

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE NO.: 382

**AN ORDINANCE OF THE CITY OF SPRINGFIELD
AMENDING ORDINANCE 264A, PROVIDING FOR THE
ABATEMENT OF VEHICLE NUISANCES, AND
ESTABLISHING PROCEDURES FOR HEARINGS,
PENALTIES AND APPEALS AND REPEALING ALL OR
PARTS OF ORDINANCES IN CONFLICT HEREWITH;
AND PROVIDING EFFECTIVE DATE.**

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, FLORIDA that:

SECTION I. DEFINITIONS:

- A.** The following words and phrases, when used in this ordinance, shall have the meanings respectfully ascribed to them in this section except when the context otherwise requires:
- 1. Person-** shall mean any person, firm, partnership, association, corporation, company, sole proprietorship, business or organization of any kind.
 - 2. Vehicle-** shall mean any machine propelled by power other than human power designed to travel on water or along the ground; on or off highways roads or streets, by the use of wheels, treads, runners, or slides and transport people or property or pull machinery or trailers and shall include, but not be limited to; automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats and other water craft.
 - 3. Street or Highway-** shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
 - 4. Roadway-** shall mean the portion of a highway improved, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
 - 5. Traffic-** shall mean pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances, either singly or together while using any street or highway for purpose of travel.
 - 6. Property-** shall mean any real property within the City which is not a street or highway.
 - 7. Derelict, Junk, Discarded, Unregistered Vehicle-** Shall mean the following:
 - a. Derelict vehicle-**shall mean any temporarily or permanently

abandoned vehicle, regardless of its condition, age or registration, left on any public or private property.

- b. **Junk vehicle**-shall mean any vehicle; partially or fully dismantled, is not operational under its own power, does not display a current Florida tag which is properly registered to that vehicle, any vehicle, regardless of condition or age from which the VIN number has been removed from viewable locations; any vehicle from which the engine, transmission, two or more wheels, windshield, side or rear windows or any doors have been removed.

A junk vehicle shall also include a vehicle which is being kept for use for use of its parts and is being periodically or regularly stripped of its body or mechanical parts for whatever use.

- c. **Discarded or abandoned vehicle**-shall mean any vehicle, regardless of condition, age or registration, which has been abandoned, discarded or placed aside from its intended use onto any public right-of-way or public or private land, in view or out of view of the public.
- d. **An unregistered vehicle**- shall mean any vehicle, regardless of its condition, age or location which is not displaying a current, legal tag when required by law to do so.
- e. **Partially Dismantled**- shall mean; any doors , trunk lid, hood, or tires removed, (except tires removed temporarily for repair), all side windows removed, rear window or windshield removed, engine or transmission removed.
- f. **Nonoperative or Inoperative**- shall mean the vehicle cannot be operated under its own power, without push or tow, excluding reasons of an empty fuel tank, or that the vehicle cannot be operated on the highways or streets of Florida under State, County or City laws or ordinances.
8. **Antique or Collectable Vehicle**- shall mean any vehicle which, under Florida Statute, qualifies for antique or collectable tags.
9. **Nuisance**- shall mean the violation of any provision of this ordinance, in part or in whole. Such violations are hereby declared to be public nuisances and subject to abatement in accordance with the provisions of this ordinance or any other City ordinance.

SECTION II. PROHIBITIONS:

- A. It shall be unlawful to park, store or leave any vehicle of any kind in an abandoned, wrecked, junked, discarded, or nonoperational condition, whether attended or not,

on public rights-of-way or other public or private property or for any person to permit or suffer the same to be left upon any private property unless said vehicle is immediately undergoing repairs which will enable it to be legally operated on the streets or highways of the State of Florida and such repairs will be completed within ten (10) days.

