

## ORDINANCE 2021-2

AN ORDINANCE OF THE TOWN OF INTERLACHEN, FLORIDA, REPEALING ORDINANCE 2018-2; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR CARE OF PREMISES; PROVIDING FOR JUNKED VEHICLES; PROVIDING FOR PARKING OF HEAVY VEHICLES; PROVIDING FOR PARKING, STORAGE OR USE OF RECREATIONAL VEHICLES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT, PENALTIES AND SUPPLEMENTAL REMEDIES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INTERLACHEN, FLORIDA,

### SECTION I REPEAL

#### 2021-2 - 1.1 - Repeal.

Ordinance 2018-2, passed on second reading on September 11, 2018 is hereby repealed.

### SECTION II PURPOSE

#### 2021-2 - 2.1 - Purpose.

The purpose of this Ordinance is to promote, protect and improve the health, safety and welfare of the citizens of the Town of Interlachen by establishing care of premises regulations.

### SECTION III DEFINITIONS


#### 2021-2 - 3.1 – Definitions.

**Codes Enforcement Officer/Board:** Shall mean any authorized agent or employee of the Town whose duty is to ensure codes compliance.

**Heavy Vehicle:** Shall mean factory series designations: C-5, F-600, D-50, 1600, C5DO42 or any vehicle of comparable or greater size.

**Junked Vehicle:** Shall mean any motor vehicle, as defined by state statutes, which:

- a) Is inoperable and which does not have lawfully affixed thereto a valid unexpired license tag or which is wrecked, dismantled, partially dismantled or discarded; or
- b) Remains inoperable for a continuous period of more than 120 days.

  
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**Town:** Shall mean the Town of Interlachen.

**Unkempt Property:** Shall mean and include any property which is dangerous to the public health, safety and welfare of the citizens of the Town of Interlachen, because of its condition, which may cause or aid in the spread of vermin, rodents, snakes, disease or injury; and is distasteful to the surrounding neighborhood. Any such unkempt property in the Town is hereby declared to be a nuisance.

**Responsible Party:** Shall mean the person(s) using or occupying the premises. In case no one is using or occupying the premises the person who by law owns the property is responsible.

#### SECTION IV CARE OF PREMISES

##### 2021-2 - 4.1 – Care of Premises.

It shall be unlawful to keep or permit the existences of any unkempt property in the Town; and it shall be unlawful for the owner, occupant, agent of the property, or any other person in the custody of said property to permit the same to remain or continue in an unkempt condition.


It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, RV, boat, boats attached to docks, trailer and, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including, but not limited to; grass/weeds over eighteen (18) inches, dead trees, trunks, garbage, etc., upon notice from the Codes Enforcement Officer.

#### SECTION V PUBLIC NUISANCE

##### 2021-2 – 5.1- Public Nuisance.

1) **Public Nuisance:** The location or presence of any junked, abandoned or wrecked vehicle, RV, boat, trailer, boats attached to docks, ice box, refrigerator, stove, glass, building material, building rubbish or similar items or derelict property on any lot, tract or parcel of land improved or unimproved, occupied or unoccupied within the Town shall be deemed a public nuisance.

2) **Storage, depositing prohibited:** It shall be unlawful for any person, either as owner, occupant, lessee, agent, tenant or otherwise, to store, deposit, cause or permit to be stored or deposited, any abandoned, junked or discarded motor vehicle(s) upon any public or private property within the Town of Interlachen.

  
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3) **Notice to Remove:** The Codes Enforcement Officer or the Codes Enforcement Board shall have the power to direct and require the owner(s) of lots which have been deemed a public nuisance as described in Section 4.1(1) of this Ordinance, to remove said articles from within the said property within a period of thirty (30) days after the receipt of the notice. Such notice shall be given in accordance with Ordinance 2021-1, Section VI.

a) Said notice shall be mailed by certified mail at such address as appears on the latest complete tax roll of Putnam County, Florida, and such mailing shall be considered sufficient notice to said owner.

b) In case of joint or multiple ownership, service as herein provided, one owner shall be sufficient.

## **SECTION VI PARKING OF HEAVY VEHICLES**

### **2021-2- 6.1- Parking of Heavy Vehicles.**

Heavy vehicles such as tractors and trucks may not park in any residential or commercial districts except for normal loading and unloading.

## **SECTION VII PARKING, STORAGE OR USE OF RECREATIONAL VEHICLES**

### **2021-2 – 7.1- Parking, Storage or use of Recreational Vehicles.**

No recreational vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored in a residential district. Recreational vehicles must be parked or stored in a required rear or side yard.

