



SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
32771-1468

Code of Ordinances Amendments to Chapters 95 and 120 - Junk Vehicle

Agenda Memorandum

File Number: 2022 - 3330

Title:

Code of Ordinances Amendment to Chapter 95 (Health and Sanitation) and Chapter 120 (Junk and Junk Dealers) - Consider an amendment to the Code of Ordinances Chapter 95 (Health and Sanitation) and Chapter 120 (Junk and Junk Dealers) in order to define the term Junk Vehicle and clarify the code enforcement process for junk vehicles on private property (Seminole County, Applicant) Countywide (Mary Moskowitz, Project Manager)

Division:

Planning and Development

Contact/Phone Number:

Mary Moskowitz 407-665-7375

Motion/Recommendation:

1. Approve the request to amend the Code of Ordinances Chapter 95 (Health and Sanitation) and Chapter 120 (Junk and Junk Dealers) in order to define the term Junk Vehicle and clarify the code enforcement process for junk vehicles on private property; or
2. Deny the request to amend the Code of Ordinances Chapter 95 (Health and Sanitation) and Chapter 120 (Junk and Junk Dealers) in order to define the term Junk Vehicle and clarify the code enforcement process for junk vehicles on private property; or
3. Continue the request to a time and date certain.

Background:

The intent of Chapter 95 – Health and Sanitation of the Seminole County Code is to protect the health, safety, and welfare of the public by providing for procedures for removal of nuisances on property in unincorporated Seminole County. Per Chapter 95,

abandoned vehicles are one of the declared nuisances. In addition, Chapter 120 – Junk and Junk Dealers currently provides for regulations related to junk and abandoned vehicles on private and public properties in unincorporated Seminole County.

The definitions and procedures for removing junk and abandoned vehicles in Chapter 95 and Chapter 120 vary, which can be difficult when enforcing the policies. The purpose of this amendment is to provide a single definition for Junk Vehicle and to consolidate the enforcement of junk vehicles on private property to Chapter 95. The enforcement of junk vehicles on public property will remain in Chapter 120.

The revised definition of junk vehicles provides the Code Enforcement Officers guidelines on evidence they can use in making the determination if a vehicle would be considered a junk vehicle. This includes, but is not limited to, a motor vehicle, vehicle, or vessel having a valid license tag.

Staff Recommendation:

Recommend the Board of County Commissioners approve the requested amendment to the Code of Ordinances Chapter 95 (Health and Sanitation) and Chapter 120 (Junk and Junk Dealers) in order to define the term Junk Vehicle and clarify the code enforcement process for junk vehicles on private property.

ATTACHMENTS:

Description

- ▢ Junk Vehicle Ordinance
- ▢ Economic Impact Statement

ORDINANCE NO. 2022-_____

SEMINOLE COUNTY, FLORIDA

2 **AN ORDINANCE AMENDING CHAPTER 95 (HEALTH AND**
4 **SANITATION) OF THE SEMINOLE COUNTY CODE TO INCLUDE AND**
6 **DEFINE THE TERM JUNK VEHICLE AS A NUISANCE TO BE**
8 **DECLARED BY THE BOARD OF COUNTY COMMISSIONERS;**
10 **AMENDING CHAPTER 120 (JUNK AND JUNK DEALERS) OF THE**
 SEMINOLE COUNTY CODE TO CLARIFY THE DEFINITION OF
 ABANDONED AND JUNK VEHICLE AND ELIMINATE REFERENCES
 TO VEHICLES ON PRIVATE PROPERTY; PROVIDING FOR
 CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING
 FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

12 **WHEREAS,** the Seminole County Board of County Commissioners has the authority to
abate any nuisance and execute a release of such code enforcement liens; and

14 **WHEREAS,** the Seminole County Board of County Commissioners has identified a need
to define the term Junk Vehicles and include it as a type of nuisance that can be declared under
16 Chapter 95 of the Seminole County Code (the Code); and

WHEREAS, the Seminole County Board of County Commissioners desires to clarify the
18 definition of Abandoned and Junk Vehicles in Chapter 120 of the Code; and

WHEREAS, the Seminole County Board of County Commissioners desires to remove any
20 references to Abandoned or Junk Vehicles on private property in Chapter 120 of the Code; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact
22 Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance
upon the public and taxpayers of Seminole County and such Economic Impact Statement has been
24 prepared and has been made available for public review and copying prior to the enactment of this
Ordinance.

