

ORDINANCE NO. 12-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY FLORIDA; PROVIDING FOR A SHORT TITLE AS THE "OKALOOSA COUNTY ABANDONED AND NUISANCE VEHICLE ORDINANCE OF 2012"; PROVIDING FOR THE REPEAL OF SECTIONS 9.03.01.1 AND 9.03.12 OF THE LAND DEVELOPMENT CODE, ORDINANCE 91-01 AS AMENDED; RENUMBERING OF SECTION 9.03.13 OF THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE 91-01, AS AMENDED; AMENDING ORDINANCE NO. 87-33 AND CREATING A NEW ARTICLE III OF CHAPTER 21 OF THE CODE OF ORDINANCES OF OKALOOSA COUNTY, FLORIDA; PROVIDING FOR THE REPEAL OF ALL OTHER CONFLICTING PROVISIONS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES OF OKALOOSA COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Okaloosa County is a political subdivision of the State of Florida to which Chapter 125 of the Florida Statutes grants broad authority and provides for the adoption of ordinances to provide for self-governance;

WHEREAS, Okaloosa County adopted and has from time to time amended Ordinance 91-01 which creates a Land Development Code that includes, among other provisions, Chapter 9 which provides operational performance standards for various land use activities, and which also includes provisions that address the keeping of abandoned vehicles on public and private properties;

WHEREAS, the Board of County Commissioners finds that it is necessary and in the public interest to better define and regulate nuisance and abandoned vehicles, and so it is necessary to amend Chapter 9 of the Land Development Code and Chapter 21 of the Code of Ordinances of Okaloosa County to achieve this end.

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

Section 1. Short Title. This Ordinance shall be known and may be cited as the "Okaloosa County Abandoned and Nuisance Vehicle Ordinance of 2012".

Section 2. Repeal of Sections 9.03.02.1 and 9.03.12 of the Okaloosa County Land Development Code, Ordinance 91-01, as amended. Sections 9.03.01.1 and 9.03.12 of the Okaloosa County Land Development Code are hereby repealed in their entirety.

Section 3. Renumbering of Section 9.03.13 of the Okaloosa County Land Development Code, Ordinance 91-01, as amended. Section 9.03.13 of the Okaloosa County Land Development Code, Ordinance 91-01, as amended, is hereby re-numbered as Section 9.03.12 in replacement of the section repealed by Section 2, above.

Section 4. Creation of Article III of Chapter 21 of the Code of Ordinances of Okaloosa County.
There is hereby created Article III of Chapter 21 of the Code of Ordinances of Okaloosa County, Florida, as follows:

ARTICLE III – ABANDONED AND NUISANCE VEHICLES

Sec. 21-61 - Generally. It shall be a violation of this Article for any person to keep any motor vehicle, vessel as defined by Section 327.02, *Florida Statutes* (hereinafter referred to as a boat or boats), or trailer on any property in Okaloosa County except as provided herein and in conformance with the requirements of Chapter 21, Article II of the Okaloosa County, Florida, Code of Ordinances.

Sec. 21-62 - Applicability. In regard to vehicles, boats, or trailers abandoned in rights-of-way, this article shall apply to all areas in Okaloosa County over which the Okaloosa County Sheriff's Office has jurisdiction for traffic matters. For nuisance vehicles on private property, this article shall apply in areas outside of municipal boundaries except those areas in the Agriculture (AA) and Rural Residential (RR) zoning districts that are outside the Urban Development Boundary as illustrated by the Okaloosa County Comprehensive Plan Future Land Use Map which are hereby exempt from Section 21-65.

Sec. 21-63 – Enforcement. The Okaloosa County Sheriff's Office shall enforce Section 21-64, Abandoned Vehicles; the Okaloosa County Code Enforcement Division shall enforce Section 21-65, Nuisance Vehicles. Nothing herein shall preclude the Sheriff's Office or Okaloosa County Code Enforcement from rendering aid to the other in the enforcement of this article, and the various departments under the Okaloosa County Board of County Commissioners are authorized and directed to assist the Sheriff's Office and Code Enforcement as needed.

Sec. 21-64 - Abandoned Vehicles.

