

**ORDINANCE 06-\_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE RELATING TO INOPERATIVE VEHICLES; AMENDING THE DEFINITION OF INOPERATIVE VEHICLE IN SECTION 58-266; PROVIDING FOR A DEFINITION OF DERELICT VESSELS; AMENDING THE DEFINITION OF OFF-ROAD VEHICLE; AMENDING THE DEFINITION OF PUBLIC PROPERTY; PROHIBITING DERELICT VESSELS IN RESIDENTIAL NEIGHBORHOODS OR ON PUBLIC PROPERTY; AMENDING SECTION 58-271 TO INCLUDE DERELICT VESSELS; AMENDING THE EXEMPTION SECTION TO INCLUDE DERELICT VESSELS STORED IN A FULLY ENCLOSED STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING.**

**WHEREAS**, the Board of County Commissioners felt the citizens of Pinellas County should have direct input into the regulation of their communities and therefore, appointed a task force to discuss community standards and make suggestions for changes to the code based upon current issues facing their communities; and

**WHEREAS**, each Commissioner appointed two individuals, residing within their district and from various backgrounds, to the task force, for a total membership of 14 citizens; and

**WHEREAS**, the task force met a total of eleven times over a period of seven months and discussed various code enforcement issues; and

**WHEREAS**, the citizen task force recommended the changes to the codes to prevent parking of certain types of vehicles and vessels in certain portions of residential neighborhoods; and

**WHEREAS**, the Board of County Commissioners, after receiving significant public input, has decided to modify current restrictions to improve neighborhood

aesthetics and preserve property values while recognizing the importance placed by the citizens of Pinellas County on having access to the surrounding waters and their boats.

**NOW, THEREFORE,** Be It Ordained by the Board of County Commissioners of Pinellas County, Florida:

**SECTION 1:** Article VII of Chapter 58 of the Pinellas County Code is amended to read as follows:

**ARTICLE VII.**

**INOPERABLE VEHICLES OR DERELICT VESSELS ON RESIDENTIAL AND PUBLIC PROPERTIES**

**Sec. 58-266. Definitions.**

*Department* means the Pinellas County Department of Environmental Management.

*Fully enclosed structure* means any commercial or residential garage or other permitted, man-made building structure that effectively screens and prevents viewing of its contents from adjacent properties, walkways, roadways or alleys.

*Derelict Vessel* means any boat or conveyance designed to be used or actually used to transport persons, goods or a combination thereof upon, under, or over the water that is:

- a) deteriorated, rotten, damaged, dismantled, or otherwise in a state of disrepair so as to admit water where designed to be watertight, or otherwise not seaworthy as it was originally designed and built; or
- b) not capable of being lawfully operated on the waters of the state of Florida; or
- c) not displaying a current registration decal as required under state law; or
- d) not stored, parked, placed or maintained on a currently and lawfully registered trailer, on which the vessel is designed to be transported.

*Inoperative vehicle* means a vehicle that is in a state of disrepair and incapable of being moved under its own power, ~~or~~-a

vehicle or trailer that is incapable of being lawfully operated on the streets of the state, or a trailer that is in a state of disrepair. A vehicle or trailer shall be deemed inoperative if one or more parts which are required for the operation of the vehicle are missing, are dismantled, are inoperative or are not attached to the vehicle as designed. A vehicle or trailer shall be deemed to be incapable of being lawfully operated on the streets of the state if a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets, is not affixed thereto.

*Off-road vehicle* means any vehicle not intended by design or manufacture to be used upon the streets of the state. Examples include but are not limited to; race car, swamp buggy, all terrain vehicle, amphibious vehicle, racing motorcycle or dirt bike. This definition is not intended to include any boat or vessel designed to be used solely in water.

*Owner* means the registered owner of the vehicle or the owner of the property upon which the inoperative vehicle is located.

*Property* means any individual parcel of real property or any portion thereof.

*Public property* means any federal, state, county or city-owned, leased, controlled, dedicated or platted real property, including but not limited to parks, marinas, alleys, streets, rights-of-way, submerged lands, or other real property.

*Vehicle* means any automobile, pickup truck, van, truck, motorized recreation vehicle, motorcycle, motor scooter, moped, or any other motorized device on or within which any person or property is or may be transported upon the streets of the state.

**Sec. 58-267. Intent.**

It is hereby declared, that due to the urban nature and population density of the county, it is in the best interest of its citizens to prohibit the open storage of inoperative vehicles, derelict vessels, or off-road vehicles on residential property and public property located in the unincorporated area of the county.

**Sec. 58-268. Penalty for violation of article.**

Violations of this article are punishable as provided for in section 1-8.

**Sec. 58-269. Territory embraced.**

This article shall apply to the unincorporated areas of the county.

**Sec. 58-270. Prohibitions.**

(a) No person nor any other business entity shall place, park or store, or allow to be placed, parked or stored any inoperative vehicle(s), derelict vessel(s), or off-road vehicles on, or attached to any accessory structure on, any residentially zoned property located in the unincorporated area of the county.

(b) No person nor any other business entity shall place, park or store, or allow to be placed, parked or stored any inoperative vehicle(s), derelict vessel(s), or off-road vehicles on any public property as defined in this article.

**Sec. 58-271. Designation of investigating and enforcing authority.**

(a) The department shall have the authority to investigate and enforce the provisions of this article.

(b) Pursuant to F.S. § 705.1015, the code enforcement officers of the department are designated by the board to administer the provisions of F.S. ch. 705 which pertain to lost or abandoned property.

(c) Each code enforcement officer of the department is authorized to have removed or impounded any inoperative vehicle, derelict vessel, or off-road vehicles from public property, which reasonably appears to be in violation of this article, in accordance with the provisions of F.S. ch. 705, as they pertain to lost or abandoned property.

**Sec. 58-272. Exemption.**

One off-road vehicle, per dwelling unit, may be placed or stored on residential property provided that the off-road vehicle is located on a trailer that has a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets, affixed thereto. Any inoperative vehicle or derelict vessel that is stored within a fully enclosed structure as described in this section is exempt from the prohibitions set forth in section 58-270.

**Secs. 58-273--58-299. Reserved.**

**SECTION 2: Severability**

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

**SECTION 3: Effective Date**

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

**SECTION 4: Inclusion Clause**

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code as necessary.