26 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

28 **Section 1. Incorporation of Recitals.** The above recitals represent the legislative findings
of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

30 **Section 2.** Chapter 95 (Health and Sanitation) of the Seminole County Code is hereby
amended to read as follows:

32 **Chapter 95 - HEALTH AND SANITATION**

PART 1. NUISANCES

34 **ARTICLE I. NUISANCES**

* * *

36 **Sec. 95.2. - Definitions.** ~~As used in this Part, the following terms shall mean as indicated~~
The following definitions apply to this Part:

38 *Abandoned.* Items that are no longer maintained, used, ~~and/or~~ or claimed.

Abandoned vehicle. Any vehicle as defined in this Section, including, but not limited to,
40 any parts ~~thereof~~ of vehicles, which are unusable as a form of transportation due to mechanical
or structural insufficiencies, unless ~~said~~ such vehicle is located within a legally permitted,
42 permanent, enclosed structure or legally permitted, permanent carport.

Code Enforcement Officer. ~~Board designated employees or agents of Seminole County~~
44 ~~whose~~ A person designated by the Board of County Commissions who has a duty ~~it is~~ to enforce
codes and ordinances in the County, or any law enforcement officer as defined in Section
46 943.10(1), Florida Statutes, or its successor provision.

Code Inspector. The person designated by the Board of County Commissioners to
48 enforce the provisions of this Part. The term also includes, but is not limited to, Code
Enforcement Officer and all County personnel designated by the appropriate Department
50 Director or County Manager with responsibility to enforce codes and ordinances.

Discarded. Material ~~which~~ that has been let go of, thrown away, or no longer maintained.

52 *Improved property.* Any lot, parcel, or area of land that has been deliberately altered
from its natural condition through human action for an identifiable purpose in support of a lawful
54 use or activity including, but not limited to, residential or commercial development, stormwater
management, recreation, and agriculture. Abandonment, disuse, or foreclosure ~~shall~~ will not
56 remove such property from classification as “improved”. Excluded from this definition are
public rights-of-way, publicly owned stormwater facilities, publicly owned landfills, and all
58 publicly owned parks ~~and/or~~ or natural land areas designated for passive recreational purposes.
Property that does not fall within the scope of the preceding description ~~shall~~ will be considered
60 “unimproved”.

Junk Vehicles. A vehicle that is dismantled, wrecked, junked, nonoperating, or any
62 combination of such conditions. Evidence that a vehicle is a junk vehicle may include, but is not
limited to, factors such as:

64 (1) Motor vehicle, vehicle, or vessel is wrecked, not operational as evidenced by
vegetation underneath as high as the motor vehicle, vehicle, or vessel body or frame, refuse or
66 debris collected underneath or the motor vehicle, vehicle, or vessel is used solely for storage
purposes.

68 (2) The motor vehicle, vehicle, or vessel body frame is partially dismantled, visibly
having no engine, transmission or other major parts or has major parts which are visibly
70 dismantled.

(3) The motor vehicle, vehicle, or vessel has no valid license tag.

72 (4) The motor vehicle, vehicle, or vessel is in any physical state rendering it not
operational, or physically or mechanically incapable of being moved under its own power as

74 designed by manufacturer, or legally not permitted to be operated on the public streets. The
motor vehicle, vehicle, or vessel does not have affixed a current and valid automobile license
76 tag.

