ORDINANCE NO. 89-11

AN ORDINANCE TO MAKE PROVISIONS FOR THE REGULATION OF SALVAGE AND RECYCLING CENTERS ON PRIVATE PROPERTY; PROVIDING A SHORT TITLE; DEFINING THE JURISDICTION; STATING A PURPOSE AND INTENT; PROVIDING LEGAL PROVISIONS; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS FOR SALVAGE AND RECYCLING CENTERS; PROVIDING FOR ISSUANCE OF A PERMIT FOR A SALVAGE AND RECYCLING CENTER; PROVIDING FOR A DUTY OF MAINTENANCE OF PRIVATE PROPERTY; PROVIDING FOR ENFORCEMENT; NOTICE OF NON-COMPLIANCE; EFFECT OF FAILURE TO ABATE AFTER NOTICE; DUTIES OF THE COUNTY COMMISSIONERS; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Walton County, Florida has determined that junked motor vehicles in the County adjacent to or in primarily residential areas constitutes a public and private nuisance possibly having a negative effect on adjacent property values; and

WHEREAS, the establishment of criteria for the issuance of a salvage permit and for the maintenance of recycling centers will reduce the possible harmful effect on values of adjacent properties:

Section 1. Short Title

This ordinance shall be known as the Walton County Salvage and Recycling Center Ordinance.

Section 2. Jurisdiction

The area subject to the regulations set forth in this ordinance shall be all of the area outside the incorporated municipalities of Walton County.

Section 3. Purpose and Intent

The purpose and intent of this ordinance is to control the negative impact Salvage and Recycling Centers may have on the values of adjacent properties.

Section 4. Legal Provisions

4.1 Validity: If any section of this ordinance is adjudicated to be void, such decision shall not effect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

4.2 Conflicting Ordinances: Should the requirements of this ordinance conflict with those of any other regulation or ordinance of Walton County, Florida, the regulation or ordinance requiring the higher standard shall prevail. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements.

Section 5. Complaints

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Walton County Board of County Commissioners. The Board shall record such complaint, investigate, and take action as provided in this ordinance.

Section 6. Violations

Violation of the provisions of this ordinance shall constitute a second degree misdemeanor and shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail not to exceed sixty (60) days, or by both fine and imprisonment.

Section 7. Definitions

a. Fence. An enclosure which shall be at least six (6) feet in height, which shall be kept in good repair at all times, and shall be constructed of plank board, corrugated iron, or other material so as to exclude the salvage and recycling center from public view. Other materials shall include natural vegetation and foliage.

b. Salvage. Old or scrapped copper, batteries, junked, dismantled, wrecked or otherwise inoperable motor vehicles or parts thereof, iron or steel.

c. Salvage and Recycling Center. Any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling salvage, or for the maintenance or operation of a motor vehicle Salvage and Recycling center.

d. Motor Vehicle Salvage and Recycling Center. Any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, or otherwise inoperable automobiles, motor vehicles or motor vehicle parts.

Section 8. Requirements for Salvage and Recycling Centers

a. Location: A Salvage and Recycling Center shall be allowed only in a Rural or Heavy Industrial District as depicted on the Official Zoning Map of Walton County.

b. Size: All Salvage and Recycling Centers shall be located on sites with a minimum of one (1) acre.

c. Fence: All Salvage and Recycling Centers shall be screened by a six (6) foot high fence or natural vegetation or foliage of equal height.

d. Setback: There shall be a minimum of a six (6) foot setback from all property lines. This setback shall remain clear of all structures and storage of any materials of any kind.

e. Permit: All Salvage and Recycling Centers shall obtain a permit from the Board of County Commissioners. All existing Salvage and Recycling Centers shall obtain a permit and be brought into compliance with this ordinance within twelve (12) months after its passage by the Board of County Commissioners. The cost of the said permit shall not exceed

(10) dollars per year. Renewable January 1st. of each year.

Section 9. Duty of Maintenance of Private Property

No person owning, leasing, occupying or having charge of premises shall maintain such premises in a manner causing substantial decrease in the value of the other property in the neighborhood in which such premises are located.

Section 10. Exterior Storage of Non-Operating Vehicles.

No person in charge of or in control of a premises (except Salvage and Recycling Centers permitted hereunder and licensed motor vehicle repair establishments) whether an owner, lessee, tenant, occupant or otherwise, shall allow partially dismantled, wrecked or junked, discarded, or other non-operating or non-registered or unlicensed motor vehicles to remain on such property longer than thirty (30) days. This section shall not apply with regard to any vehicle in an enclosed building, or shielded by a visual screen, or so located on a property as not to be readily visible from any public place or from any surrounding private property. This ordinance shall not apply with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County or any other public agency or entity.

Section 11. Enforcement

Enforcement of this ordinance shall be accomplished by the Walton County Board of County Commissioners and the Walton County Zoning Department.

Section 12. Notice of Non-Compliance

All persons owning, leasing, occupying or having charge of any premises within Walton County which a violation of any provision of this ordinance shall have been determined to exist by the Zoning Department shall be notified in writing by the County of such violation. Notice shall be sent by certified mail, return receipt requested. Such notice shall describe the premises in violation and specify corrective action. Such person shall have thirty (30) days from the date of receiving such notice in which to remove or abate the violation from said premises.

Section 13. Failure to Abate After Notice

Upon failure of any person to remove or abate any violation found to be existing upon said premises within the time period specified by Section 12 above, the Zoning Department shall notify the Board of County Commissioners of such violation.

Section 14. Duties of the Board of County Commissioners

The Board of County Commissioners shall upon receipt of a written report from the Zoning Department give written notice to the alleged offender of a hearing date. The Board shall hold the hearing and hear all evidence of the Zoning Department, the owner, or any other person having an interest in said premises pertaining to the alleged violation. The Board shall make findings of facts from the evidence presented as to whether or not a violation exists on the premises as hereinabove defined. If a violation is found to exist, a written order shall be issued by the Board

allowing the violator to remove or abate said violation within a specified reasonable time which shall be no more than sixty (60) days from the date of the Hearing. The Board shall fairly and adequately notify the violator of the possible consequences of their failure to comply with said order. At the end of the 60-day notice to comply and the violation is not abated, the Board of County Commissioners will file an affadavit of complaint with the Sheriff's Department.

Section 15. Effective Date

This ordinance shall take effect upon receipt of official acknowledgement from the Office of the Secretary of State of the State of Florida that said ordinance has been filed in that office.

This ordinance was adopted by a vote to by the Board of County Commissioners of Walton County, Florida, after due notice and publication in the regular meeting held on the 10th day of October, 1989.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Sam Pridgen
SAM PRIDGEN, CHAIRMAN

ATTEST:

Martha Ingle
D. CLERK