- A. Abandoned Vehicle Defined. Any motor vehicle, boat, or trailer that does not have a current, valid license plate or, in the case of boats a current registration, parked or stored on public property, including public land as well as dedicated road and utility rights-of-way (whether developed or undeveloped) is considered an abandoned vehicle.
- B. Standard. Abandoned vehicles are prohibited.
- C. Requirements for Correction:
 - 1. Remove vehicle to area where it can be lawfully kept in conformance with this Article. Under no circumstance can a vehicle or trailer that is does not have a current, valid license plate, or boat that does not have a current, valid registration, be stored in a right-of-way or roadway.
 - 2. Corrective action must occur within ten (10) days of notice or the vehicle, boat, or trailer will be towed at the owner's expense.

Sec. 61-65 - Nuisance Vehicles.

- A. Nuisance Vehicle Defined. Any motor vehicle, boat, or trailer not kept in accordance with this Section is a nuisance vehicle.

B. Standards.

1. Location on private property. Unless located on a property for which the zoning designation allows vehicle sales or storage as a permitted use and all requisite approvals have been obtained (including, for example, new or used car dealers, commercial garages, boatyards, pick-and-pull yards, or body shops and similar businesses at which it is customary for vehicles to be temporarily stored while awaiting service), it shall be unlawful and a violation of this Section to keep or allow to be kept on private property at a location visible from a public road right-of-way or public property any motor vehicle or trailer that does not have a current, unexpired license plate, or in the case of boats a current, valid registration, or which by outward appearance is inoperable. As used herein, the term "by outward appearance is inoperable" means that the vehicle's appearance indicates that it is not capable of lawfully operating under its own power. For example, an automobile standing on flat tires or on blocks or which is missing mandatory safety equipment, or a boat with a hole in its hull, is by outward appearance inoperable. A vehicle located in a fully enclosed structure, garage, or carport, or that is behind an opaque fence which is a minimum of six (6) feet in height and which fence is between the vehicle and public rights-of-way or public properties, or which is under a specifically designed vehicle cover in good repair (general purpose tarps or other similar coverings shall not be construed to meet this requirement) shall not be considered visible from a public property or public road right-of-way. Vehicles kept under a specifically designed vehicle cover must stand on their own tires; if on trailers the trailer tires must be inflated and supporting the vehicle.

C. Requirements for Correction:

1. Remove vehicle to area where it can be lawfully kept in conformance with this Article.
2. Corrective action must occur no more than 30 days of the written notice or a Notice to Appear in court will be issued for the removal of the vehicle, boat, or trailer.

Sec. 21-66 – Removal of Abandoned or Nuisance Vehicles.

Upon the expiration of the time for compliance, the Sheriff's Office or Code Enforcement, as applicable, shall cause the vehicle(s) in violation to be removed from the premises.

Sec. 21-67 - Penalties and Recovery of Removal Costs.

A. Fines shall be as provided in Chapter 162, Florida Statutes, as follows:

1. For first-time offenses, \$250 per day per violation.

2. For repeat offenses, \$500 per day per violation.
- B. Each vehicle in non-compliance with these provisions shall be considered a separate violation.
- C. The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in, the fines imposed and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator, pursuant to section 162.09, Florida Statutes.

Section 5. Incorporation into County Code. It is hereby directed by the Board of County Commissioners that the amendments provided herein be incorporated into the Code of Ordinances of Okaloosa County, Florida, and that any renumbering of the various sections is hereby authorized as necessary to achieve that directive.

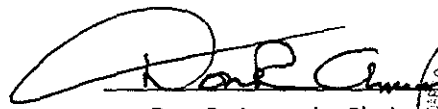
Section 6. General Repeal of Conflicting Provisions. Any ordinances or portions of the Code of Ordinances of Okaloosa County in conflict herewith are hereby repealed.

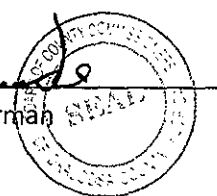
Section 7. Severability. If any section, subsection, clause, or other part of this ordinance is deemed unlawful in any court of law competent to decide such matters, said section, subsection, clause, or other part shall be severed and held as a separate provision and shall have no effect on the remainder.

Section 8. Effective Date. This ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED in regular session this 20th day of November, 2012.

BOARD OF COUNTY COMMISSIONERS OF
OKALOOSA COUNTY, FLORIDA:


Don R. Amunds, Chairman



ATTEST:


Don Howard
Clerk of Circuit Court

