

ORDINANCE NO. 71-3

1 An Ordinance relating to Motor Vehicles in
2 Hernando County, Florida; Prohibiting the aban-
3 donment of motor vehicles on Public or Private
4 property; Regulating the outdoor storage of motor
5 vehicles; Providing for the removal and disposal
6 of wrecked partially dismantled motor vehicles, and
7 the disposal of all motor vehicles stored in viola-
8 tion of this act; Providing that violation of this
9 Act is a misdemeanor; Providing penalties for
10 violation; Providing for severability of provisions
11 of this Ordinance, and providing an effective date.

12 Be It Ordained by the Board of County Commissioners of
13 Hernando County, Florida:

14 Section 1. Purpose and Intent. Since motor vehicles
15 are and will in the future be abandoned in the streets
16 and on private property, and since there are or may in
17 the future be partially dismantled, non-operating,
18 wrecked or junked vehicles left about the County other-
19 than junk yards; and since such conditions tend to
20 impede traffic in the streets or interfere with the
21 enjoyment of and reduce the value of private property;
22 invite plundering; create fire hazards and other safety
23 and health hazards to children and adults; interfere
24 with the comfort and well being of the public, the pur-
25 pose of this ordinance is therefore to provide adequate
26 protection of the public health, safety and welfare which
27 requires that such conditions be regulated, abated,
28 prohibited.

29 Section 2. Definitions. For the purposes of this
30 Ordinance the following definitions shall apply in the
31 interpretation, enforcement and intent of this ordinance:

RICHARD (DICK) STONE
SECRETARY OF STATE

FEB 16 12 50 PM '71

FILED

1 (a) "Board" shall mean the Board of County Commis-
2 sioners of Hernando County, Florida.

3 (b) "County" shall mean Hernando County, Florida.

4 (c) "Abandoned Vehicle" shall mean any motor vehicle
5 to which the last registered owner of record thereof
6 has relinquished all further dominion and control or any
7 motor vehicle which has been left on open lands for
8 which no arrangement has been made for its storage with
9 the owner or occupant of the premises in which it is
10 located for a period of thirty (30) days.

11 (d) "Motor Vehicle" shall mean all vehicles design-
12 ed to be propelled by power other than human power de-
13 signed to travel along the ground by use of wheels,
14 treads, runners, slides, and transport persons or prop-
15 erty or pull machinery and shall include, without limit-
16 ation, automobile, truck, trailer, motorcycle or tractor.

17 (e) "Property" shall mean any real property within
18 the unincorporated areas of Hernando County which is not
19 a street or highway.

20 (f) "Person" shall mean any person, firm, partner-
21 ship or corporation.

22 (g) "Street" or "Highway" shall mean the entire
23 width between the boundary lines of any road, street,
24 highway, alley or any part of which is open to the pub-
25 lic for use purposes vehicular traffic, within the un-
26 incorporated areas of Hernando County.

27 Section 3. Storage of abandoned, junked, dismantled
28 vehicles on private property prohibited. No person
29 shall park, store or leave or permit the parking, stor-
30 ing or leaving of any motor vehicle which is in a wreck-
31 ed, junked, partially dismantled, inoperative, or

1 abandoned condition upon any private property within
2 the unincorporated areas of Hernando County for a
3 period in excess of thirty (30) days unless such vehi-
4 cle is completely enclosed within a building or unless
5 such vehicle is so stored or parked on private property
6 in connection with a duly licensed business or enter-
7 prise operated and conducted for the repair of said
8 motor vehicles.

9 Section 4. Leaving no wrecked, non-operating
10 vehicle on street. No person shall leave any partial-
11 ly dismantled, non-operating, wrecked or junked vehicle
12 on any street, road, highway, alley, or public way with-
13 in the unincorporated areas of Hernando County, Florida.

14 Section 5. Notice requiring removal of junked,
15 abandoned or dismantled vehicles. Whenever it shall
16 appear that a violation of the provision of this ordi-
17 nance exists, the County Sanitarian or the Sheriff of
18 Hernando County, Florida, shall give, or cause to be
19 given, written notice to the registered owner of any
20 vehicle which is in violation of this ordinance, and
21 shall give such notice to the owner or person in lawful
22 possession or control of the private property upon
23 which such motor vehicle violates the provisions of
24 this ordinance and directing that said motor vehicle
25 be moved to a place of lawful storage or be housed with-
26 in an enclosure or building within seven (7) days from
27 date of said notice. Such notice may be served upon
28 the registered owner of the vehicle by mail, addressed
29 to said owner at the last known address of record of
30 the Department of Motor Vehicles. Notice to the owner
31 or person in lawful possession or control of the proper-

1 ty upon which such motor vehicle is located may be
2 personally served, or be served by mail if such owner
3 or occupant cannot be found upon said property. In
4 lieu of personal service upon the owner or occupant
5 of the private property upon which the motor vehicle is
6 located, the notice shall be served by mail, addressed
7 to the owner of said property according to the last
8 County Tax Assessor's rolls and a copy of such notice
9 shall be conspicuously posted upon the premises.