1. **Antique or collectable vehicles** under restoration must be stored inside a garage or other structure or out of view of the public. Repairs and restoration will not be performed on any portion of private property which is in view of the general public.

a. Any vehicle covered with a tarp or similar material must be completely covered, with a single, one piece tarp or covering, including the front and rear bumpers or bumper areas and the cover must conceal the vehicles on the sides extending to no less than the bottom of the wheel rims on all tires or the area of the wheel rims on all tires. The tarp or cover must be secured so that wind shall not displace the cover at any point. Vehicles covered by a tarp or other covers shall be parked so as not to be visible to the general public, except those covered vehicles which are **regularly** used by the owners.

2. This section shall not apply to commercial establishments being lawfully operated as garages, repair shops or storage facilities, except as follows:

a. Businesses shall make every effort to prevent such keeping or storage of vehicles from presenting a cluttered or unkept appearance to the surrounding area.

b. Business owners shall consider the intent of this ordinance in the appearance of their establishment and maintain it in a manner that is not detractive from the overall appearance of the community; this based on the opinion of an ordinary, reasonable person.

B. Vehicles offered for sale upon private or public property:

1. It shall be a violation of this ordinance for any person to place any vehicle for sale for any purpose, including for parts, upon any public property.

2. Any vehicle placed upon any private property for sale may be placed there for a duration of, **not more than, two weeks**. If said vehicle has not sold within the two week period it must be removed.

a. Any vehicle placed for sale upon any private property must be clearly posted that it is for sale. Such posting shall include the telephone number or address of the person selling the vehicle. Any sign posted shall be restricted to a sign not more than eighteen inches by eighteen inches (18"x18") placed upon the vehicle. Any

person placing a vehicle for sale on private property other than his/her own private property **must have written permission from the owner or occupant of said property** and a copy of the letter of permission must be displayed, in sight, in or on the vehicle or immediately available upon the Code Inspector's request. Any person having given their written permission for such placement shall be fully responsible for compliance with this ordinance as will be the owner of the vehicle placed for sale.

- b. **No person shall place, cause or allow more than one vehicle for sale upon his/her private or commercial property simultaneously.** Placement of more than one vehicle for sale upon any property shall be deemed a commercial business requiring an occupational license from the City. Issuance of such an occupational license shall be based upon the same requirements as any other occupational license, including City zoning regulations. Having placed such vehicles for sale without an occupational license shall be a violation of this ordinance as well as the City Occupational License Ordinance.
- c. The Code Inspector, finding a violation of this section shall, at his discretion issue a First Notice warning requiring compliance within a prescribed time or Issue a Notice of Civil Violation which requires compliance and payment of a penalty as set forth in Ordinance 381.

SECTION III. REMEDIES:

- A. If the Code Inspector finds any violation of this ordinance he shall either:
 - 1. Serve written First Notice to the violator by posting such notice on the vehicle and/or on the residence of the violator in a conspicuous manner or by any other appropriate manner
 - 2. Serve the violator with a Notice of Civil Violation, as set forth in City Ordinance 381.
 - 3. Upon the expiration of the time of compliance, and upon the violator's failure to comply, and in the absence of a timely appeal to the Code Enforcement Hearing Officer, **the Code Inspector is hereby given the authority to enter upon any private property whereon is located any vehicle in violation of this ordinance and cause such vehicle to be towed by a private towing service to a secured storage facility at the owner's expense.** The procedure shall be the same as in Section III, C or this ordinance.
- B. If the violation is upon private property the notice shall inform the violator of the violation and shall afford the violator a reasonable time to correct the violation, in

no case more than ten (10) days.

1. If the violation involves a vehicle parked, stored or otherwise left on the City right-of-way the notice shall not afford the violator more than **forty-eight (48) hours** to remove the vehicle.
2. If the violation involves a vehicle which is obstructing traffic in any manner the notice shall not afford the violator more than **twenty-four (24) hours** to remove the vehicle.
 - a. If the vehicle is obstructing traffic in such a manner as to be an immediate danger to the public the notice to the violator shall require an **immediate removal** of the vehicle.

