

ORDINANCE NO. 4134

PROPOSED ORDINANCE 00 -15

AN ORDINANCE RELATING TO DERELICT PROPERTY; MAKING IT UNLAWFUL TO PARK OR STORE DERELICT PROPERTY WITHIN THE CITY OF LAKE LAND; PROVIDING FOR EXCEPTIONS; DEFINING “VEHICLES”; PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE 2535; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lakeland, Florida does hereby expressly find that derelict property, as that term is used herein, within the City of Lakeland, tends to harbor rodents, vermin and reptiles, constitutes an attractive nuisance to children and is otherwise detrimental to the public health, safety and welfare of the citizens of the City of Lakeland.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. General Requirements.

It shall be unlawful for any person to park, store, place or locate any disabled, dismantled, derelict, inoperative or discarded machinery, vehicles, boats, equipment or parts of any of the above, scrap metal or junk, hereinafter called derelict property, upon any street, alley, highway or other public place, or on any tract, lot, piece or parcel of land within the City of Lakeland.

SECTION 2. Exceptions

This ordinance shall not apply to a vehicle located in a lawfully constructed, totally enclosed building; to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or any other public agency or entity. However, a disabled, dismantled, or inoperative vehicle shall not remain on the premises of an auto repair business in excess of 180 days. A vehicle covered with a car cover does not constitute an enclosure for the purpose and intent of this ordinance.

SECTION 3. Evidence

A vehicle in is violation of this ordinance if it is in a state of evident disuse, neglect or abandonment. Evidence may include, but is not limited to , factors such as: vehicle being wrecked; inoperative as evidenced by vegetation underneath as high as the vehicle body or frame; refuse or debris collected underneath or the vehicle being used solely for storage purposes; if it is partially dismantled, having no engine, transmission, or other major and visible parts; having major and visible parts which are dismantled ; having no valid and current license tag; or being in any physical state rendering it inoperable or unsightly to the neighborhood. A

vehicle will be considered abandoned or derelict if it is in an evident state of extended disuse or neglect.

SECTION 4. Interpretation

Temporary parking or storage of derelict property shall be permitted upon an owner's real property during such time as repairs are actually being performed upon such derelict property by the owner, but such repairs must be accomplished within a reasonable time and shall be performed and conducted in such a manner that the neighbors or residents adjacent to the property upon which such repairs are being conducted shall not be annoyed by the noise created by such repairs, excess lighting, or any unsightly condition of the property upon which such repairs are being performed. A reasonable time, as herein provided, shall mean that time required to repair such derelict property when such repair is pursued with due diligence. Nothing in this part shall be construed as permitting the disassembling, tearing down or scraping of a vehicle or to permit one vehicle to be scavenged or stripped for parts for use on another vehicle. Additionally, nothing in this part shall be construed as permitting the violation of other City Code provisions, including but not limited to, outside storage requirements, junk yard provisions, and lot cleaning standards.

SECTION 5. Definition

Vehicle – Shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property, or pull machinery, and shall include, without limitations, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

SECTION 6. Enforcement

- A) The owner or occupant of the subject real property shall be given written notice to remove such derelict property within ten (10) days. In the event that the owner of the derelict property cannot be ascertained upon reasonable inquiry, then written notice of the violation shall be affixed to the derelict property.
- B) The written notice required by this section shall state the date and time that the notice is rendered, the nature of the violation, the time within which the derelict property must be removed, the effect or failure to so remove the derelict property and any right of appeal to which the property owner is entitled.
- C) Within the ten (10) calendar day period specified in the notice, the owner of the vehicle or the owner of the property or an authorized agent, after payment of a \$25.00 appeal fee, may appeal to the Chief Code Enforcement Officer or designee. The Chief Code Enforcement Officer, or designee, shall determine the validity of the violation and may for good cause extend the time for compliance or removal. If such an appeal is made, no removal shall be required until after said appeal has been finally determined.
- D) The property owner or vehicle owner may appeal the Chief Code Enforcement officer's decision to the Code Enforcement Board for a determination as to whether the property is subject to removal.

- E) In the event the derelict property is not removed within the time provided herein for removal and further provided that no appeal has been filed by an aggrieved property owner, the Chief Code Enforcement officer or the Chief of Police, or their designees, are authorized to remove or have removed any such derelict property by any firm or person regularly engaged in the business of transporting vehicles by wrecker. When removed is by a person or firm regularly engaged in business of transporting vehicles by wrecker, any such firm or person shall be entitled to a reasonable towing fee and a reasonable storage fee and a lien for same as provided by Florida Statutes. All costs of removal shall be sole responsibility of the property owner and no towing or storage fee shall be charged to or collected from the City of Lakeland.
- F) The authorization in this ordinance for the towing of derelict property shall not be construed so as to negate the authority of the Code Enforcement board to hear and adjudicate appropriate cases.
- G) Violation of this ordinance shall constitute a public nuisance and in addition to such other remedies as may be provided herein, the City of Lakeland may seek abatement of any such nuisance in a court of competent jurisdiction.

SECTION 7. Ordinance No. 2535 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 9. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 6th day of March, A. D. 2000.

RALPH L. FLETCHER, MAYOR

ATTEST: _____

KELLY S. KOOS
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____

JOSEPH P. MAWHINNEY
CITY ATTORNEY