

Chapter 10

JUNK, ABANDONED PROPERTY**

Art. I. In General, §§ 10-1—10-17

Art. II. Abandoned Vehicles, §§ 10-18—10-40

Art. III. Abandoned Property of Nominal Salvage Value, §§ 10-41—10-45

ARTICLE I. IN GENERAL

Sec. 10-1. JUNKYARDS TO BE FENCED

It shall be unlawful for any person to establish or maintain within the city any junkyard, the premises of which are not completely enclosed by a solid fence at least eight (8) feet in height. (Code 1971, § 12-1)

Secs. 10-2—10-17. RESERVED

ARTICLE II. ABANDONED VEHICLES**

Sec. 10-18. DETERMINATION

a) In the interpretation and enforcement of this article, the phrase “abandoned vehicle” and/or “non-operating/inoperable vehicle” shall mean any motor vehicle which has been left in the public streets or in any public place or on open lands, and:

1) For which no arrangements have been made for its storage with the owner or occupant of the premises on which it is located; or

*Cross references-Garbage and trash, Ch. 9; nuisances, Ch. 12.

State law reference-Seized, abandoned, wrecked or derelict property, F.S. Ch. 705.

**Cross reference -Traffic and motor vehicles, Ch. 20.

- 2) Whose owner has indicated by his or her words or actions an intent to leave the same and no longer claim ownership thereof.
- 3) Any vehicle required to be licensed by the state if used on public streets which remains for a period of thirty (30) days in such condition that it cannot be started or moved under its own power, or in its normal or usual manner, without repair or the addition of parts, and/or which is unlicensed for a period of thirty (30) days, but does not include any licensed automobile which is more than twenty (20) years old which is undergoing active repair or restoration for display, use, or sale as an antique.

(a) Vehicle shall mean every device capable of being moved upon a public highway or public waterway and in, upon, or by which any person or property may be transported or drawn upon a public highway or public waterway, including any watercraft, boat, ship, vessel, barge, or other floating craft, or which is used exclusively upon stationary rails or tracks, or which is exclusively for agricultural purposes and not licensed pursuant to state law and is not operated upon any public highway for purposes other than crossing such public highway or along such public highway between two tracts. (Ord. 1-99, § 2, 2-8-99)

Sec. 10-19. ABANDONMENT PROHIBITED

No person shall abandon or permit the abandonment on public or private property within the city of any motor vehicle owned by him or her or under his control or in his possession at the time of abandonment. (Code 1971, § 12-17)

Sec. 10-20. NONOPERATING, JUNKED VEHICLES, PROHIBITED

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle, or vehicle in a state of substantial disrepair on any street, highway or public place in the

city; and no such vehicle shall be stored in the open on any private property in the city for more than thirty (30) days. (Ord. 1-99, § 3, 2-8-99)

Sec. 10-21. DUTY OF OWNERS OF PRIVATE PROPERTY

No person owning, in charge of or in control of any real property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned vehicle partially dismantled, nonoperating, wrecked, or junked vehicle or vehicle in a state of substantial disrepair to remain on such property longer than thirty (30) days. It shall be the duty of any such person to notify the police department of the presence of such vehicle on such property.

(Code 1971, § 12-19)

Sec. 10-22. DUTY OF OWNER OF VEHICLE

Where any motor vehicle is in such condition that it is no longer operable, then the person in charge or control, whether as owner, tenant, occupant, lessee or otherwise, of property on which such motor vehicle is situated shall remove and dispose of such motor vehicle through a private contractor by private means after thirty (30) days. (Code 1971, § 10-20)

Sec. 10-23. REMOVAL BY CHIEF OF POLICE

Where the person in charge or control of the property, whether as owner, tenant, occupant, lessee or otherwise, after having been given ten (10) days notice has failed to remove the abandoned vehicle, then the chief of police or designated law enforcement agency is hereby authorized to arrange for prompt removal, but such action by the chief of police or designated law enforcement agency shall not provide a defense or excuse to the person in charge or control of such property for failure to comply with this article. (Code 1971, § 10-21)

Sec. 10-24. LIABILITY FOR EXPENSE OF REMOVAL

The person in charge or control of the property upon which an abandoned vehicle is located shall pay and be jointly and severally liable for all costs incurred by the City in effecting the removal of such vehicle. (Code 1971, § 10-22)

Sec. 10-25. ASSESSMENT OF EXPENSES

If payment of the costs and expenses or removal of any vehicle under the provisions of this article is not made on demand, such costs shall be assessed against the property on which such vehicle was located, as provided by law in the case of special assessments, and such costs shall be collected by the county tax collector as taxes assessed against the property. Such costs and expenses shall, like taxes, be a first lien on the property affected thereby until paid.

