

## ORDINANCE 99-14

### **AN ORDINANCE OF THE TOWN OF WELAKA PROVIDING FOR DEFINITIONS; DECLARATION OF PUBLIC NUISANCE; REMOVAL OF JUNKED VEHICLES; EVIDENCE OF ABANDONMENT; PARKING OF HEAVY VEHICLES; PARKING, STORAGE OR USE OF MAJOR RECREATIONAL VEHICLES; CARE OF PREMISES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Welaka Town Council authorizes the Code Enforcement Board to enforce the codes and ordinances of the Town of Welaka which have no criminal penalty;

**THEREFORE, BE IT ENACTED** by the Welaka Town Council of the Town of Welaka, Florida:

#### **SECTION 1. Short Title**

This ordinance shall be known and may be cited as the Town of Welaka Ordinance Number 99-14, "Public Nuisance Ordinance."

#### **SECTION 2. Definitions**

- (1) **Junked Vehicle-** any motor vehicle, as defined by state statutes, which:
  - a. Is inoperative and which does not have lawfully affixed thereto a valid unexpired license tag and which is wrecked, dismantled, partially dismantled or discarded; or
  - b. Remains in operable for a continuous period of more than 120 days.
- (2) **Person Responsible-** the person using or occupying such premises. In case no person is using or occupying the premises, the person who by law is entitled to the immediate possession of such premises is responsible. In case the premises are used or occupied by two (2) or more tenants of a common landlord, or from grounds appurtenant to a house occupied by two (2) or more tenants of a common landlord, then the landlord shall be responsible. Each tenant is responsible for that part of the premises which he occupies to the exclusion of the other tenants. **¶** In case the premises are occupied by a tenant under a yearly or monthly tenancy or under a lease for not more than a year or under any lease whereby the lessor is expressly or implicitly obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building, or buildings, or to any natural quality of the premises, or to any condition that existed at the time when the tenant entered into

possession, or to any thing done on the premises by the landlord during the existence of the tenancy or lease, the landlord is the person responsible.

**Section 3. Declaration of Public Nuisance**

The location or presence of any junked vehicle or abandoned, wrecked or derelict property on any lot or tract or parcel of land, or portion thereof, public or private, improved or unimproved, occupied or unoccupied, within the town limit shall be deemed a public nuisance, and it shall be unlawful for any person in the town to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning discarding his vehicle on the property of another, or to suffer, permit or allow such vehicle to be placed, located, maintained or exist upon his own real property; provided that this section shall not apply to:

- (a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
- (b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer.
- (c) Unlicensed inoperable vehicles stored on private property; provided, however, that the vehicles and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view from the fronting street or roadway by means of a fence, trees, shrubbery or other appropriate means.

**Section 4. Junked Vehicles**

- (1) **Storage, depositing prohibited-** It shall be unlawful for any person, either as owner, occupant, lessee, agent, tenant or otherwise, to store or deposit, or cause or permit to be stored or deposited, any abandoned, junked or discarded motor vehicle or motor vehicles upon any public or private property within the Town of Welaka.
- (2) **Notice to Remove-** The Code Enforcement Officer shall have the power to direct and require the owner or owners of lots on which abandoned, derelict, wrecked, or junked vehicles are stored, to remove said articles from his property within a period of ten (10) days after the date of a notice. Such notice shall be given in

writing, a copy of which shall be personally served on the owner thereof by the Code Enforcement Officer if such owner or owners reside within the limits of the Town.

- (a) If the owner does not reside within the Town, or cannot be found within the limits of the town, the copy of said notice shall be mailed to said

owner by the Town Clerk by registered or certified mail, to the address of said owner, within or without the Town, or within or without the State, at such address as appears on the latest complete tax roll of Putnam County, Florida, and such mailing shall be considered sufficient notice to said owner.

- (b) In case of joint multiple ownership, service as herein provided on owner shall be sufficient.

#### **Section 5. Removal of Junked Vehicle**

If the owner or owners shall not, within such time, remove the abandoned, derelict, wrecked, or junked vehicles, it shall be lawful for the Town Clerk to cause the same to be done at the expense of the Town to charge, assess, and collect the expense thereof against such lot, tract, or parcel of land and against the owner or owners thereof. To this extent, the Town shall have a lien against the said property.

The removal of junked vehicles from public property shall be in accordance with F.S. &705.103.

#### **Section 6. Evidence of Abandonment**

The absence of a license plate for the current year and/or the absence of a current motor vehicle registration shall be prima facie evidence that such vehicle is abandoned, junked, or discarded.

#### **Section 7. Parking of Heavy Vehicles**

Heavy vehicles which are over one and one-half ton rated capacity (except school buses) shall not be parked or stored in any Residential Zoning District (SR-IA, SRI, MR1, and MR2). Parking of heavy vehicles in a C-1 or C-2 zoning district shall require a special exception granted by the Town of Welaka Zoning Board. Heavy vehicles may be parked in residential or commercial districts for normal and required loading or unloading of such vehicles and during the time normally required for service at structures or activities permitted or permissible in such districts by the terms of this ordinance.

