

ORDINANCE 2003 - 17

AN ORDINANCE AMENDING ORDINANCE 89-10, KNOWN AS THE NUISANCE ORDINANCE; SPECIFICALLY AMENDING SECTION 1, FROM ABANDONED VEHICLES TO DEFINITIONS; SECTION 2, DEFINITIONS TO ABANDONED REFRIGERATORS, ICEBOXES, AND SIMILAR ITEMS; SECTION 2.02 FROM ABANDONMENT PROHIBITED; WHAT CONSTITUTES ABANDONMENT TO SECTION 3, UNSERVICEABLE VEHICLE PROHIBITED; ADDING SECTION 4, OPERATIONAL VEHICLES; AMENDING SECTION 2.03, PENALTY TO SECTION 5; SECTION 3, HEALTH NUISANCES TO SECTION 6; SECTION 2.01, GENERAL NUISANCES AFFECTING PUBLIC HEALTH TO SECTION 6.01; SECTION 3.02, OBSTRUCTING DRAINS OR WATERCOURSES TO SECTION 6.02; SECTION 3.03, LITTER TO SECTION 6.03, SECTION 3.04 TO SECTION 6.04; SECTION 3.05 TO SECTION 6.05; SECTION 4, EFFECTIVE DATE TO SECTION 7; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to further amend Ordinance 89-10, which is known as the "Nuisance Ordinance".

NOW, THEREFORE, BE IT ORDAINED this 24th day of March, 2003, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 89-10, shall be amended as follows:

1. SECTION 1. ~~2.01~~ ABANDONED VEHICLES-DEFINITIONS
~~2.01-DEFINITIONS~~

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"LITTER". Any garbage, construction debris, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco

product, dead fish, dead animal, solid or liquid waste, tree limbs and branches, any flaming or glowing material unless permitted by competent authority, tire, appliance, mechanical equipment, or part.

"PERSON". Any individual, firm, sole proprietorship, corporation, or unincorporated association. It shall also mean the employer or principal of any employee or agent who violates this Ordinance while acting within the scope of their employment or agency.

"COUNTY CODE ENFORCEMENT OFFICER". Means employees of Nassau County designated as Code Enforcement Officers and whose duty it is to ensure code compliance or enforce codes and ordinances.

"OPERATIONAL VEHICLE". Shall mean any vehicle that does not have a current tag, but is used on the property and can be started and driven on a regular basis.

"PROPERTY". Any real property either public or private within the County ~~which is not a street or highway~~.

"STREET" or "HIGHWAY". The entire width between the boundary lines of every street, highway, or right-of-way within the County.

"UNSERVICEABLE VEHICLE". Shall mean any vehicle which is required to be licensed and registered by the State of Florida and is not licensed and registered and is in such

condition that it cannot be started or moved under its own power without repair.

"VEHICLE". Any mobile item which normally uses wheels, whether motorized or not. 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, tractors, and tractor trailers without wheels.

"POLE BARN". A roofed structure that is supported by wooden, metal, or concrete poles, pilings or vertical supports, with or without a floor, that the structure's exterior perimeter is at least fifty percent (50%) open to the elements.

2. SECTION 1.—1.01 2. ABANDONED REFRIGERATORS, ICEBOXES, AND THE LIKE SIMILAR ITEMS

It shall be unlawful for any person to leave or permit to be left outside of any building or dwelling, in a place accessible to children, any abandoned, unattended, or discarded icebox, refrigerator, or any other container of any kind which has an airtight door, airtight snap lock, or any kind of locking or closing device which may not be released for opening from the inside. The door or locking or closing device shall be removed from the icebox,

refrigerator, or other container before it has been left or is permitted to be left abandoned, unattended, or discarded.

3. SECTION 3. ~~2.02 ABANDONMENT PROHIBITED; WHAT CONSTITUTES ABANDONMENT.~~ UNSERVICEABLE VEHICLE PROHIBITED

~~(A) Abandonment prohibited.~~

~~(1) No person shall abandon any vehicle upon any public and private property within the County. No person shall leave any vehicle at any place upon any public or private property within the County for such time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned.~~

~~(2) No person in charge or control of any property within the County whether as owner, tenant, occupancy, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on the such property longer than forty-eight (48) hours. This subchapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.~~

It shall be unlawful for the owner, lessee, and/or occupant of any real property in the unincorporated areas of Nassau County in the following Zoning categories: OR (three (3) acres or less), RS-1, RS-2, RM, RT, RG-1, RG-2, RMH, CN, CG, CI, Recreation and Open Space, and PUD, to cause, permit, and/or have stored thereon more than one (1) unserviceable vehicle(s), except for unserviceable vehicles stored within a completely enclosed building, or unserviceable vehicles stored on the premises of a properly zoned junkyard or vehicle repair or storage facility. One (1) unserviceable vehicle may remain on the property for a period not to exceed six (6) months.

