

ORDINANCE NO.: 2003-10

AN ORDINANCE TO AMEND PROVISIONS OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO ABANDONED VEHICLES; AMENDING CODE SECTION 20-16 ADDING INTENT; AMENDING CODE SECTION 20-17 ADDING DEFINITIONS FOR INOPERABLE VEHICLE AND DRIVE TRAIN AND EXEMPTING CERTAIN VEHICLES FROM THE DEFINITION OF VEHICLE; AMENDING CODE SECTION 20-18 TO PROHIBIT PARKING OR STORAGE OF ABANDONED OR INOPERATIVE VEHICLES ON PRIVATE PROPERTY; AMENDING CODE SECTION 20-19 TO PROHIBIT LEAVING ABANDONED OR INOPERATIVE VEHICLES ON STREETS OR ROADS; AMENDING CODE SECTION 20-20 TO PROVIDE CERTAIN EXEMPTIONS; AMENDING CODE SECTION 20-21 PROVIDING FOR NOTICES FOR REMOVAL OF PROHIBITED VEHICLES; AMENDING CODE SECTION 20-22 SPECIFYING ALTERNATE ENFORCEMENT PROCEDURES; AMENDING CODE SECTION 20-23 AUTHORIZING EXAMINATION AND REMOVAL OF ABANDONED OR INOPERATIVE VEHICLES BY CERTAIN OFFICERS UNDER CERTAIN CONDITIONS; AMENDING CODE SECTION 20-24 RELATING TO LIEN COLLECTION; AMENDING CODE SECTION 20-25 RELATING TO NOTICE AND DISPOSITION OF IMPOUNDED VEHICLES; AMENDING CODE SECTION 20-26 TO INCORPORATE CERTAIN STATUTORY PROVISIONS; PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1.

Section 20-16, Hernando County Code of Ordinances, is hereby amended to read as follows with underlined matter added and struck-through matter deleted:

Sec. 20-16. Purpose and intent.

Since ~~motor~~ vehicles are and will in the future be abandoned in the streets and on private property, and since there are or may in the future be partially dismantled, non-operating, wrecked or junked vehicles or vehicles otherwise in a state of disrepair left about the county other than at properly

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TALLAHASSEE FLORIDA

1 licensed junk yards; and since vehicles which are incapable of being lawfully operated create
2 the same conditions and concerns as abandoned or non-operating vehicles; and since such
3 conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the
4 value of private property; invite plundering; create fire hazards and other safety and health hazards
5 to children and adults; interfere with the comfort and well being of the public, the purpose of this
6 article is therefore to provide adequate protection of the public health, safety and welfare which
7 requires that such conditions be regulated, abated or prohibited.

8
9 **SECTION 2.**

10
11 Section 20-17, Hernando County Code of Ordinances, is hereby amended to read as follows,
12 with underlined matter added and struck-through matter deleted:

13
14 Sec. 20-17. Definitions.

15
16 For the purposes of this article, the following definitions shall apply in the interpretation,
17 enforcement and intent of this article:

18 *Inoperative vehicle* means a vehicle that is in a state of disrepair and incapable of being moved
19 under its own power, or a vehicle that is incapable of being lawfully operated on the streets of
20 the state. A vehicle shall be deemed inoperative if one or more parts of the drive train which
21 are required for the operation of the vehicle are missing, are dismantled, are inoperative or
22 are not attached to the vehicle as designed. There shall be a rebuttable presumption that a
23 vehicle is incapable of being lawfully operated on the streets of the state if a current
24 registration tag for that vehicle, also known as a license plate, of a kind required under state
25 law as a condition of operation upon the public streets, is not affixed thereto.

26 *Abandoned vehicle* shall mean any ~~motor~~ vehicle to which the last registered owner of record thereof
27 has relinquished all further dominion and control or any ~~motor~~ vehicle which has been left on open
28 lands for which no arrangement has been made for its storage with the owner or occupant of the
29 premises in which it is located for a period of thirty (30) days.