## **SECTION VIII EXEMPTIONS**

### **2021-2- 8.1 – Exemptions.**

- 1) A Vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
- 2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer.
- 3) Unlicensed inoperable vehicles stored on private property; provided however, that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view from the fronting street or roadway by means of a fence, trees, shrubbery or other appropriate means.
- 4) Property in a state of forested growth shall be exempt from provisions of this Ordinance in certain matters until it is developed. Forested property shall be deemed that with primary growth of non-invasive trees above a

  
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six (6) inch diameter; however, such properties shall not be exempt from control of invasive growth, i.e. kudzu, poison ivy, poison oak, etc.

5) Wetlands shall be those areas such as defined by the St. Johns River Water Management District of said parcels. This Ordinance shall not apply to said parcels.

## **SECTION IX ENFORCEMENT, PENALTIES & SUPPLEMENTAL REMEDIES**

### **2021-2 - 9.1 – Enforcement, Penalties & Supplemental Remedies.**

**8.1 - Enforcement:** It is the expressed intent and purpose of the Town Council of the Town of Interlachen that all provisions for enforcement of this Ordinance, and the penalties and remedies hereinafter provided shall be cumulative in nature and that resort to one shall not constitute a bar or limitation upon the right of the Town to employ any other, either sequentially or in combination, individually or simultaneously, without limitation. It is further the intent and purpose of the Town Council of the Town of Interlachen that the process and procedures for enforcement of this Ordinance, along with the penalties and remedies, shall be in accordance with Ordinance 2021-1, as thereafter may be amended or replaced.

**8.2 - Fines:** The Codes Enforcement Board, upon notification by the Codes Enforcement Officer that a notice of violation has not been complied with by the set time, or upon finding that a repeat violation has been committed, and after a hearing thereon, may order the violator to pay a fine in an amount not to exceed \$250.00 per day for a first violation and shall not exceed \$500.00 a day for a repeat violation. The Town may proceed to remedy the situation and seek financial reimbursement from the violator. If reimbursement for the costs incurred by the Town in order to bring said property in compliance is not reached in a timely manner, the Town will place a recorded lien on said property for such costs. Notwithstanding this Section, any violation of this Ordinance which constitutes a violation of any provision of State Law shall be punishable under such state law as a separate offense.

**8.3 - Liens:** The Town Council of the Town of Interlachen, Florida shall be and is hereby authorized to file in the public records of Putnam County, Florida a Claim of Lien for any sums due to the Town pursuant to the terms, condition and provision of this Ordinance. Such claims of lien shall constitute a lien upon the property to which unpaid, unempt property in violation have been furnished and/or against which penalties have been assessed hereunder and such claims of lien shall be enforceable in the same manner as liens arising under Chapter 713 Florida Statutes. In addition to recovery of sums otherwise due pursuant to the terms of this Ordinance, the Town shall be entitled to the recovery of its costs and reasonable attorney fees incurred in the filing and enforcement of claims of lien hereunder .

**8.4 - Judicial Relief:** Any violation or failure to comply with any of the restrictions and limitations of this Ordinance may be forced by injunction, including mandatory injunction, or otherwise judicially enforced in any other manner provided by law, and any such suit or action may be instituted and maintained by the Town Council of the Town of Interlachen, Florida. In the event such action is initiated, the Town shall be entitled to recovery of its costs and reasonable attorney fees incurred in and about such.

  
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## SECTION X CONFLICTS

### 2021-2 - 10.1 - Conflicting Ordinances.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

## SECTION XI SEVERABILITY

### 2021-2 – 11.1 – Severability Clause.

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

## SECTION XII EFFECTIVE DATE

### 2021-2 - 12.1 - Effective Date.

This Ordinance shall become effective immediately upon its final passage as provided by law.

Passed On First Reading      April 13, 2021

Passed On Second Reading      May 11, 2021

  
Chairperson, Joni Conner

  
Mayor, Ken Larsen

Approved by:

First Reading

Second Reading

YES

YES

Joni Conner  
Chairperson, Joni Conner

YES

YES

Judi Costanzo  
Vice-Chairperson, Judi Costanzo

YES

YES

Beverly Bakker  
Council, Beverly Bakker

YES

YES

Carolyn Bennett  
Council, Carolyn Bennett

YES

YES

Carolyn Meadows  
Council, Carolyn Meadows

Attest:

Ken Larsen  
By: Mayor, Ken Larsen

Joni Payne  
Town Clerk, Joni Payne

(TOWN SEAL)