For OR zoned properties of four (4) acres or more, unserviceable vehicles may be stored subject to the following:

(1) No vehicle shall be within three hundred (300) feet of any boundary of such owner's land.

(2) If the vehicle is visible from the adjoining property or road, as determined by a Code Enforcement Officer, it shall be contained within a pole barn (properly permitted, if applicable) or in a completely enclosed permitted building.

(3) Unserviceable vehicles shall not be left on public property, including rights-of-way for any period of time.

~~(2) No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the County.~~

~~(B) What constitutes abandonment. Vehicles which have been partially dismantled, do not have current license plated required by State law, are not registered in the name of the person purporting to be the owner, are nonoperating, or which have been left under such circumstances as to cause the vehicle reasonably to appear to have been abandoned, wrecked, junked, or discarded shall be presumed to be an abandoned, wrecked, junked, or discarded vehicle.~~

~~(C) Removal; impoundment; disposal. Any such abandoned, junked, or discarded motor vehicle or motor vehicles shall be removed by the Sheriff's department and impounded. The owner shall receive written notice of said impoundment, if the owner can be ascertained. The owner shall be required to retrieve the vehicle within ten (10) days of the date of the notice, upon payment of the impound fees and an administrative cost of fifty dollars (50.00). If the vehicle is not retrieved by the owner within the~~

~~time required, the vehicle may be disposed of as junk and any sums received from the sale of such junk shall be deposited in the General fund of the County to assist in defraying expenses.~~

4. ~~2.03~~ SECTION 4. OPERATIONAL VEHICLES.

Operational vehicles that are on property that is zoned OR and classified as agricultural by the Nassau County Property Appraiser shall be allowed.

5. SECTION 5. PENALTY.

The violation of any provision of this Ordinance, as now existing or hereby amended, may be enforced by a Law Enforcement Officers in accordance with Chapters 125 and 162, Parts I and II, Florida Statutes.

6. SECTION ~~3~~ 6 HEALTH NUISANCES

7. SECTION ~~3.01~~ 6.01 GENERAL NUISANCES AFFECTING PUBLIC HEALTH.

Public nuisances affecting health shall include but not be limited to the following acts, omissions, conditions, or things:

(A) All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.

(4) Carcasses of animals, birds, or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.

(5) Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.

(6) All stagnant water in which mosquitoes, flies, or other insects can multiply.

(7) Privy vaults and garbage cans which are not flytight.

(8) All noxious weeds, as set forth in the Florida Administrative Code, and other rank growth or vegetation.

(9) The pollution of any public well or cistern, stream, river, lake, canal, or body of water by sewage, creamery or industrial wastes, or other substances.

(10) Accumulation of cans and bottles.

(11) Accumulation of tires, appliances, mechanical equipment, or parts.

8. SECTION ~~3.02~~ 6.02 OBSTRUCTING DRAINS OR WATERCOURSES.

It shall be unlawful for any person to obstruct, in any manner, the drains, watercourses, or ditches of the County.

9. SECTION ~~3.03~~ 6.03 LITTER.

No person shall throw, discard, place, allow to fall from a vehicle or boat, or deposit litter in any manner or amount, or having done so to allow such litter to remain:

(A) In or on any public or private highway, road, street, beaches, alley, sidewalk or thoroughfare, including any portion of the right-of-way thereof, or any public lands or buildings, located within Nassau County, Florida, except in containers lawfully provided as public litter receptacles or with the consent of the governing body of the public lands and buildings;

(B) In or on any freshwater lake, river, or stream or wetlands or tidal or coastal water of the State of Florida located within the boundaries of Nassau County, Florida;

(C) In or on any public or private property located within Nassau County, Florida, except in containers lawfully provided as public litter receptacles or unless prior consent of the owner of the private property has been given and unless such litter will not cause a public nuisance or be in violation of any state or local law, rule, or regulation;

(D) In or on any private dumpster or other private outside trash container located within Nassau County, Florida, without the consent of the owner or lessee of the dumpster or container.

10. SECTION ~~3-04~~ 6.04

Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

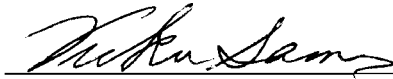
11. SECTION ~~3-05~~ 6.05

Any person whose name or identity is found in or upon any litter that is placed or found in violation of this ordinance wherein the location of such name or identification or other circumstance of such name or identification indicate that such person was the last owner or possessor of such litter shall be presumed to have placed or cause such litter to be placed in violation of this ordinance.

12. SECTION 4 7 EFFECTIVE DATE: This Ordinance shall become effective upon its being filed in the Office of the

Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



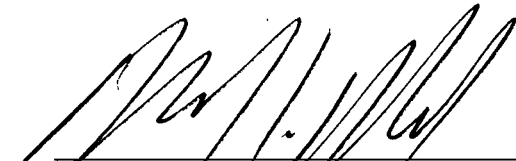
VICKIE SAMUS
Its: Chairman

ATTEST:



J. M. "CHIP" O'LEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

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