

ORDINANCE # 2007-10

AN ORDINANCE OF THE CITY OF OAK HILL, VOLUSIA COUNTY, FLORIDA AMENDING ORDINANCE 2004-08 AMENDING THE DEFINITION OF JUNK VEHICLE AND REPEALING THE PENALTY PROVISION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, based on issues that have been observed by City staff in enforcing the City's regulations of storage of junk, the City staff has recommend amendments to the definitions of junk vehicle.

WHEREAS, the City utilizes a code enforcement board as authorized under Florida Statute Chapter 162, which includes penalty provisions for violations of the City's regulations, therefore a separate penalty provision is not necessary.

WHEREAS, words which are underlined (underlined) are additions to the text and words which strike through the characters (~~strike through~~) are deletions from the text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OAK HILL, FLORIDA:

Section 1. The City Commission of the City of Oak Hill hereby amends Ordinance 2004-08 to read as follows:

"Junk vehicles" shall mean any motor vehicle, motor home, travel trailer, vessel or transport trailer which is required by DMV to be registered for use and does not have a current tag and vehicle registration or any of the foregoing which exhibits one (1) or more of the following conditions; partially or fully dismantled, abandoned, stripped, substantially damaged, having no or flat tires, scrapped, having the status of a hulk or shell, discarded, unable to be operated, unable to be safely operated or being stored in such a manner that underbrush, weeds, wild growth and/or grass in excess twelve (12) inches in height have accumulated around it.

"Junk vehicles" shall not include any of the foregoing which are stored or kept in a fully enclosed garage or building designed for the storage of same; up to a maximum of two (2) vehicles which are being currently and actively restored or repaired and are being kept or located in a side or backyard, behind a permitted opaque fence, or are being kept under a non-transparent covering so that they are not visible in any of these situations from the adjoining property or street or highway. Any vehicle being properly stored shall not accumulate underbrush, weeds, wild growth and/or grass in excess twelve (12) inches in height around it; or any of the foregoing which is lawfully located at a business premises that is licensed for the repair of such vehicles and is currently scheduled for repair or maintenance and is being done so according to the confines of the business license.

~~2. Junk vehicles shall mean any motor vehicle that does not have a current vehicle registration or that is not behind an opaque fence or covered with a tarp or in a garage and out of view by the public is considered by this ordinance to be a junk vehicle.~~

~~Violations of this ordinance shall be punishable by a fine, first offense two hundred and fifty dollars (\$250.00), second offense five hundred dollars (\$500.00), and third offense the City will have the violation corrected and recover the administrative costs and any other associated costs including legal fees from the property owner. All fines are subject to the legal rate of interest under Florida Law, interest to be incurred from the date of the fine. Each violation shall constitute a separate offense. This Ordinance shall be enforced by the City Code Enforcement Officer, the Police Chief, and other designated authority the City selects for enforcement of the Ordinance. The City shall allow a grace period of sixty (60) days from the effective date of being cited for property owners to bring their property into compliance or appeal to the Code Enforcement Board prior to the issuance of any fines or other penalties. When appeal to the Code Board, the Code Board may if it finds a hardship has occurred on the property owners. The Code Board may give the property owner a "one time only extension" for compliance of thirty (30) days but in no case more than sixty (60) days.~~

Section 2. Severability. If any section, sentence, clause, phrase of the Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Conflicting Ordinances. All Ordinances, or parts of Ordinances, in conflict herewith, or contrary hereto are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption.

It was moved by _____ and seconded by _____ that said Ordinance 2007-___, be passed on first reading. A roll call vote of the City Commission on said motion resulted as follows:

Mayor Thompson, Seat #3	_____
Vice-mayor Lauer, Seat #4	_____
Commissioner , Seat #1	_____
Commissioner Dean, Seat #2	_____
Commissioner , Seat #5	_____

Passed upon first reading this ____ day of ____, 2007.

It was moved by _____ and seconded by _____ that said Ordinance 2007- __, be adopted on second reading. A roll call vote of the City Commission on said motion resulted as follows:

Mayor Thompson, Seat #3 _____

Vice-mayor Lauer, Seat #4 _____

Commissioner , Seat #1 _____

Commissioner Dean, Seat #2 _____

Commissioner , Seat #5 _____

Passed and adopted upon second and final reading this ____ day of _____, 2007.

Mike Thompson, Mayor

ATTEST:

Stella McCloed
City Clerk

Approved as to form and legality for the use and reliance of the City of Oak Hill, Florida, only.

Scott E. Simpson, City Attorney