

Chapter 11

**JUNKYARDS AND JUNKED OR ABANDONED PROPERTY\***

- Art. I. In General, §§ 11-1—11-10  
Art. II. Junkyards, §§ 11-11—11-25  
Art. III. Wrecked, Junked, Abandoned Vehicles and Other Property, §§  
11-26—11-31

**ARTICLE I. IN GENERAL**

**Secs. 11-1—11-10. Reserved.**

**ARTICLE II. JUNKYARDS**

**Sec. 11-11. Definitions.**

As used in this article the following terms shall have the meanings respectively ascribed to them in this section:

*Automobile graveyard* shall mean an establishment or place of business which is maintained or operated for the use of storing, keeping, buying or selling wrecked, scraped, ruined, or dismantled motor vehicles or motor vehicle parts.

*Fence* shall mean an enclosure at least six (6) feet in height so constructed or planted and maintained as to totally obscure the junk in said enclosure from ordinary view to those persons passing upon the streets of this city.

*Junk* shall mean old or scrap metal, rope, rags, batteries, paper, lumber, trash, rubber, debris, oddments, wastements, litter, leavings, ruins, castoffs, rummage, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material, and junk appliances.

*Junkyard* shall mean an establishment or place of business which is maintained or operated for the use of storing, keeping, buying or selling such junk, or for the maintenance or operation of an automobile graveyard and shall be construed to include garbage dumps and sanitary landfills. (Ord. No. 413, § I, 12-27-71)

**Sec. 11-12. Council permission to operate required.**

No junkyard shall be operated or maintained without permission from the city council upon a hearing as required for a variance in the city's zoning ordinance. (Ord. No. 413, 12-27-71)

---

\*Cross reference—Occupational licenses, § 12-16 et seq.

State law reference—Municipal Home Rule Powers Act, F.S. Ch. 166.

**Sec. 11-13. Fence or screen.**

(a) No junkyard shall be operated or maintained unless the view from such is totally obscured by natural objects, plantings, or fences on the property line. No person shall be allowed to keep or store a nonoperating, derelict or junked vehicle unless the view of same is totally obscured as aforesaid.

(b) A fence constructed under the provisions of this article shall be kept in good order and repair and any advertisement thereon shall be in accordance with city zoning regulations. (Ord. No. 413, §§ II, IV, 12-27-71)

**Sec. 11-14. Violations.**

A violation of this article is hereby declared to be a nuisance. Upon failure of any person to comply with the provisions of this article within thirty (30) days after notice from the city to do so, such person shall be guilty of a misdemeanor. After such notice, city officials may commence an action in a court of competent jurisdiction for an injunction to abate such nuisance. (Ord. No. 413, § V, 12-27-71)

**Secs. 11-15—11-25. Reserved.**

**ARTICLE III. WRECKED, JUNKED, ABANDONED  
VEHICLES AND OTHER PROPERTY\***

**Sec. 11-26. Storage, abandonment, leaving of vehicles, personalty, machinery or equipment prohibited.**

(a) *In general.* Abandonment or storage, unsheltered or within view, of any unused, stripped, junked, wrecked, partially dismantled, disabled or inoperative motor vehicles and other vehicles not in good and safe operating condition, and of any other vehicles, machinery, implements and/or equipment, including trailers, boats, articles and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, remaining for a period of ten (10) days or more, within the corporate limits of the City of DeFuniak Springs, Florida, is hereby declared to be unlawful, a nuisance, and dangerous to public health and safety. Motor vehicles without either a current, valid inspection sticker or current valid license tag shall be deemed as "disabled or abandoned" under this article; however, an antique vehicle shall be exempt if active restoration is being done.

(b) *On private property.*

(1) It shall be unlawful for any person, firm or corporation who shall own or occupy real property within the city, including owners, tenants, or guests, to have upon said property, within view, any vehicles, machinery, equipment or personalty, as described in subsection (a), for a period of ten (10) days or more.

---

\*Editor's note—Ord. No. 484, §§ I—VI, IX, X enacted May 11, 1981, did not specifically amend this Code; hence, inclusion herein as Art. VI, §§ 11-26—11-31, was at the editor's discretion.  
Cross reference—Nuisances and hazardous conditions, Ch. 14.

- (2) This section does not apply to any person, firm or corporation who shall be engaged in buying, selling or repairing motor vehicles, trailers, boats, machinery or other vehicles in a proper commercial zone in the city.
- (3) All persons who shall operate such businesses, as set forth in subparagraph (2) hereinbefore, shall store any and all unrepairable, inoperable and unsightly vehicles, trailers, boats, and machinery behind a fence-like structure or enclosure which will conceal such vehicles from public view.

