owner of the private property as shown by the real estate tax records used by the county upon whose property the junk vehicle is located.

(b) Such notice shall be substantially in the following form:

NOTICE TO OWNER OF PROPERTY ON WHICH ATTACHED VEHICLE IS LOCATED. CLAY COUNTY ORDINANCE NO. 74-2 DEFINES THIS PROPERTY (setting forth a brief description) AS A JUNK VEHICLE UNLAWFULLY STORED UPON PRIVATE PROPERTY KNOWN AS (setting forth a brief description), AND MUST BE REMOVED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS NOTICE. FAILURE TO COMPLY WILL RESULT IN A MISDEMEANOR CHARGE AGAINST THE VEHICLE OWNER AND THE PROPERTY OWNER, AND IT WILL BE PRESUMED THAT THE VEHICLE IS ABANDONED PROPERTY WHICH WILL BE REMOVED

AND DESTROYED AT THE EXPENSE OF THE VEHICLE OWNER, IF DETERMINABLE, OR, IF NOT, AT THE EXPENSE OF THE PROPERTY OWNER, BY ORDER OF CLAY COUNTY ORDINANCE NO. 74-2. DATED THIS: (setting forth the date of notice posting).

(c) If at the end of fifteen (15) days after posting such notice the owner of the junk vehicle or the private property has not removed the junk vehicle from the private property or shown reasonable cause for failure to do so, the enforcement officer may charge the junk vehicle owner and the private property owner with a violation of this Code and cause the junk vehicle to be removed and destroyed pursuant to section 14-21 of this Code. (Ord. No. 74-2, § 6, 3-26-74)

**Sec. 14-20. Power of enforcement officer.**

(a) The enforcement officer shall have the right to enter private property for the purposes of inspecting for junk vehicles and of posting notice when vehicles have been discovered in violation of this article.

(b) The enforcement officer shall have appropriate official identification with him which identifies said officer as an agent of the county when he enters private property pursuant to subsection (a). (Ord. No. 74-2, § 8, 3-26-74)

**Sec. 14-21. Removal.**

(a) The board of county commissioners may contract on an exclusive or nonexclusive basis with any person, as the board deems advisable for the purpose of removing and destroying junk vehicles abandoned or kept on public or private property in violation of this article upon direction of the enforcement officer.

(b) Expenses incurred in said removal and destruction of junk vehicles from public property shall be paid to the person designated by the board to remove and destroy junk vehicles by the junk vehicle owner if said owner can be determined, or, if not determined by the county. Expenses incurred in said removal and destruction of junk vehicles from private

property shall be paid to the person, designated by the board to remove and destroy junk vehicles by the junk vehicle owner, if said owner can be determined, or, if not determinable, by the private property owner. (Ord. No. 74-2, § 9, 3-26-74)

**Sec. 14-22. Exemptions.**

This article shall not apply to any junk vehicle kept on private property.

- (a) Within an enclosed garage or attached carport; or
- (b) On the premises of a business enterprise when necessary to the functioning of such business operated in a lawful place and manner; or
- (c) In an appropriate storage area or depository maintained in a lawful place and manner. (Ord. No. 74-2, § 5, 3-26-74)

ORDINANCE NO. 2003- 73

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING PORTIONS OF ARTICLE II OF CHAPTER 14 OF THE CLAY COUNTY CODE, SAID ARTICLE BEING THE CODIFICATION OF ORDINANCE NO. 74-2, AS AMENDED, KNOWN AS THE ~~JUNK VEHICLE~~ ORDINANCE OF CLAY COUNTY, TO REVISE THE DEFINITION OF JUNK WITH RESPECT TO A VEHICLE UNDER SEC. 14-16 THEREOF; AND TO REVISE EXEMPTION PROVISIONS OF SAID ARTICLE UNDER SEC. 14-22 THEREOF BY REVISING CERTAIN EXEMPTION PROVISIONS RELATED TO JUNK VEHICLES KEPT IN GARAGES, JUNK VEHICLES KEPT ON THE PREMISES OF CERTAIN BUSINESS ESTABLISHMENTS, JUNK VEHICLES KEPT IN CERTAIN STORAGE AREAS AND DEPOSITORIES, AND JUNK VEHICLES KEPT UNDER CAR COVERS, AND BY ADDING EXEMPTION PROVISIONS RELATED TO JUNK VEHICLES SO CLASSIFIED SOLELY BY REASON OF BEING UNLICENSED, AND RELATED TO CERTAIN FARM TRUCKS AND EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

2003 JUL 29 PM 3:34

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Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. The definition for *junk* set forth in Sec. 14-16 of the Clay County Code, said definition being the codification of subsection (c) of Section 3 of Ordinance No. 74-2, is hereby amended to read in its entirety as follows:

*Junk:* When used in connection with "vehicle," means a vehicle which is dismantled, wrecked, junked, and/or non-operating, and/or lacking a valid tag currently unlicensed for a period in excess of one (1) year.

