

**WAKULLA COUNTY ORDINANCE**  
**NO. 98-1**

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA,  
CREATING ARTICLE IV OF CHAPTER 27 OF THE  
WAKULLA COUNTY CODE TO PROHIBIT THE  
ACCUMULATION OF JUNK ON PUBLIC AND PRIVATE  
PROPERTY; PROVIDING DEFINITIONS; PROVIDING FOR  
THE REMOVAL OF ABANDONED AUTOMOBILES AND  
OTHER JUNK FROM PUBLIC AND PRIVATE PROPERTY;  
PROVIDING PENALTIES; PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, large numbers of abandoned automobiles and other junk have accumulated in the County; and

**WHEREAS**, accumulation of junk constitutes a threat to the public health, safety, and welfare of the people; and

**WHEREAS**, accumulation of junk detracts from the beauty of the County; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Wakulla County, Florida, that Article IV, entitled **Junk**, is hereby created as follows:

**27.069. Definitions.** The following words, terms, and phrases, when use in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) *Code Inspector* shall mean the zoning official of the County and/or his designee(s).
- (b) *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- (c) *Junk* shall mean any garbage, rubbish, or litter, any junked or abandoned motor vehicle or parts thereof, and any personal property or other article having only nominal salvage value, which has been left unprotected from the elements. It shall not include reasonable natural debris accumulations in wooded areas or on lawns, such as shrubbery and lawn clippings, leaves and compost piles for normal, personal, non-commercial use.

(d) *Junked or abandoned motor vehicles* shall mean a motor vehicle if any of the following conditions prevail:

- (1) If any part, equipment, or piece thereof necessary for its operation is and remains removed therefrom for a period of at least thirty (30) days.
- (2) If it is on the premises of another without written permission of the owner of such property or premises.
- (3) If it is on property contrary to or in violation of any zoning law, regulation, or ordinance.
- (4) If it is found at any location in the County and the owner or any person having custody or possession thereof cannot, after reasonable search and inquiry, be found or located.
- (5) If it is located in close proximity to a parcel or tract of land with other junked or abandoned vehicles, and is not under the control or supervision of some person whose whereabouts can be ascertained upon reasonable search and inquiry.
- (6) If for any reason the vehicle appears, after reasonable search and inquiry, to be junked or abandoned.

(e) *Law enforcement officer* shall mean any officer of the Florida Highway Patrol, County Sheriff's Department, Department of Natural Resources, Game and Fresh Water Fish Commission, and any other officer sworn to uphold the law and having jurisdiction in Wakulla County.

(f) *Litter* shall mean any garbage, rubbish, trash, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(g) *Litter receptacle* shall mean a container with a capacity of not less than ten (10) gallons, constructed and placed for use as a depository for litter.

(h) *Occupant* shall mean any person holding a written or oral lease of, or occupying the whole or part of, the premises.

(i) *Owner* shall mean the holder of the title in fee simple and any person, group, or entity in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with another:

- (1) has legal title to any premises, with or without accompanying actual possession thereof;
- (2) Has charge, care, or control of the premises in any capacity on behalf of the actual owner.

(j) *Premises* shall mean a lot, plot, or parcel of land including buildings and structures thereon.

(k) *Private Property* shall mean property owned by any person, including, but not limited to yards, grounds, driveways, entrances, or passageways, parking areas, storage areas, any body of water, vacant land, and recreation facilities.

(l) *Public property* shall mean lands and improvements owned by the federal government, the state, the county, or a municipality, including but not limited to sovereignty submerged lands, and any area that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to highways, streets, parks, alleys, recreation areas, sidewalks, lakes, rivers, medians, streams, ponds, or other bodies of water.

(m) *Rubbish* shall mean combustible and non-combustible waster materials of any kind or character, trash, debris, waste, litter refuse, or scrap of whatever material or combination of materials it may be constituted, and any other discarded or abandoned property, including, but not limited to iceboxes, refrigerators, deep freeze lockers, clothes washers, clothes dryers; stoves, and household furniture and furnishings.

#### **27.070. Junk Prohibitions.**

(A) No owner or occupant shall cause or permit junk to remain in or upon any yard, garden, lawn, open outbuilding, or open area of any private property in the County for a period in excess of fifteen (15) days, other than in an enclosed litter receptacle or in connection with a business enterprise or activity lawfully situated and zoned, and possessing a license or permit to store such junk upon its premises. Each day a violation continues shall constitute a separate offense.

