

Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Section 3-9-76. Junklike
Conditions Prohibited

1 **Sec. 3-9-61. Abandoned vehicles.**

- 2 ~~(a) Vehicles and trailers which are unlicensed or which by outward appearance are not operable and~~
3 ~~which remain on private property or within the right of way for a period of ten (10) days shall be~~
4 ~~prohibited unless within a carport or garage or unless within a parcel on which such use is permitted.~~
- 5 ~~(b) Provided, however, a single unlicensed vehicle, which by outward appearance appears operable,~~
6 ~~and which is parked in the driveway of a developed lot, shall not constitute a violation of this section.~~
- 7 ~~(c) Upon a finding of a violation of this section, the Charlotte County Code Enforcement Board shall~~
8 ~~notify the board of county commissioners.~~
- 9 ~~(d) Upon the expiration of the time for compliance as ordered by the code enforcement board, the board~~
10 ~~of county commissioners or its designee may cause the vehicle in violation to be removed from the~~
11 ~~premises.~~
- 12 ~~(e) The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in,~~
13 ~~the fine imposed by the code enforcement board and shall constitute a lien against the land on which~~
14 ~~the violation exists and upon any other real or personal property owned by the violator, pursuant to~~
15 ~~section 162.09, Florida Statutes.~~
- 16 ~~(Minutes of 12-8-81, § 8; Ord. No. 97-112, § 3, 11-18-97; Ord. No. 2002-010, § 1, 3-26-02)~~

17 **Cross reference** — Motor vehicles and traffic, Ch. 2 4.

18 **Sec. 3-9-62. Watercraft abandoned, derelict or a hazard to navigation.**

- 19 ~~(a) All watercraft which have been disposed of on public property in a wrecked, inoperative or partially~~
20 ~~dismantled condition, or have no intrinsic value to the rightful owner, upon any public waters of this~~
21 ~~county, are inoperative or unregistered and appear to be in a state of decay or abandonment,~~
22 ~~including any craft, *regardless of condition*, which are an interference to navigation or a danger or~~
23 ~~threat of danger to the environment or the safety, health and welfare of the public, including the~~
24 ~~citizens of Charlotte County, shall be prohibited on any waterway, shore or public property including~~
25 ~~submerged lands unless contained in an enclosed building or unless such watercraft are under~~
26 ~~repair and located in a district which permits the repair of watercraft.~~
- 27 ~~(b) Upon discovery by any enforcement agent of abandoned watercraft in violation of this section, the~~
28 ~~Charlotte County Code Enforcement Department, or its designee, or any other law enforcement~~
29 ~~agency of the County, shall follow the procedures set forth at Exhibit "A" to this Ordinance~~
30 ~~[Ordinance No. 2007-050], regarding abandoned, derelict or otherwise hazardous vessels, which~~
31 ~~procedures may from time to time be altered by resolution.~~
- 32 ~~(c) The Charlotte County Board of County Commissioners has designated the code enforcement~~
33 ~~department and its officers and any other law enforcement agency of the county to administer the~~
34 ~~provisions of this section, in cooperation with any other law enforcement agency, including the~~
35 ~~Natural Resources Division of Charlotte County's Environmental and Extension Services.~~
- 36 ~~(d) When requested to do so by a property owner upon whose private land an abandoned vessel has~~
37 ~~been docked or grounded or beached, county, through its code enforcement department or other~~
38 ~~enforcement agency, may assist such property owner to remove such vessel at the expense of the~~
39 ~~owner of the vessel, pursuant to F.S. Section 823.11(3)(a).~~
- 40 ~~(e) Whoever opposes, obstructs, or resists any enforcement officer or code enforcement officer or any~~
41 ~~person authorized by them in the discharge of her or his duties as provided in this section, upon~~

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1 conviction is guilty of a misdemeanor of the second degree, punishable as provided in F.S. Section
2 775.082 or Section 775.083.

3 ~~(f) Any law enforcement officer or code enforcement officer or any person authorized by them is~~
4 ~~immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property~~
5 ~~while in the discharge of duties imposed by this section.~~

6 ~~(Minutes of 12-8-81, § 8; Ord. No. 2002-010, § 2, 3-26-02; Ord. No. 2007-050, § 1, 6-26-07)~~

7 ~~**Cross reference**—Boats, docks and waterways, Ch. 3-1.~~

8 ~~**Sec. 3-9-82. Junkyards and automobile wrecking yards.**~~

9 ~~This section provides minimum standards and procedural requirements necessary for the operation~~
10 ~~of a junkyard or automobile wrecking yard.~~