Lands or premises. Any real property, whether improved or unimproved; ~~provided,~~
78 ~~however, except,~~ that as used in relation to, or in connection with, Section 95.3(b) of this Code,
~~shall these terms~~ mean any unimproved real property lying within a radius of 75 feet from any
80 structure and any improved property regardless of distance from a structure. As it relates to this
paragraph, the term “structure” ~~shall~~ means any building, either permanent or temporary, ~~that~~
82 which can be used for housing, business, commercial, office or industrial purposes and does not
refer to signs, fences, swimming pools, utility, accessory or agricultural buildings.

84 *Remains or rubble of a structure.* The remains or rubble of a structure, which has been
burned, stricken by other casualty, demolished, or exists in a state of excessive disrepair or decay
86 similar to and including, but not limited to, extreme exterior dilapidation, broken, missing,
rotting or collapsed windows, doors, walls, ~~and/or~~ or roof.

88 *Rubbish.* Useless waste material or any items no longer fit to be used, including, but not
limited to, discarded household chemicals, yard trash, paper, cardboard, metal, lumber, concrete
90 rubble, glass, bedding, crockery, household furnishings, household appliances, dismantled
pieces or ~~of~~ of motor vehicles or other machinery, broken, abandoned, or discarded trailers,
92 wrecked or dismantled watercraft, abandoned ~~and/or~~ or discarded tires, unusable furniture,
discarded or unusable appliances.

94 *Stagnant or foul water.* Water having any of the following characteristics: not flowing
or moving; ~~and/or~~ dirty, grossly offensive, or obstructed water with foreign matter that may
96 provide a breeding area for mosquitoes, rodents, snakes, or other species of insect or animal; ~~;~~

~~or which constitutes~~ constituting a habitat for disease bearing organisms; ~~and which is or serving~~
98 as a host for algae or other growth indicative of water that is not disinfected.

Structure. Any building, either permanent or temporary, that can be used for housing,
100 business, commercial, office, or industrial purposes, ~~and does not refer to~~ but not including signs,
fences, or swimming pools. ~~Also~~ The term also includes utility, accessory, and agricultural
102 buildings as it relates to Section 95.3(c) Remains or Rubble of a Structure, but not to Section
95.3(b) Uncultivated Vegetation.

104 *Swimming pool.* Any structure that is intended for swimming or recreational bathing,
including, but not limited to, in-ground, aboveground, and on-ground swimming pools, hot tubs,
106 and non-portable spas.

Uncultivated vegetation. All unmaintained vegetation that has grown in an uncontrolled
108 manner to more than eight (8) inches in height ~~or which that~~ is liable to produce an unhealthy or
unsanitary condition or becomes a harboring place for mosquitoes, vermin, or vectors. This term
110 ~~shall~~ does not include controlled plants and gardens, trees, palms, active crops or pasture lands
associated with bona fide agricultural uses.

112 *Unsecured swimming pool.* Private swimming pools, hot tubs and spas capable of
holding water more than 24 inches (610 mm) in depth ~~that are not~~ lacking any of the following:
114 (1) being completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height
above the finished ground level measured on the side of the barrier away from the pool; ~~(2) and~~
116 ~~where~~ the gates and doors in such barriers are ~~not~~ self-closing and self-latching; ~~(3) and where~~
the self-latching device is ~~less than~~ at least 54 inches (1372 mm) above the bottom of the gate; ~~;~~
118 and ~~(4) where~~ the release mechanism is ~~not~~ located on the pool side of the gate. ~~Exception:~~ Spas

or hot tubs with a safety cover that complies with American Society for Testing Materials
120 (ASTMF) 1346, as this standard may be amended or replaced are excluded from this definition.

Unusable. Items that are no longer fit to be used ~~and/or~~ or do not operate as originally
122 intended.

Vehicle. For the purposes of this Ordinance, a machine used to transport, pull, push,
124 ~~and/or~~ or propel people, animals or other matter along the ground, in the air, or on a body of
water including machines propelled by other than human power designed to travel along the
126 ground for the purposes of transporting persons or property or pulling machinery, including, but
not limited to, automobiles, trucks, boats, watercraft, trailers, aircraft, motorcycles, and tractors.

