

ORDINANCE 2024-5

CARE OF PREMISES

AN ORDINANCE OF THE TOWN OF INTERLACHEN, FLORIDA, REPEALING ORDINANCE 2021-2; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR CARE OF PREMISES; PROVIDING FOR NUISANCE; 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**

Section 1.1 - Repeal

Ordinance 2021-2, passed on second reading on July 13, 2021 is hereby repealed.

**SECTION 2
PURPOSE**

Section 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 3
DEFINITIONS**

Section 3.1 – Definitions

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

Derelict Vessel: Shall mean any vessel that is wrecked, junked, or substantially dismantled condition. A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance. A vessel is junked if it has been stripped of vessel components, or if the owner or operator has discarded the vessel. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion as required by law.

Heavy Vehicle: Shall mean dump trucks, semi-trucks, cabs and trailers, B-double freight trucks, road trains or any vehicle of comparable or greater size.

Inoperable: Shall mean not in working condition as designed or incapable of being lawfully operated.

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.

Livestock/Farm Animals: Shall mean horses, mules, cattle, goats, sheep, swine, alpacas, llamas, rabbits, poultry, and all other animals not commonly used as household pets.

Non-Residential Structures: Shall mean recreational vehicles, tents, sheds, boats, or any other conveyance.

Nuisance: Shall mean conditions and/or conduct by any person(s) as described below:

- (a) any continuing condition or use of premises, building exteriors or land which causes significant diminution of the value of property in the vicinity of such condition or use.
- (b) Any continuing conditions or use of premises, building exteriors or land which unreasonably annoys, injures, or endangers the comfort, health, repose, privacy, or safety of the public through offensive odors, noises, substances, smoke, gas fumes, chemical diffusion, or has the propensity to attract flies, mosquitoes, rats, mice and other vermin or vectors.
- (c) Any conditions, act or omission that is deemed to be a nuisance under state law, including without limitation those conditions listed in , *F.S. Ch. 823.05*.

Owner: Shall mean the person, corporation, partnership, or other legal entity, which is the owner of record according to the Putnam County Property Appraiser.

Premises: Shall mean the land and all structures and articles appurtenant or attached thereto, which are owned, leased, occupied, or controlled by a person.

Property: Shall mean any individual parcel of real property or any portion thereof.

Recreational Vehicle Shall mean a portable vehicle built on a chassis with its own wheels, either self-propelled or towed by another vehicle, i.e., motor home, travel trailer, pop-up trailer or 5th wheel.

Town: Shall mean the Town of Interlachen.

Unkempt Property: Shall mean and include any property, structure, vehicle, and other conveyance 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.

**SECTION 4
CARE OF PREMISES**

Section 4.1 – Care of Premises.

It shall be unlawful to keep or permit the existence of any unkempt property in the Town.

It shall be the duty and responsibility of every owner or occupant of any lot, tract, or parcel of land to keep the premises of such property clean and to remove from the premises all such abandoned items as listed in Section 5.1 of this Ordinance. 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.

**SECTION 5
NUISANCE**

Section 5.1- Nuisance.

The following, if found on any lot, tract, or parcel of land improved, occupied, or unoccupied within the Town shall be deemed a nuisance.

(1) Buildings that are in a state of disrepair for unreasonably extended periods of time or are deserted, dilapidated, or damaged, including, but not limited to: broken windows, collapsed roofs, partial walls and foundations, incomplete framing, abuses, or neglect as to appearance. Any unfinished structure which has been in the course of construction for more than one (1) year and the appearance of such unfinished structure substantially detracts from the appearance of the immediate neighborhood.

(2) Attractive nuisance that is dangerous to children including, but not limited to abandoned structures, broken or neglected machinery or equipment, hazardous pools, unsecured or unused appliances and excavations.