C. If a violation continues beyond the prescribed time of compliance stated in the notice it shall constitute a **continuing violation**. If, within the prescribed time of the notice the violation has not been corrected the amount of the original penalty shall be assessed daily for each day the violation continues as prescribed in Ordinance 381. **In addition the Code Enforcement Officer has the authority to have vehicles in violation of this ordinance towed and stored at the owner's expense at the end of the time of compliance.** If the City abates the nuisance by having the vehicle towed at the owner's expense and the owner has not paid the penalty prescribed in the Notice the penalty assessment shall continue as set forth in Ordinance 381.

1. City Right-of-Way- The Code Inspector shall have the power to **immediately cause the vehicle involved to be towed** and stored at the owner's expense by a private towing service and this action shall be in addition to the issuance of a Notice of Civil Violation
 - a. The vehicle will be photographed and inventoried as completely as circumstances will allow prior to removal by the towing service.
 - b. The vehicle will be stored, at the owner's expense, at a secured facility provided by the towing service.
 1. The violator or owner of the vehicle may negotiate terms for the recovery of the vehicle with the tow service involved. The City of Springfield shall not participate in this negotiation.
 2. "At the owner's expense" shall commence as soon as the private tow service is legally entitled to a service or tow charge.
 - c. If after negotiating with the tow service involved, the violator or owner replaces the vehicle back upon the public right-of-way or upon private property in violation of this ordinance the action will

be deemed a **repeat** violation and the Code Inspector shall proceed as in paragraph 1. above and in addition to towing of said vehicle the Code Inspector may issue a Notice of Civil Violation for a repeat violation wherein the penalty is double that of the first penalty as prescribed in Ordinance 381.

Section IV. Adoption of Chapter 162 of the Florida State Statutes; Creation and adoption of a Code Enforcement Hearing Officer System as authorized in Chapter 162.22..

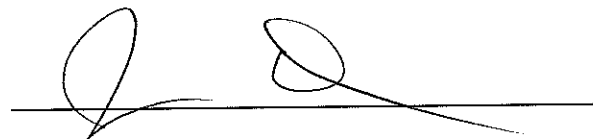
- D. In the case of a violation of this ordinance wherein a vehicle is towed from a City right-of-way the Code Enforcement Officer's decision in the Notice of Civil Violation may be appealed to the Hearing Officer as set forth in Ordinance 381. However, the Code Enforcement Officer's decision to tow the vehicle cannot be appealed to the Hearing Officer. If the Hearing Officer finds in favor of the violator the towing of the vehicle shall not be overturned by the decision.
- A. The City of Springfield, Florida has adopted *Chapter 162 of the Florida State Statutes* and it's provisions and powers in the enforcement of City ordinances. *Florida State Statute 162.22* authorizes the City to create and adopt it's own policies, procedures and methods in the enforcement of it's Codes and Ordinances.
- B. The City of Springfield, by the adoption of Ordinance 381 has established a *Code Enforcement Hearing Officer System* utilizing a one-person *Hearing Officer* through which the decision of the *Code Inspector* may be appealed. The system sets forth the entire procedure for appointment of the Hearing Officer, length of term, removal, duties, responsibilities and powers. It also sets forth the code enforcement procedures, penalties for violations, rights of the violator to appeal, schedule and conduct of the hearings and the City's method of recovering unpaid penalties.

SECTION V. EFFECTIVE DATE AND REPEALER:

This ordinance shall become effective upon passage. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict

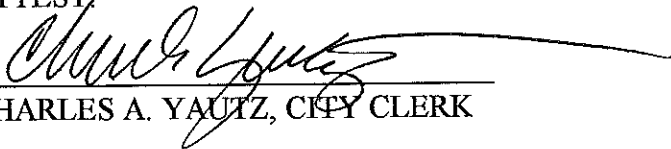
PASSED, APPROVED AND ADOPTED in regular session of the City Commission this the 7 day of DECEMBER, 1998.

CITY OF SPRINGFIELD



JERRE DEASON, MAYOR

ATTEST:



CHARLES A. YAUTZ, CITY CLERK

First Reading: 11-2-98
Second Reading: 11-7-98
Date Published: 11/16/98

A:\382 Amend 264A Vehicles junk.wpd