(c) On street, alley, or public right-of-way. It shall be unlawful for any person to store, leave or abandon any vehicle, machinery, equipment or other personalty on any street, highway, alley, or public right-of-way within the city. (Ord. No. 484, §§ I—III, 5-11-81)

**Sec. 11-27. Investigation and enforcement of article provisions.**

(a) "Enforcement officer" means any law enforcement officer, the city administrator or his designee, or any other officer designated by the city council to enforce the provisions of this article.

(b) The enforcement officer shall enforce the provisions of this article and may, upon reasonable belief that a violation of this article exists, enter onto any premises, during reasonable hours, to investigate, inspect, examine and survey. Whoever opposes, obstructs or resists any enforcement officer in the discharge of his duties, shall be guilty of a misdemeanor. Any enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of his duties imposed by this article. (Ord. No. 484, § IV, 5-11-81)

**Sec. 11-28. Notice of violation.**

(a) *On private property.* Whenever the enforcement officer shall ascertain that an article of property is a nuisance and/or a violation of this article and is present on private property within the limits of the city, he shall cause a notice to be given to the owner or occupant of such. Such notice shall:

- (1) Be in writing;
- (2) Identify the premises, such as street address;
- (3) Describe violation and/or conditions to be corrected and give time limit of not less than ten (10) days to correct said conditions;
- (4) Further state that if the nuisance and/or violation has not been abated within the time period set forth, the city may institute legal proceedings, charging the person, firm or corporation with a violation of this article and/or violation, and may sell it or destroy it, and the salvage value, if any shall be retained by the city, is to be applied against the cost of removal and destruction thereof. All costs and fees expended by the city to remove or abate said nuisance may be recoverable by an action at law against the owner and/or occupant of the premises after a thirty (30) day billing period;

(5) Be served by one of the following:

- a. By delivery to the owner or occupant personally or by leaving the notice, at the usual place of abode of the owner or occupant, with a person of suitable age and discretion; or
- b. By depositing the notice in the United States Post Office, addressed to the owner or occupant at his last known address, with postage prepaid thereon; or
- c. By posting a copy of the notice in a conspicuous place on the premises or on the article or articles.

(b) *On public property.* Whenever the enforcement officer shall ascertain that an article of property is a nuisance and/or a violation of this article and is present on public property (street, highway, alley or right-of-way), within the limits of the city, he shall cause a notice set out hereinafter to be mailed to the owner of the article on or before the date of posting (if such is reasonably available to the officer); but in any event, the officer is required to cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED  
IN THE ATTACHED PROPERTY

This property (brief description) is unlawfully upon public property known as (location) and must be removed within ten (10) days from date of this notice; otherwise, it shall be presumed to be abandoned property and may be removed and destroyed or sold, and the salvage or other value shall be retained by the city to be applied against the cost of removal and destruction thereof, all costs and fees expended by the city shall be recoverable against you by an action at law. Also, the city may, in addition to or in the alternative, charge you with a violation of this ordinance. Dated this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Enforcement officer

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

Such notice shall be on paper not less than eight (8) inches by ten (10) inches. (Ord. No. 484, § V, 5-11-81)

**Sec. 11-29. Remedy procedure.**

In the event that abatement of the conditions cited in the notices provided in section 11-28 does not occur within the time requirements specified, then the city, at its expense, may do such necessary acts to remove, abate and discontinue the nuisance. All costs and fees expended shall be kept upon a separate roll by the city and after a thirty (30) day billing to the article owner, personalty owner, or property owner, owners, or occupant, the city may, by action at law, collect

the same. The city may sell or destroy the article, machinery, equipment or personal property; and the salvage value, if any, shall be retained by the city to be applied against the cost of removal and destruction thereof. The enforcement officer, any city official, employee, agent or independent contractor, while in the process of removing or discontinuing the nuisance, and while discharging their duties imposed by this article shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass; and whoever opposes, obstructs or resists any person involved in the removal process shall be guilty of a misdemeanor.

(Ord. No. 484, § VI, 5-11-81)

**Sec. 11-30. Adoption of Florida Statutes, section 705.16.**

The provisions of section 705.16, Florida Statutes as amended, are hereby adopted by reference in their entirety, as though set out in full herein, and may be additional and supplemental to, or as an alternative to, the rights, powers and procedures set forth elsewhere in this article.

(Ord. No. 484, § X, 5-11-81)

Cross reference—F.S. § 705.16 adopted, §. 15-12.

**Sec. 11-31. Violation and penalties.**

Any person, firm, corporation or agent, who shall violate a provision of this article, or fail to comply therewith or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or contained and upon conviction of any such violation such person shall be punished by imprisonment in the county jail not to exceed sixty (60) days or by fine not exceeding five hundred dollars (\$500.00) or both.

(Ord. No. 484, § IX, 5-11-81)