(3) Litter includes, but is not limited to; trash, aluminum cans, bottles, crockery, paper, plastic, tobacco products, tires, discarded household appliances including, but not limited to; refrigerators, freezers, stoves, dishwashers, washing machines, and dryers. Debris includes, but is not limited to; building material, scrap lumber, steel, plumbing fixtures, insulation, barrels, boxes, drums, piping, glass, iron, metals, or plastic.

(4) Storage, depositing prohibited: Any vehicle, recreational vehicle (*as defined in Section 3.1 above*), heavy equipment, derelict vessel, or mobile homes that are abandoned or junked shall be unlawful to store, deposit, cause or permit to be stored or deposited, any upon any public or private property within the Town of Interlachen.

(5) Excessive growth of grass, weeds or vegetation which are not cultivated, landscaped, or regularly tended which exceeds a length of twelve (12) inches.

(6) Yard Waste; including, but not limited to; litter, garbage, organic or inorganic wastes, chemical waste, dead trees and tree limbs, bush clippings, leaves, vines, shrubbery, and similar material which may attract or harbor rodents, reptiles, or other vermin, or furnishes a breeding ground for flies, mosquitoes or wood destroying insects, threatens surface, ground, or potable water supplies.

(7) Livestock/Farm Animals shall not be allowed within the town limits unless a Special Exception has been granted or the parcel has been “grandfathered” in. However, otherwise lawful use may become a violation if the use disturbs the comfort, health, repose, privacy, or safety of the surrounding neighbors through offensive odors, noises, or unsanitary conditions.

(8) Notice to Remove: The Codes Enforcement Officer shall have the power to direct and require the owner(s) of lots which have been deemed a nuisance as described in this Section, to remove said articles from within said property within a period of thirty (30) days after the receipt of the notice. Such notice shall be given in accordance with Ordinance 2024-4 Section 6.

**SECTION 6
PARKING OF HEAVY VEHICLES**

Section 6.1- Parking of Heavy Vehicles.

Heavy vehicles as defined in Section 3.1 of this Ordinance shall not park in any residential or commercial districts except for normal loading and unloading, this includes cabs that are not attached to trailers.

**SECTION 7
PARKING, STORAGE AND USE OF RECREATIONAL
VEHICLES OR OTHER CONVEYANCES**

Section 7.1- Parking, Storage, or use of Recreational Vehicles.

Recreational vehicles must be parked or stored in a required rear or side yard and are not allowed on vacant land. Recreational vehicles shall not be used for living, sleeping or housekeeping purposes unless a Temporary Use Permit from the Town has been issued.

7.2 Non-Residential Structures & Conveyances.

Non-residential structures, (*as defined in Section 3.1 of this Ordinance*) or other conveyances shall not be used for living, sleeping or housekeeping purposes.

**SECTION 8
EXEMPTIONS**

Section 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.
- (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 9
ENFORCEMENT, PENALTIES & SUPPLEMENTAL REMEDIES

Section 9.1 – Enforcement, Penalties & Supplemental Remedies.

9.1 - Enforcement:

(a) It is the expressed intent and purpose of the Interlachen Town Council 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. The process and procedures for enforcement of this Ordinance, along with the penalties and remedies, shall be in accordance with Ordinance 2024-4, as thereafter may be amended or replaced.

(b) If a violation is found, the C.E.O. shall notify the violator and/or the property owner and give them (30) days to correct the violation. Should the violation continue beyond the time specified for correction, the C.E.O. shall schedule a hearing before the Special Magistrate and give notice to the violator and/or property owner pursuant to Section 7 of Ordinance 2024-4. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction, the hearing shall nevertheless take place, even if the violation has been corrected prior to the hearing and the notice shall state such.

(c) If the C. E.O. has reason to believe a violation presents a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, the C.E.O. shall make a reasonable effort to notify the violator and/or property owner and may immediately notify the Special Magistrate and request a hearing or follow the abatement procedures outlined in Section 8 of Ordinance 2024-4.