30 *Board* shall mean the board of county commissioners.

31 *Drive train* shall mean any part or combination of parts of a vehicle's system for propulsion,
32 including but not limited to the engine, carburetor or other fuel injection mechanism (whether
33 mechanical or electronic), transmission, axles, and wheels (including tires).

34 *Motor Vehicle* shall mean all vehicles designed to be propelled by power other than human power
35 designed to travel along the ground by use of wheels, treads, runners, slides, and transport persons
36 or property or pull machinery and shall include, without limitation, automobile, truck, ~~trailer,~~
37 motorcycle, all-terrain vehicle or tractor, except that operative farm vehicles which are not
38 required by law to be registered or racing vehicles that can be documented to have
39 participated in an official sanctioned event within the past sixty (60) days shall not be included

1 **within this definition.**

2 *Property* shall mean any real property within the unincorporated areas of the county which is not a
3 street or highway.

4 *Street or highway* shall mean the entire width between the boundary lines of any road, street,
5 highway, alley or any part of which is open to the public for use for purposes of vehicular traffic,
6 within the unincorporated areas of the county.

7
8 **SECTION 3.**

9
10 Section 20-18, Hernando County Code of Ordinances, is hereby amended to read as follows,
11 with underlined matter added and struck-through matter deleted:

12
13 Sec. 20-18. Storage on private property prohibited.

14
15 No person shall park, store or leave or permit the parking, storage or leaving of any **abandoned or**
16 **inoperative** motor vehicle ~~which is in a wrecked, junked, partially dismantled, inoperative or~~
17 ~~abandoned condition~~ on any private property within the unincorporated areas of the county for a
18 period in excess of thirty (30) days unless such vehicle is **stored in an area not visible from the**
19 **right-of-way or adjoining property**, ~~completely enclosed within a building~~ or unless such vehicle
20 is so stored or parked on private property in connection with a duly licensed business or enterprise
21 operated and conducted for the repair of such motor vehicles.

22
23 **SECTION 4.**

24
25 Section 20-19, Hernando County Code of Ordinances, is hereby amended to read as follows,
26 with underlined matter added and struck-through matter deleted:

27
28 Sec. 20-19. Leaving on street prohibited.

29
30 No person shall leave any ~~partially dismantled, nonoperating, wrecked or junked~~ **abandoned or**
31 **inoperative** vehicle on any street, road, highway, alley, or public way within the unincorporated
32 areas of the county.

33
34 **SECTION 5.**

35
36 Section 20-20, Hernando County Code of Ordinances, is hereby amended to read as follows,
37 with underlined matter added and struck-through matter deleted:

38
39 Sec. 20-20. Allowing to remain on property prohibited.

1
2 No person in charge or control of any property within the county whether as owner, tenant, occupant,
3 lessee or otherwise, shall allow any abandoned or inoperative vehicle ~~or, except as provided for in~~
4 ~~this article, any vehicle in a state of substantial disrepair to remain on such property longer than thirty~~
5 (30) days unless such vehicle is stored in an area not visible from the right-of-way or adjoining
6 property or unless such vehicle is so stored or parked on private property in connection with
7 a duly licensed business or enterprise operated and conducted for the repair of such vehicles.
8

9 SECTION 6.

10
11 Section 20-21, Hernando County Code of Ordinances, is hereby amended to read as follows,
12 with underlined matter added and struck-through matter deleted:
13