(Code 1971, § 12-23)

Sec. 10-26. REMOVAL OF INOPERABLE VEHICLES

Where any motor vehicle is in such condition that it is no longer operable and has been left in the city in the possession of a person other than the owner thereof, then the person in charge or control, whether as owner, tenant, occupant, lessee or otherwise of property on which such motor vehicle is situated, shall give ten (10) days written notice to the owner of the prohibited vehicle addressed to him at his last known address (which if not known to such person in charge shall be obtained from the police department) to remove such vehicle and pay such reasonable charges as have been incurred in transporting and storing such vehicle. If at the end of such ten (10) day period the owner of such vehicle has not paid such charges and removed such vehicle, such person in charge shall sell such vehicle at public or private sale for the best price obtainable, crediting the proceeds received for the payment of such transportation and storage charges and the balance, if any, to the owner of such the prohibited vehicle, and such vehicle shall then be removed from the City.

(Code 1971, § 12-24)

Sec. 10-27. REMOVAL WITHOUT NOTICE

Where the existence of a motor vehicle on public property, private property or on a street or highway shall be an immediate hazard and thereby constituting a nuisance, requiring prompt abatement, the Chief of Police or designated law enforcement agency may without notice, cause the same to be removed, and the Chief of Police or designated law enforcement agency shall thereupon notify the owner or owners of such vehicle if known, by certified mail, of the location thereof and of the right of such owner to secure return of possession of the vehicle upon payment of the costs of removal and storage. Nothing herein shall be construed to provide the owner with a defense against any sections of this Article. (Code 1971, § 12-25)

Sec. 10-28. INSIDE STORAGE PERMITTED

Nothing contained in this Article shall be deemed to prohibit the storage of motor vehicles in disrepair in an enclosed building. (Code 1971, § 12-26)

Sec. 10-29. SALE OF VEHICLES FOR COSTS

Whenever the chief of police or designated law enforcement agency removes any motor vehicle from any property under the provisions of this article, he shall notify the owner, if known, by certified mail, of the location thereof, and of the right of the owner to secure return of possession of such motor vehicle upon payment of the cost of removal and storage. If such vehicle remains unclaimed or the costs of its removal and storage remain unpaid after thirty (30) days from the date of removal, such vehicle shall be sold by the chief of police for the best obtainable price at public or private sale, and the proceeds of such sale shall be turned over to the treasurer and shall be added to the city's general revenue funds.

(Code 1971, § 12-27)

Secs. 10-30—10-40. RESERVED

ARTICLE III. ABANDONED PROPERTY OF NOMINAL SALVAGE VALUE*

Sec. 10-41. ADOPTION OF STATE LAW

F.S. § 705.16 is hereby adopted by reference in its entirety. (Ord. 130 § 1, 5-21-73)

Sec. 10-42. ENFORCEMENT OFFICER

The county waste management administering board is hereby designated as the enforcement officer for this article. (Ord. 140 § 2, 5-21-73)

Sec. 10-43. PROHIBITIONS

- 1) It is hereby declared to be a violation of this article for any person to abandon a motor vehicle or other property within this City at any time. No person shall leave any vehicle or property for such time and under such circumstances as to cause such property to reasonably appear to be non-operating/inoperable, or to have been abandoned, junked or otherwise to become derelict.

- 2) It shall be unlawful for any person in charge or control of property within the city whether as owner, tenant, occupant, lessee or otherwise, to allow any abandoned, non-operating/inoperable, or derelict property to remain on such premises, and whether such property if a vehicle is licensed or unlicensed and whether or not such vehicle possesses an un-expired inspection sticker. This provision shall not apply to vehicles or other property within a building, or located on the premises of lawfully licensed and permitted businesses concerned with the repair, processing, selling or otherwise transacting, or appropriately stored or deposited by the city or other governmental agency. (Ord. No. 1-99, § 4, 2-8-99)

Sec. 10-44. NOTICE

*State law reference-Supplemental procedure for removal and destruction of abandoned property of nominal salvage value, F.S. § 706.16 et seq.

Notice under this section shall be as provided by F.S. § 705.103. (Ord. No. 1-99, § 5, 2-8-99)

Sec. 10-45. WAIVER OF NOTICE REQUIREMENTS

The time requirements for notice established by this section shall be waived whenever abandoned property including motor vehicles is so situated as to create a substantial, immediate danger to highway or street traffic, or to public health, safety and welfare. Such property may be removed immediately and without notice by the enforcement agency, and shall be impounded for the period normally contemplated for notice to owners. Notice shall be posted at the place from which the property was removed, if practicable, or otherwise in such manner as to reasonably assure that notice will be received by the owner of the property or other person interested in it.

(Ord. 140 § 4, 5-21-73)