9.2 Fines:

(a) The Special Magistrate, upon notification by the C.E.O. that an order of the Special Magistrate has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator and/or property owner to pay a fine in an amount specified below for each day the violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the C.E.O. In addition, if the violation is a violation described in Care of Premises Ordinance 2024-5, the Special Magistrate may authorize the Town Council to make all reasonable repairs that are required to bring the property into compliance and charge the violator and/or property owner with the reasonable cost of the repairs along with the fine imposed pursuant to this Section. Making such repairs does not create a continuing obligation to make further repairs or to maintain the property and does not create any liability for any damage to the property if such repairs were completed in good faith. If finding of a violation or a repeat violation has been made as proved in this Section, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a violation is found irreparable or irreversible in nature, it may order the violator and/or property owner to pay a fine as specified in Subsection (B) below.

(b) A fine imposed pursuant to this Section shall not exceed \$250.00 per day per violation for a first violation and shall not exceed \$500.00 a day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (A). However, the Special Magistrate has the ability to impose fines in excess of those described above subject to the following criteria:

- (1) The gravity of the violation.
- (2) Any actions taken by the violator or property owner to correct the violation

- (3) Inaction on the part of the violator or property owner to correct the violation.
- (4) Any previous violations by the violator or property owner.
- (5) The negative impact on the surrounding properties.
- (6) Whether or not the fine outlined above could be considered a "cost of doing business" by the violator or property owner.
- (7) Impact on the environment.

Such fines shall not exceed \$1,000.00 per day per violation for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the violation is found to be irreparable or irreversible in nature. Additional fines may be imposed to cover all costs incurred by the Town in enforcing its codes and all costs of repairs made.

(c) Fines may include the following administrative fees:

- (1) Administrative/research.....\$100.00
- (2) Administrative/monthly\$ 10.00
- (3) Inspections/Postings.....\$ 50.00
- (4) Certified Mail \$ 11.00
- (5) Recording With Clerk of Court\$ 37.00
- (6) Special Magistrate Hearing\$100.00

(d) The Town Council may reduce a fine imposed pursuant to this Section

9.3 - Liens:

(a) 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 as ordered by the Special Magistrate against the land on which a violation exists, and upon any other real or personal property owned by the violator for any sums due to the Town pursuant to the terms, condition, and provision of this Ordinance.

(b) Such an order may be enforced in the same manner as a court judgment, including levy against the personal property of the violator and/or property owner. Such lien shall be superior to any mortgage lien or other encumbrance created or recorded subsequent to the recording of such lien. A fine imposed pursuant to this Section shall constitute to accrue until the violator and/or property owner comes into compliance or until judgment is rendered in a suit filed hereunder, whichever occurs first.

(c) 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.

(d) The Town Council shall authorize the Town Clerk to execute and record in the public records of Putnam County, Florida a Satisfaction of Lien.

9.4 - 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.

**SECTION 10
CONFLICTS**

Section 10.1 - Conflicting Ordinances.

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

**SECTION 11
SEVERABILITY**

Section 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.




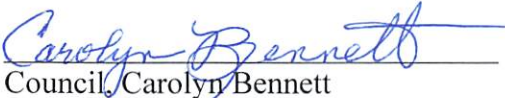
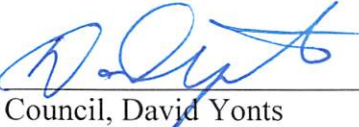
**SECTION 12
EFFECTIVE DATE**

Section 12.1 - Effective Date.

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

Passed On First Reading AUGUST 13, 2024

Passed On Second Reading SEPTEMBER 10, 2024

Approved by:	First Reading	Second Reading
 Chairperson, Carolyn Meadows	YES _____	YES _____
 Vice-Chairperson, Joni Conner	YES _____	YES _____
 Council, Beverly Bakker	YES _____	YES _____
 Council, Carolyn Bennett	YES _____	YES _____
 Council, David Yonts	YES _____	YES _____

Attest:

ABSENT

By: Mayor, Ken Larsen


Town Clerk, Joni Payne


Attorney, George Young

(TOWN SEAL)