Violator. Any person or property owner who has control or appears to have control of a
property or circumstance of an alleged code violation, such as a property owner, tenant or
130 business owner.

Sec. 95.3. Nuisances declared. It is hereby declared and determined by the Board of
132 County Commissioners of Seminole County that the following ~~shall~~ will constitute, each either
individually, or in any combination ~~thereof, be considered~~ nuisances when existing upon lands
134 or premises in the unincorporated area of Seminole County:

- (a) Rubbish.
- 136 (b) Uncultivated vegetation.
- (c) The remains or rubble of a structure.
- 138 (d) Abandoned or discarded volatile, corrosive, poisonous, or noxious chemicals,
liquids, or substances.
- 140 (e) ~~Abandoned vehicles~~ or junk vehicle; provided, however, that an abandoned or
junk vehicle kept within an enclosed garage or attached carport, or on the premises of a legally

142 operating business enterprise when necessary to the functioning of such business operated in a
lawful place and manner, or in a permitted or lawful storage area maintained in a lawful place
144 and manner ~~shall~~ will not be deemed a violation.

(f) Stagnant or foul water.

146 (g) An unsecured swimming pool.

(h) Any other material or condition tending by its existence and/or accumulation to
148 endanger or adversely affect the health, safety, lives, ~~and/or~~ or welfare of the citizens of
Seminole County.

150 * * *

Section 3. Chapter 120 (Junk and Junk Vehicles) of the Seminole County Code is hereby
152 amended to read as follows:

Chapter 120 - JUNK AND JUNK DEALERS

154 **PART 1. JUNK VEHICLES**

Sec. 120.1. Definitions. ~~As used in this Part, the following terms shall mean as indicated~~
156 ~~below~~ The following definitions apply to this Part:

Abandoned vehicle: ~~When used in connection with junk vehicle, any wrecked or derelict~~
158 ~~property having no value other than nominal salvage value, if any, which has been left abandoned~~
~~and unprotected from the elements~~ any vehicle as defined in this Section, including, but not
160 limited to, any parts of the vehicles which are unusable as a form of transportation due to
mechanical or structural insufficiencies, unless such vehicle is located within a legally permitted,
162 permanent, enclosed structure or legally permitted, permanent carport.

Enforcement officer: The officer designated by the Board of County Commissioners to
164 enforce the provisions of this Part.

Junk vehicle: A vehicle ~~which~~ that is dismantled, wrecked, junked, and/or nonoperating,
166 or any combination of such conditions. Evidence that a vehicle is a junk vehicle may include,
but is not limited to, factors such as the following:

168 (1) The motor vehicle, vehicle, or vessel is wrecked, not operational as evidenced by
vegetation underneath as high as the motor vehicle, vehicle, or vessel body or frame, refuse or
170 debris collected underneath or the motor vehicle, vehicle, or vessel is used solely for storage
purposes.

172 (2) The motor vehicle, vehicle, or vessel body frame is partially dismantled, visibly
having no engine, transmission, or other major parts; or has major parts that are visibly
174 dismantled.

(3) The motor vehicle, vehicle, or vessel has no valid license tag.

176 (4) The motor vehicle, vehicle, or vessel is in any physical state rendering it not
operational, or physically or mechanically incapable of being moved under its own power as
178 designed by manufacturer, or legally not permitted to be operated on the public streets.

(5) The motor vehicle, vehicle or vessel does not have affixed a current and valid
180 automobile license tag.

Keep: When used in connection with junk vehicle, the act of keeping property having no
182 value other than nominal salvage value, if any, which has been left unprotected from the elements
with intention by the owner to remain in possession of it.

184 *Public property:* Lands and improvements owned by the County including buildings,
grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way, and other similar
186 property.

188 *Vehicle:* A machine propelled by a mechanism other than ~~human power~~ the power of a
or property or pulling machinery, including but not limited to automobiles, trucks, motorcycles,
190 and tractors.