(B) No person shall drop, deposit, or otherwise dispose of junk in or upon any public or private property in the County, except in litter receptacles or in an area lawfully established and maintained as a garbage or waste disposal site, sanitary landfill, or junkyard. Any article of junk bearing a person's name or address, found on public property in place other than as authorized, or found on private property of another, shall be presumed to be the property of such person whose name and address appears thereon, and it shall be presumed such person placed or caused to be placed such article of junk where found. When a violation of this ordinance is observed by any other person, and the junk dumped or disposed of on public property has been ejected from a vehicle, the owner or operator of such vehicle shall be presumed to be the person who ejected such junk. These presumptions shall be rebuttable by presentation of competent evidence to the contrary.

**27.071. Rules, Regulations, and Fees.** The Board of County Commissioners of Wakulla County may promulgate and adopt reasonable regulations and fees to effectuate the purposes of this ordinance.

**27.072. Enforcement.**

(A) Whenever the zoning official determines that a violation of Section 27.070 has occurred, he shall:

(1) Cause a notice to be issued to the owner of the premises, describing the nature

and location of the alleged noncompliance, and specifying what remedial steps are necessary to bring the premises into compliance with this ordinance. The owner shall, conditions permitting, immediately commence the recommended remedial action and shall have seven (7) days after receipt of the notice (or such longer time as may be permitted by the zoning official or the Board and set forth in the notice due to the extraordinary circumstances) to complete the remedial actions.

(2) If the property owner fails to complete the recommended remedial action within the time allowed after notice, the zoning official may initiate enforcement proceedings before the Board of County Commissioners and obtain an order requiring compliance with this ordinance, and may initiate proceedings in the Circuit Court as provided by general law. The property owner may appear at the hearing before the Board and present testimony and evidence.

(3) The property owner may request a hearing before the Board to object to the notice to remove the junk.

(4) If an owner fails to comply with an order of the Board requiring compliance with this article, the zoning official may, in addition to any further action by the Board of County Commissioners as to the noncompliance, cause the junk to be removed as provided in section 27.073.

(5) Decisions of the Board of County Commissioners may be appealed to the Circuit Court within 30 days after entry of an order.

(B) It shall be the duty of all law enforcement officers to enforce the provisions of this article. Any person who violates the provisions of Section 27.070 is guilty of an offense and shall be punished as provided in Section 1.006, Wakulla Code of Ordinances.

(C) In the event that a junked or abandoned vehicle is found upon public property in violation of this ordinance, or is determined to be upon private property of a person other than the owner of the vehicle without that property owner's permission, the zoning official or law enforcement officer may cause a notice to be placed upon the vehicle in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY: This property to-wit: (set forth brief description), is unlawfully upon and improperly stored on this property in violation of Chapter 27, Section \_\_\_\_\_, of the Code

of Ordinances, Wakulla County, Florida, and must be removed within seven (7) days from the date of this notice, otherwise, it shall be subject to removal and disposal by the county. The owner will be liable for the costs of removal, storage, publication of notice, and disposal. Date: \_\_\_\_\_.

Signed: \_\_\_\_\_  
Enforcement Officer

If at the end of the period specified in the notice the junked or abandoned vehicle has not been removed, then the zoning official or law enforcement officer may cause the vehicle to be removed as provided herein or in Chapter 705, Fla. Stat.

(D) In the event that a notice issued hereunder is initiated by the zoning official, the zoning official shall report to the Sheriff's Department the description and location of the property, and shall provide notice to the Sheriff's Department as to each action taken with regard to such junked or abandoned vehicle as required by Chapter 705, Florida Statutes.

(E) Any person may initiate an investigation by the zoning official upon filing a written, signed complaint with the building department.