14 Sec. 20-21. Notice requiring removal.

15
16 Whenever it shall appear that ~~a violation of the provision of this article exists~~ a citation for a
17 violation of this code has become final and unappealable, the code enforcement officer or the
18 county sheriff, shall give, or cause to be given, written notice to the registered owner of any vehicle
19 which is in violation of this article, and shall give such notice to the owner or person in lawful
20 possession or control of the private property upon which such ~~motor~~ vehicle violates the provisions
21 of this article and directing that such ~~motor~~ vehicle be moved to a place of lawful storage ~~or be~~
22 ~~housed within an enclosure or building~~ within seven (7) days from the date of such notice. Such
23 notice may be served upon the registered owner of the vehicle by certified mail return receipt
24 requested, addressed to such owner at the last known address of record of the department of motor
25 vehicles. Notice to the owner or person in lawful possession or control of the property upon which
26 such ~~motor~~ vehicle is located may be personally served, or be served by certified mail return
27 receipt requested, if such owner or occupant cannot be found upon such property. ~~In lieu of~~
28 ~~personal service upon the owner or occupant of the private property upon which the motor vehicle~~
29 ~~is located, the notice shall be served by mail.~~ Such certified mail shall be addressed to the owner
30 of such property according to the last county ~~tax-assessor's~~ property appraiser's rolls and a copy
31 of such notice shall be conspicuously posted upon the premises, or as close thereto on adjoining
32 public property or public or private easement or right-of-way as practicable.
33

34 SECTION 7.

35
36 Section 20-22, Hernando County Code of Ordinances, is hereby amended to read as follows,
37 with underlined matter added and struck-through matter deleted:
38

39 Sec. 20-22. Failure to remove; misdemeanor.

1
2 Any person who fails, neglects or refuses to remove ~~the abandoned, wrecked, junked, partially~~
3 ~~dismantled or~~ an abandoned or inoperative motor vehicle or to ~~house~~ properly store such vehicle
4 and abate such nuisance in accordance with the notice given pursuant to the provisions of Section
5 20-21 shall, upon conviction thereof, be guilty of a misdemeanor and be punished as provided in
6 section 1-8 of this Code; provided that this section shall not prevent issuance of a citation
7 pursuant to code enforcement procedures authorized under Florida law and this Code.
8

9 **SECTION 8.**

10
11 Section 20-23, Hernando County Code of Ordinances, is hereby amended to read as follows,
12 with underlined matter added and struck-through matter deleted:
13

14 Sec. 20-23. Entry upon private property for removal or abatement under specified circumstances;
15 authorized.
16

17 (1) Any person in charge or control, whether as owner, tenant, occupant, lessee or otherwise, of
18 property on which an abandoned ~~motor or inoperative~~ vehicle shall be situate and who fails to
19 remove such ~~motor~~ vehicle in accordance with ~~the request made~~ a citation which has become final
20 and unappealable as issued by the code enforcement officer or county sheriff, or their duly
21 authorized agents, shall permit access to such property by any duly authorized agent of the county
22 for the purpose of examining or removing such vehicle or vehicles. It shall be unlawful for any
23 person to interfere, hinder, or refuse to allow such person so authorized to enter upon private
24 property for the purpose of enforcing the provisions of this article.

25 (2) In the event that the person in charge or control of the property is the record owner of the
26 property pursuant to current records of the county property appraiser, and such record owner
27 fails to respond to a notice of violation which is hand-delivered or sent certified mail, return
28 receipt requested, within the time specified therein, such record owner shall be conclusively
29 deemed to have waived any right to object to entry upon the property for purposes of
30 examination and removal of abandoned or inoperative vehicles hereunder.

31 (3) Whenever the county may be authorized under the terms of this ordinance to remove
32 abandoned or inoperative vehicles from private property, the county is authorized to employ
33 an independent contractor pursuant to procurement provisions of the code and related policies
34 in order to accomplish such removal.
35

36 **SECTION 9.**

37
38 Section 20-24, Hernando County Code of Ordinances, is hereby amended to read as follows,
39 with underlined matter added and struck-through matter deleted:

1
2 Sec. 20-24. Responsibility for disposition.
3

4 Where any **motor** vehicle is in such condition that it is no longer self-propelled, then the person in
5 charge or control, whether as owner, tenant, occupant, lessee or otherwise, of the property on which
6 such **motor** vehicle is situated shall remove and dispose of such **motor** vehicle through a private
7 contractor by private means. Where the person in charge or control of the property, whether as
8 owner, tenant, occupant, lessee or otherwise, after thirty (30) days of having been given written
9 notice has failed to remove the **motor** vehicle, then the code enforcement officer or county sheriff,
10 or any contractor employed for such purpose, is authorized to arrange for prompt removal, but
11 such action by the code enforcement officer or county sheriff or contractor shall not provide a
12 defense or excuse to the person in charge or control of such property for failure to comply with this
13 article. The person in charge or control of such property shall pay and be jointly and severally liable
14 for all costs incurred by the county in effecting such removal. If payment is not made on demand,
15 the actual costs thereof, plus accrued interest at the statutory judgment rate of eight (8) per cent per
16 annum from the date of the completion of the work, shall be and constitute a lien against the property
17 of such owner ~~and shall be charged to the owner of such property on the next regular tax bill~~
18 ~~forwarded to such owner by the county, and such charge shall be due and payable by such owner at~~
19 ~~the time of payment of such tax bill and shall be collectible in the same manner as may now or~~
20 hereafter be provided for the collection or enforcement of the liens generally of ad-valorem taxes.
21

22 **SECTION 10.**
23

24 Section 20-25, Hernando County Code of Ordinances, is hereby amended to read as follows,
25 with underlined matter added and struck-through matter deleted:
26

27 Sec. 20-25. Notice and disposition of impounded vehicles.
28

29 Whenever the code enforcement officer or county sheriff or contractor employed for such purpose
30 removes any **motor** vehicle, under the provisions of this article, from public or private property, ~~he~~
31 ~~shall thereupon notify the owner or owners, if known, by certified mail, of the location thereof and~~
32 ~~of the right of such owner to secure return of possession of such motor vehicle upon payment of the~~
33 ~~cost of removal or storage. If any vehicle remains unclaimed and the cost for removal and storage~~
34 ~~unpaid for sixty (60) days from the date of removal, such vehicle shall be sold by the county sheriff~~
35 ~~in the manner prescribed for disposal of abandoned property~~ the vehicle shall be disposed of as
36 outlined described in Section Chapter 705 713 of the Florida Statutes, as amended from time to
37 time, without regard to whether the vehicle was removed from public or private property.
38

39 **SECTION 11.**

1
2 Section 20-26, Hernando County Code of Ordinances, is hereby amended to read as follows,
3 with underlined matter added and struck-through matter deleted:
4

5 Sec. 20-26. Enforcement officers for removal from public property designated.
6

7 The code enforcement officer or county sheriff is designated as enforcement officer for removal of
8 abandoned vehicles from public property pursuant to ~~Section~~ Chapter 705 of the Florida Statutes,
9 as amended from time to time.
10

11 **SECTION 12. Severability.**
12

13 It is declared to be the intent of the Board of County Commissioners that if any section,
14 subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held
15 unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining
16 portions of this ordinance.
17

18 **SECTION 13. Inclusion in the Code.**
19

20 It is the intention of the Board of County Commissioners of Hernando County, Florida, and
21 it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the
22 Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this
23 Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance"
24 may be changed to "section," "article", or other appropriate designation.
25

26 **SECTION 14. Effective date.**
27

28 This ordinance shall take effect immediately upon receipt of official acknowledgment from
29 the office of the Secretary of State of Florida that this ordinance has been filed with said office.
30

31 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
32 **COUNTY** in Regular Session this 13 day of MAY 2003.
33

34 **BOARD OF COUNTY COMMISSIONERS**
35 **HERNANDO COUNTY, FLORIDA**
36

37
38 Attest: Jenine E. Winer, Deputy
39 KAREN NICOLAI
40 Clerk

By: Mary E. Whitehouse
MARY E. WHITEHOUSE
Chairperson