Section 2. Sec. 14-22 of the Clay County Code, being the codification of Section 5 of Ordinance No. 74-2, as amended, is hereby amended to read in its entirety as follows:

**Sec. 14-22. Exemptions.**

This article shall not apply to ~~any junk vehicle kept on private property to the following:~~

- (a) Any junk vehicle kept on the premises of a residence within ~~Within an enclosed garage or attached carport;~~ or
- (b) Any junk vehicle kept on ~~On~~ the premises of a business enterprise other than a junk yard when necessary to the functioning of such business operated in a lawful place and manner; or

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- (c) Any junk vehicle kept on non-residential private property in an appropriate storage area or depository maintained in a lawful place and manner; or
- (d) No more than two junk vehicles kept under fitted car covers in the rear yard of a residence; Under a properly tied down tarpaulin (tarp) or fitted ear covers (no more than two (2) per parcel); or
- (e) No more than one junk vehicle kept on any parcel of private property and classified as a junk vehicle solely by reason of lacking a valid tag, so long as the same does not remain lacking a valid tag for a period in excess of twelve months for any vehicle on which is displayed a valid and current Department of Defense base sticker issued to an active duty member of the armed forces, including reservists, and in excess of six months for any other vehicle; or
- (f) Farm trucks and equipment actively used for farming purposes within a land use category designated as Agriculture (AG), Agricultural/Residential (AR) or Rural Residential (RR) under the County's Comprehensive Plan.

Section 3. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a severable, separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

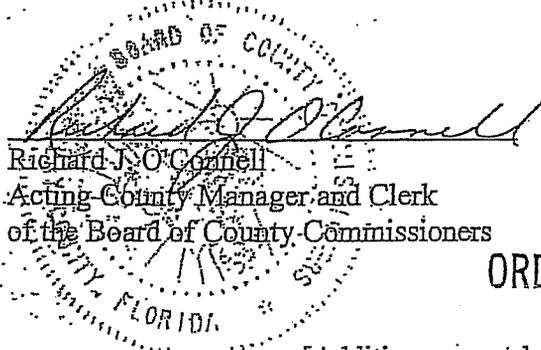
Section 4. This ordinance shall take effect in accordance with Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 22<sup>nd</sup> day of July, 2003. I hereby certify that this document, consisting of 2 page[s] and further identified as ordinance 03-73 is a true and correct copy of the original maintained in the custody of ROBERT M. WILSON as County Manager and Clerk of the Board of County Commissioners of Clay County, Florida, this 13 day of Aug 16<sup>th</sup>, 2003.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

BY: Larry R. Lancaster  
Larry R. Lancaster  
Its Chairman

By: Madelyn Proctor, Deputy Clerk  
ATTEST [Not Valid without the seal of the Board]



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ORDINANCE #01-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CERTAIN SECTIONS OF THE JUNK VEHICLE ORDINANCE 74-2 TO WIT: AMENDING SECTION 3 (C) TO ADD AND/OR UNLICENSED FOR A PERIOD OF 30 (THIRTY) DAYS; AMENDING SECTION 5 TO ADD PARAGRAPH (D) UNDER A TIED-DOWN TARPAULIN (TARP) OR FITTED CAR COVER (NO MORE THAN TWO PER PARCEL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA THAT:

SECTION 1:

Section 3 subsection (c), Clay County Junk Vehicle Ordinance 74-2, is amended to read as follows:

- (c) "Junk" when used in connection with "vehicle" means a vehicle which is dismantled, wrecked, junked, and/or non-operating, and/or currently unlicensed for a period in excess of one (1) year.

SECTION 2:

Section 5 of Clay County Junk Vehicle Ordinance 74-2, is changed to add the following paragraph and to read as follows:

- (d) Under a properly tied down tarpaulin (tarp) or fitted car cover (no more than two per parcel).

SECTION 3:

If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not be so construed so as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 4:

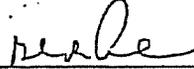
A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board, and shall thereafter take effect in accordance with general Florida law.

FILED  
 DEPARTMENT OF STATE  
 TALLAHASSEE, FLORIDA  
 2001 MAY -4 AM 9:15

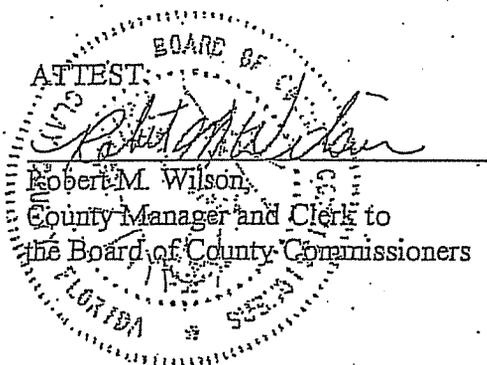
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DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, THIS 24th DAY OF April, 2001.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA



Glenn R. Lassiter  
Chairman



APPROVED AS TO FORM:



for Fran Moss, Assistant County Attorney

I hereby certify that this document consisting of 2 page[s] and further identified as [Ordinance 01-15] is a true and correct copy of the original maintained in the custody of ROBERT M. WILSON as County Manager and Clerk of the Board of County Commissioners of Clay County, Florida, this 15 day of May, 2001.

By: Brenda Jones, Deputy Clerk  
[Not Valid without the seal of the Board]

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