- (1) A motorhome, mobile home (except as permitted by Ordinance 84-2) truck body, camper, or other similar unit, with or without wheels, may not be used as a storage building, even when altered, stripped, or otherwise rebuilt.

#### **Section 8. Parking, Storage, Or Use of Major Recreational Vehicles.**

For the purpose of this section, recreational vehicles and equipment are hereby defined as including boats, travel trailers, camping trailers, truck campers, motor homes, private motor coaches, and van conversions, which are licensed by the State, as such:

- (1) Recreational vehicles or equipment may be parked and stored in the required rear or side yard, but not in the required front yard, provided the vehicle is operational with current license tags and is on the property of the owner or tenant, who resides at the residence and will be for their private use. No such vehicle or equipment shall be used for living, sleeping housekeeping or business purposes. In addition, no such vehicle or equipment shall be connected to utility service except in preparation departure.
- (2) Automotive vehicles, or trailers of any type, which are in a state of disrepair and without current license tags, shall not be parked or stored on property in residentially zoned or open use districts.

**Section 9. Care of Premises**

It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trunks, garbage, etc., upon notice from the Code Enforcement Officer.

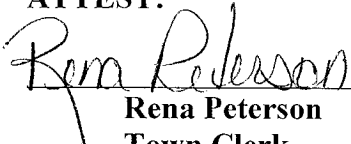
**EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage.


**PASSED** by the Town Council of the Town of Welaka, Florida, on First Reading this 14th day of September, 1999.

**PASSED** by the Town Council of the Town of Welaka, Florida, on Second Reading this 12th day of October, 1999.


**ATTEST:**

  
Rena Peterson  
Town Clerk

**APPROVAL AS TO FORM:**

  
Allen Scott  
Town Attorney

**SIGNED**

  
Gordon Sands  
Mayor

  
Eileen McGuire  
Council President

PROOF OF PUBLICATION

*Putnam County Courier Journal*

PUBLISHED WEEKLY  
CRESCENT CITY, PUTNAM COUNTY, FLORIDA

STATE OF FLORIDA:  
COUNTY OF PUTNAM:

Before the undersigned authority personally appeared Laura L. Turner, who on oath says that she is the Publisher of the Putnam County Courier Journal, a weekly newspaper published at Crescent City, in Putnam County, Florida:

That the attached copy of advertising, being a Legal Notice

in the matter of Ordinance 99-14 Town of Welaka

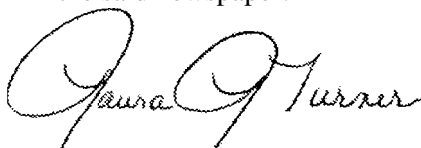
in the \_\_\_\_\_ Court

was published in the said newspaper in the issues of

9/29

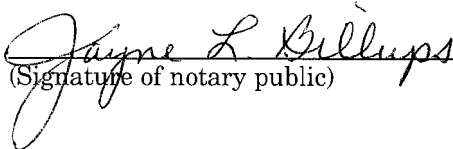
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Affiant further says that the said Putnam County Courier Journal is a newspaper published at Crescent City in said Putnam County, Florida, and that the said newspaper has heretofore been continuously published in said Putnam County, Florida, each Wednesday and has been entered as second class mail matter at the post office in Crescent City, in said Putnam County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this <sup>9/29/99</sup> 29th day

of September \_\_\_\_\_ A.D. 1999



(Signature of notary public)

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Personally Known ✓ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

LEGAL NOTICE

Please notice that Ordinance 99-14 is scheduled for its second and final reading at the General Town Meeting on Tuesday, October 12, 1999, at 6:30 p.m., at the Town Hall in Welaka, Florida. The content of the ordinance is as follows:

ORDINANCE 99-14

AN ORDINANCE OF THE TOWN OF WELAKA RELATING TO THE PLACEMENT, REMOVAL, STORAGE, AND PARKING OF VEHICLES; PROVIDING FOR DEFINITIONS; DECLARATION OF PUBLIC NUISANCE; REMOVAL OF JUNKED VEHICLES; EVIDENCE OF ABANDONMENT; PARKING OF HEAVY VEHICLES; PARKING, STORAGE OR USE OF MAJOR RECREATIONAL VEHICLES; CARE OF PREMISES; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (FL Statute 286.1015) Parties may appear at the meeting and be heard with respect to the proposed ordinance by giving written notice to Rena Peterson, Town Clerk, 400 4th Avenue, P.O. Box 11198, Welaka, FL 32193, seven (7) days prior to the meeting.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act persons needing a special accommodation or an interpreter to participate in this proceeding should contact Rena Peterson, Town Clerk, at (904) 467-9800, or at the Welaka Town Hall, 400 4th Avenue, Welaka, Florida 32193, no later than 5 days prior to the date of this meeting.



Jayne L. Billups  
My Commission CC721925  
Expires March 27 2002