10 Section 6. Failure to remove; Misdemeanor. Any
11 person who fails, neglects or refuses to remove the
12 abandoned, wrecked, junked, partially dismantled or
13 inoperative motor vehicle or to house such vehicle and
14 abate such nuisance in accordance with the notice given
15 pursuant to the provisions of Section 5, shall upon
16 conviction thereof, be guilty of a misdemeanor and be
17 punished as provided in Chapter 125.69 Florida Statutes.

18 Section 7. Entry upon private property for removal
19 or abatement; Authorized. Any person in charge or
20 control, whether as owner, tenant, occupant, lessee or
21 otherwise, of property on which an abandoned motor
22 vehicle shall be situate and fails to remove said motor
23 vehicle in accordance with the request made by the
24 County Sanitarian, Sheriff of Hernando County, or their
25 duly authorized agents shall permit access to such pro-
26 perty by any duly authorized agent of the County for the
27 purpose of examining or removing said vehicle or vehicl-
28 es. It shall be unlawful for any person to interfere,
29 hinder, or refuse to allow such person so authorized to
30 enter upon private property for the purpose of enforcing
31 the provisions of this ordinance.

1 Section 8. General removal or occupancy of such
2 premises. No person in charge or control of any prop-
3 erty within the County whether as owner, tenant, occu-
4 pant, lessee or otherwise, shall allow any abandoned
5 vehicle or, except as provided for herein, any vehicle
6 in a state of substantial disrepair to remain on such
7 property longer than thirty (30) days.

8 Section 9. Responsibility for disposition. Where
9 any motor vehicle is in such condition that it is no
10 longer self-propelled, then the person in charge or
11 control, whether as owner, tenant, occupant, lessee or
12 otherwise, of property on which such motor vehicle is
13 situated shall remove and dispose of such motor vehicle
14 through a private contractor by private means. Where
15 the person in charge or control of the property, whether
16 as owner, tenant, occupant, lessee or otherwise, after
17 thirty (30) days of having been given written notice
18 has failed to remove the said motor vehicle, then the
19 County Sanitarian or Sheriff of Hernando County is
20 authorized to arrange for prompt removal, but such ac-
21 tion by the County Sanitarian or Sheriff shall not pro-
22 vide a defense or excuse to the person in charge or
23 control of such property for failure to comply with
24 this ordinance. The person in charge or control of
25 such property shall pay and be jointly and severally
26 liable for all costs incurred by the County in effect-
27 ing such removal. In the event that payment is not made
28 on demand, the actual costs thereof plus accrued inter-
29 est at the rate of eight per cent (8%) per annum from
30 the date of the completion of the work, shall be and
31 constitute a lien against the property of such owner

1 and shall be charged to the owner of such property on
2 the next regular tax bill forwarded to such owner by
3 the County, and said charge shall be due and payable by
4 said owner at the time of payment of such tax bill and
5 shall be collectible in the same manner as may now or
6 hereafter be provided for the collection or enforce-
7 ment of the lien of ad valorem taxes.

8 Section 10. Notice and disposition of impounded ve-
9 hicles. Whenever the County Sanitarian or Sheriff re-
10 moves any motor vehicle, under the provisions of this
11 ordinance from public or private property, he shall
12 thereupon notify the owner or owners, if known, by
13 certified mail, of the location thereof and of the
14 right of said owner to secure return of possession of
15 the said motor vehicle upon payment of the cost of re-
16 moval or storage. If any vehicle remains unclaimed and
17 the cost for removal and storage unpaid for sixty (60)
18 days from the date of removal, such vehicle shall be
19 sold by the Sheriff of Hernando County in the manner
20 prescribed for disposal of abandoned property as outlin-
21 ed in Chapter 705.16 Florida Statutes.

22 Section 11. All ordinances or parts of ordinances
23 in conflict herewith are hereby repealed, to the extent
24 of such conflict.

25 Section 12. In the event any part or provision of
26 this ordinance is held to be invalid or inoperative by
27 Court of competent jurisdiction, such holding shall not
28 affect the ordinance as a whole or any part thereof not
29 declared to be unconstitutional, invalid or inoperative.

30 Section 13. This ordinance shall be deemed filed
31 and shall take effect when a certified copy has been

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

accepted by the Secretary of State and has furnished
an acknowledgment of receipt thereof to the Clerk of
Circuit Court of this County.

I hereby certify that the foregoing is a true
and correct copy of the original.
Norman Paul Hinchman, Clerk Circuit Court Hernando
County, Florida

By: *Norman Paul Hinchman* D.C.

