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ORDINANCE 89 - 10

AN ORDINANCE RESTRICTING PUBLIC NUISANCES; SPECIFICALLY ADDRESSING ABANDONED REFRIGERATORS AND VEHICLES; HEALTH NUISANCES; REFUSE DISPOSAL; VEGETATION; LITTER; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has been made aware of an increasing problem with various nuisances that affect the public's health, safety, and welfare; and

WHEREAS, the Solid Waste Advisory Committee has recommended adoption of this ordinance; and

WHEREAS, the Board of County Commissioners has held a public hearing regarding this ordinance.

NOW, THEREFORE, BE IT ORDAINED this 21st day of March, 1989, by the Board of County Commissioners of Nassau County, Florida, the following:

SECTION 1. ABANDONED PROPERTY

1.01 ABANDONED REFRIGERATORS, ICEBOXES, AND THE LIKE.

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.

SECTION 2. ABANDONED VEHICLES

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 and liquid waste, tree limbs and branches, any flaming or glowing material, 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.

"PROPERTY". Any real property 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.

"VEHICLE". Any mobile item which normally uses wheels, whether motorized or not.

2.02 ABANDONMENT PROHIBITED; WHAT CONSTITUTES ABANDONMENT.

(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 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.

(3) No person shall leave any partially dismantled, nonoperating, 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 plates as 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.

2.03 PENALTY.

It shall be unlawful for any person to violate or fail to comply with any provision of this chapter and where no specific penalty is provided, the violation of any provision of this chapter shall be punishable by a fine not to exceed five hundred

dollars (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or both fine and imprisonment. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

SECTION 3 HEALTH NUISANCES

SECTION 3.01 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.

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

(C) 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.

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

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

(F) All noxious weeds and other rank growth or vegetation.

(G) 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.

(H) Accumulation of cans and bottles.

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

SECTION 3.02 OBSTRUCTING DRAINS OR WATERCOURSES.

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

SECTION 3.03 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.

SECTION 3.04

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.

SECTION 3.05



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 caused such litter to be placed in violation of this ordinance.

SECTION 4 EFFECTIVE DATE.

This Ordinance shall become effective on the date signed.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

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| <p>ATTEST: </p> <p>T. J. GREESON</p> <p>Its: Ex-Officio Clerk</p> | <p></p> <p>JAMES E. TESTONE</p> <p>Its: Chairman</p> |
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