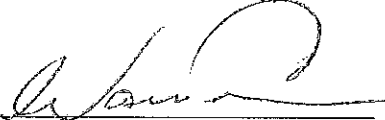
**27.073. Authority to Remove, Impound, Sell, and Impose Lien.**

The zoning official is authorized to direct that junk which has not been removed after issuance of an order by the Board of County Commissioner as provided for in section 27.072(A) or after notice as provided in Section 27.072(C), be removed, hauled away, stored, or impounded. The Board of County Commissioner is authorized to fix fees and charges relating to same which shall constitute a lien upon such junk. The Board is also authorized to hire local contractors to clean a site and/or store junk. If such charges are not paid within fifteen (15) days after notice of demand sent by certified mail to the owner, then the junk may be sold to satisfy the lien, or in the event that the Board or its authorized agent determines it is not saleable, may be otherwise disposed of.

This ordinance shall become effective as provided by law.

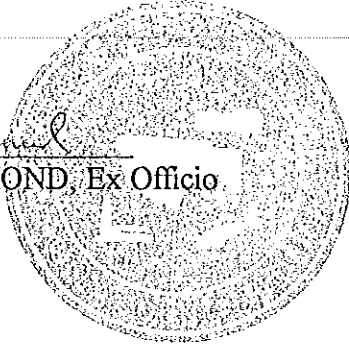
**DONE AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, in regular session this 5 day of January, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA

BY:   
WARREN CRUM  
CHAIRMAN

ATTEST:

Brent X. Thurmond  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board



APPROVED AS TO FORM:

Ronald A. Mowrey  
RONALD A. MOWREY, Esquire  
Attorney for the Board

WAKULLA COUNTY ORDINANCE  
NUMBER 05-33

AN ORDINANCE OF WAKULLA COUNTY, FLORIDA,  
AMENDING ORDINANCE NO. 98-1, CODIFIED IN SEC.  
27.072, WAKULLA COUNTY CODE, TO REQUIRE  
ENFORCEMENT OF THE JUNK ORDINANCE BY THE  
CODE ENFORCEMENT OFFICER AND BOARD;  
AMENDING SEC. 27.073 TO AUTHORIZE THE  
ENFORCEMENT BOARD TO IMPOSE A LIEN ON REAL  
PROPERTY ON WHICH JUNK IS SITUATED;  
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wakulla County has been confronted with complaints about residents improperly disposing of household waste, litter and garbage on their property.

WHEREAS, such improper disposal causes an unbearable odor, may cause disease, and imposes on the welfare of the community; and

WHEREAS, the Board wishes to take appropriate action to remedy such compromises of the public health, safety and welfare;

WHEREAS, in one particular instance of improper waste disposal, for which the county has received numerous complaints, immediate action is necessary to remedy the problem;

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Wakulla County, Florida, that:

1. Wakulla County Ordinance 98-1, codified in Section 27.072, Wakulla County Code, is hereby amended and replaced with the following:

**Section 27.072 Enforcement.** The provisions of section 27.070 and 27.071 shall be enforced pursuant to section 2.168, Wakulla County Code.

2. Section 27.073 shall be amended to read:

**Sec. 27.073. Authority to remove, impound, sell and impose lien.** The code enforcement board is authorized to direct that junk which has not been removed after issuance of an order by the enforcement board be removed, hauled away, stored, or impounded. The enforcement board is authorized to fix fees and charges relating to the same that shall constitute a lien upon such junk. A lien may also be imposed upon the real property where such junk is situated. The enforcement board is authorized to hire local contractors to clean a site and/or store junk. If such charges are not paid within fifteen (15) days after notice of demand sent by certified mail to the owner, then the junk may be sold to satisfy the lien, or in the event that the board or its authorized agent determines it is not salable, may be otherwise disposed of. If the junk is worthless, a lien may be imposed upon the real property on which the junk was located. No lien created pursuant to the provisions of this part may be foreclosed on real property which is homestead under Section 4, Article X, of the Florida Constitution.

3. This Ordinance shall become effective as provided by law.

**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, by a vote of 5-0 this 1 day of Aug. 2005.

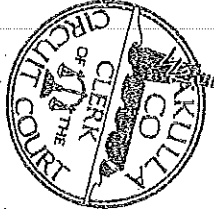
BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA

BY: Maxie Lawhon  
MAXIE LAWHON, Chairman

ATTEST:

*Brent X. Thurmond*

BRENT X. THURMOND,  
Ex Officio Clerk to the Board



APPROVED AS TO FORM:

*Ronald A. Mowrey*

RONALD A. MOWREY, County Attorney