Sec. 120.2. Abandonment or keeping prohibited. It ~~shall be~~ is unlawful for any person
192 to abandon or keep any junk vehicle on any public property ~~or on any private property; provided,~~
~~however, except~~ that the provisions of this ~~section shall~~ Section do not apply to any junk vehicle
194 kept within an enclosed garage or attached carport, or on the premises of a business enterprise
when necessary to the functioning of such business operated in a lawful place and manner, or in
196 an appropriate storage area or depository maintained in a lawful place and manner.

Sec. 120.3. Removal of junk vehicles on public property.

198 (a) Whenever the enforcement officer ascertains that a junk vehicle is present on
public property, he or she shall cause a notice to be placed upon the junk vehicle. In addition to
200 ~~said this~~ posting, he or she shall make a reasonable effort to ascertain the name and address of
the owner of the vehicle, and upon such discovery he or she shall mail on the date of posting a
202 copy of ~~said this~~ notice to the owner of the vehicle.

(b) The notice required by ~~subsection~~ Section 120.3(a) ~~shall~~ of this Code must be
204 substantially in the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE
206 ATTACHED PROPERTY. This property, ~~to-wit~~ described as: (setting forth brief
description) is unlawfully upon public property known as (setting forth brief
208 description of location) and must be removed within ten days from date of this
notice; otherwise, it ~~shall~~ will be presumed to be an abandoned junk vehicle and

210 will be removed and destroyed by order of Seminole County. Dated this: (setting
forth the date of posting of notice). Signed: (setting forth name, title, address, and
212 telephone number of enforcement officer).

Such notice ~~shall~~ must be not less than eight inches by ten inches and ~~shall~~ must be sufficiently
214 weatherproof to withstand normal exposure to the elements.

(c) It ~~shall be~~ is unlawful for the owner of ~~said~~ a junk vehicle to fail to remove ~~said~~
216 the junk vehicle from public property within ten days from the posting of ~~said~~ the notice
described above, or to fail to show reasonable grounds for the failure to do so within ~~said~~ this
218 time limit.

(d) If at the end of ten days after posting such notice the owner or any person
220 interested in ~~said~~ the junk vehicle described in such notice has not removed the junk vehicle
from public property or shown reasonable cause for failure ~~so~~ to do so, the enforcement officer
222 may cause the ~~said~~ junk vehicle to be removed and destroyed, ~~and the~~ The salvage value, if any,
of such junk vehicle ~~shall~~ will be retained by the County and applied against the cost of removal
224 and destruction ~~thereof~~ of the junk vehicle.

Sec. 120.4. Removal of junk vehicles located on private property. Whenever the
226 enforcement officer ascertains that a junk vehicle is present on private property, the officer shall
follow the authorized procedures established in Chapter 95, Part 1 (Nuisances), Seminole County
228 Code, as amended.

(a) ~~Whenever the enforcement officer ascertains that a junk vehicle is present on~~
230 ~~private property, he shall cause a notice of sufficient size and weatherproofing to be placed upon~~
~~it. In addition to said posting, he shall make a reasonable effort to ascertain the name and address~~
232 ~~of the owner of the vehicle, and upon such discovery he shall mail on the date of posting a copy~~

of said notice to the owner of the vehicle. He shall also mail on the date of posting a copy of said
234 notice to the owner of the property as shown by the County's real estate tax records upon whose
property it is located.

236 (b) The notice required by subsection (a) shall be substantially in the following form:

~~NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE~~

238 ~~ATTACHED PROPERTY. This property, to wit: (setting forth brief description)~~

~~located at (setting forth brief description of location) is improperly stored and is~~

240 ~~in violation Chapter 120, Part 3, Seminole County Code, and must be removed~~

~~within ten days from date of this notice; otherwise it shall be presumed to be~~

242 ~~abandoned property and will be removed and destroyed by order of Seminole~~

~~County. Dated this: (setting forth the date of posting of notice). Signed: (setting~~

244 ~~forth name, title, address and telephone number of enforcement officer).~~

Such notice shall not be less than eight inches by ten inches and shall be sufficiently
246 weatherproof to withstand normal exposure to the elements for a period of ten days.