11 ~~(a) *Required approvals.* This use may be allowed in an IG zoning district, upon the approval of a special~~
12 ~~exception by the board of zoning appeals. Upon the approval for the land use, the applicant must~~
13 ~~obtain site plan approval from the development review committee before commencing operation of~~
14 ~~the junkyard or automobile wrecking yard.~~

15 ~~(b) *Site plan requirements.* Any application for a junk, scrap, salvage yard, automobile wrecking yard~~
16 ~~shall be required to submit a detailed site plan showing the location of all buildings and the location~~
17 ~~of all storage areas designed or used for automobiles and other vehicle parts, lubricants, fuel, and~~
18 ~~other storage.~~

19 ~~(c) *Location standards.* Such yards shall not be located closer than one hundred (100) feet to~~
20 ~~residentially zoned property, not including intervening street rights-of-way. No portion of the lot within~~
21 ~~twenty-five (25) feet of a public street shall be used for any business purpose other than off-street~~
22 ~~parking for patrons of the establishment.~~

23 ~~(d) *Fencing and buffer requirements.* Such yards shall be completely enclosed with a fence eight (8) feet~~
24 ~~in height so constructed as to provide a one hundred (100) percent visual barrier. The entire fence or~~
25 ~~wall shall be of the same type of construction, which construction shall not be tin or galvanized metal.~~

26 ~~No junk, scrap or salvage materials shall be stored higher than the height of the fence or wall, except~~
27 ~~such material (junk, scrap, salvage) may be stored in racks which shall in no case exceed a fifteen-foot~~
28 ~~height.~~

29 ~~(Minutes of 12-8-81, § 8; Res. No. 82-149, §§ 2, 3, 10-19-82; Ord. No. 89-38, § 18.00, 5-31-89; Ord.~~
30 ~~No. 89-47, § 12, 6-22-89)~~

31 ~~**Editor's note**—~~

32 ~~Section 3-9-82 formerly regulated land and water fills, dredging, excavation and mining. These~~
33 ~~provisions were repealed by § 18.00 of Ord. No. 89-38. Sections 5.00—16.00 of that~~
34 ~~ordinance have been included in § 3-9-74.5. Subsequently, § 12, of Ord. No. 89-47 added a~~
35 ~~new § 3-9-82. See also the editor's note to § 3-9-82.1.~~

36 ~~**Sec. 3-9-82.1. Junk and junkyard conditions prohibited.**~~

37 ~~(a) It shall be unlawful for any person to allow, suffer or permit on his property or property under his~~
38 ~~control by rent, lease or otherwise, the dumping or storage of junk unless such junk is kept or stored~~

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1 in a completely enclosed building in such manner and under such conditions that the keeping or
2 storage of such junk shall not constitute a menace to the public health, safety and general welfare
3 and thereby become a public nuisance, or unless within a parcel on which such use is permitted.

4 ~~(b) Upon a finding of a violation of this section, the Charlotte County Code Enforcement Board shall~~
5 ~~notify the board of county commissioners.~~

6 ~~(c) Upon the expiration of time for compliance as ordered by the code enforcement board, the board of~~
7 ~~county commissioners or its designee may cause the junk to be removed from the premises.~~

8 ~~(d) The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in,~~
9 ~~the fine imposed by the code enforcement board and shall constitute a lien against the land on which~~
10 ~~the violation exists and upon any other real or personal property owned by the violator, pursuant to~~
11 ~~section 162.09, Florida Statutes.~~

12 ~~(e) In the event the violation is found by the code enforcement board to have occurred on an~~
13 ~~undeveloped lot not abutting a developed lot under the same ownership, and without the consent of~~
14 ~~the owner, the costs of removal under subsection (d) above may be waived.~~

15 **(Ord. No. 97-112, § 3, 11-18-97) Sec. 3-9-76. Junklike Conditions Prohibited**

16 (a) The dumping or storage of junk, including abandoned vehicles, trailers and watercraft, is prohibited
17 on any lot or within the public right-of-way unless such junk is stored in a completely enclosed
18 building in such a manner and under such conditions that the storage of such junk shall not
19 constitute a menace to the public health, safety, and generally welfare and thereby become a public
20 nuisance, or unless within a lot on which such use is permitted.

21 (b) A single unlicensed motor vehicle, which by outward appearance appears operable, is permitted to
22 be parked in the driveway of a developed lot.

23 (c) Upon the expiration of time for compliance as ordered by the Code Enforcement Board or other
24 approved methods, the County may cause the junk to be removed from the premises.

25 (d) The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in,
26 the fine imposed by the Code Enforcement Board and shall constitute a lien against the land on
27 which the violation exists and upon any other real or personal property owned by the violator,
28 pursuant to Chapter 162.09, F.S.