(c) It shall be unlawful for the owner of said vehicle, or for the owner of the private
248 property upon which said vehicle is located to fail to remove said vehicle from said private
property within ten days from the posting of the notice required by this Section or to fail to show
250 reasonable grounds for the failure to do so within said time limit.

(d) If at the end of ten days after posting such notice the owner or any person
252 interested in the junk vehicle described in such notice has not removed it and complied with this
Section, the enforcement officer may cause it to be removed and destroyed, and the salvage
254 value, if any, of such vehicle shall be retained by the County and applied against the cost of
removal and destruction thereof.

256 **Sec. 120.5. Power of Board of County Commissioners to contract for removal.** The
Board of County Commissioners is hereby authorized and empowered to contract on an
258 exclusive or nonexclusive basis with any person as the Board deems advisable for the purpose
of removing and destroying junk vehicles abandoned or kept on public ~~or private~~ property in
260 violation of this Part upon the direction of the enforcement officer.

Sec. 120.6. Costs of removal.

262 (a) All expenses incurred in the removal and destruction of junk vehicles from public
property ~~shall~~ must be paid to the person designated by the Board of County Commissioners to
264 remove and destroy them by the owner of the junk vehicle if ~~he~~ the owner can be determined,
or, if not, then by the County.

266 (b) ~~All expenses incurred in the removal and destruction of junk vehicles from private
property shall be paid to the person designated by the Board of County Commissioners to remove
268 and destroy junk vehicles by the junk vehicle owner if he can be determined, or, if not, then by
the private property owner.~~

270 ~~**Sec. 120.7. Entry powers.**~~

 (a) ~~The enforcement officer shall have the right to enter private property for the
272 purposes of inspecting for junk vehicles or posting of required notices when vehicles have been
discovered in violation of this Part.~~

274 (b) ~~The enforcement officer shall have appropriate official identification with him
which identifies said officer as an agent of the County when he enters private property for the
276 purposes of this Part.~~

Secs. ~~120.8~~ 120.7—120.30. Reserved.

278 **Section 4. Codification.** It is the intention of the Board of County Commissioners that
the provisions of this Ordinance will become and be made a part of the Seminole County Code,
280 and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word
or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such
282 intention, except that Sections 1, 4, 5 and 6 of this Ordinance are not to be codified.

Section 5. Severability. If any provision or application of this Ordinance to any person
284 or circumstance is held invalid, then it is the intent of the Board of County Commissioners that
such invalidity will not affect other provisions or applications of this Ordinance that can be given
286 effect without the invalid provision or application and, to this end, the provisions of this Ordinance
are declared severable.

288 **Section 6. Effective date.** This Ordinance will take effect upon filing a copy of this
Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

290 **BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this
_____ day of _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOB DALLARI, Chairman

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**Seminole County
ECONOMIC IMPACT ANALYSIS
Chapter 95 and Chapter 120 Amendments**

Date:	04/26/22	Department/Division:	Development Services/ Planning & Development Division
Contact:	Mary Moskowitz	Phone:	407-665-7375
Action:	Amendment of the Seminole County Code related to Junk Vehicles		
Topic:	Junk Vehicles		

Describe Project/Proposal

The proposed amendments to the County’s Land Development Code will define Junk Vehicle and are intended to provide clarification for the code enforcement process for junk vehicles on private property.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

Adopting the amendments will have a positive effect on County operations by providing clarification and giving code enforcement officers guidance on making the determine for junk vehicles.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected

The amendments will create an economic benefit to the affected property owners by having the potential of increasing property values by reducing public nuisances.

Identify Any Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance

The amendments have the potential to generate some additional revenues for the County by increasing property values.