

ORDINANCE NO.: 95-18

AN ORDINANCE RELATING TO CODE ENFORCEMENT;
PROVIDING FOR SHORT TITLE; PROVIDING FOR
AUTHORITY; PROVIDING ENFORCEMENT BY THE COUNTY
COURT; PROVIDING FOR A CITATION SYSTEM; PROVIDING
FOR PENALTIES, FINES, AND ADMINISTRATIVE FEES;
PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR A REPEAL CLAUSE;
PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

OCT 9 2 26 PM '95

FILED

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I. SHORT TITLE

This ordinance may be cited as the Hernando County Code Enforcement Ordinance.

SECTION II. AUTHORITY

This ordinance is enacted pursuant to Part II, Chapter 162 of the Florida Statutes Supplemental County, Municipal Code, or Ordinance Enforcement Procedures, specifically Section 162.21, as it may be amended from time to time, is hereby incorporated into this ordinance and the subsequent sections of this ordinance shall be supplemental to Section 162.21 of the Florida Statutes.

SECTION III. ENFORCEMENT BY COUNTY COURT

Any violation of a Hernando County code provision or a Hernando County ordinance shall be deemed to be a civil infraction for purposes of this ordinance and all such similar infractions shall be enforced in the county court of Hernando County.

SECTION IV. CITATION SYSTEM

A. A Code Enforcement Officer who has reasonable cause to believe that a person has committed an act in violation of a Hernando County code or ordinance shall first issue a Notice of Violation and Administrative Surcharge of the particular code or

ordinance provision.

B. A person who receives a Notice of Violation and Administrative Surcharge shall have no more than thirty (30) days from receipt of the Notice of Violation and Administrative Surcharge depending upon the notice of the violation to correct the violation or otherwise comply with the Hernando County code or ordinance provision.

C. If the person corrects the violation within the thirty (30) day time period no citation will be issued, but the person shall have to pay a twenty-five (\$25.00) dollar administrative surcharge fee to cover costs of enforcement within twenty (20) days of the issuance of the Notice of Violation and Administrative Surcharge.

D. Failure to pay the twenty-five (\$25.00) dollar administrative surcharge will subject the person to a civil citation and a civil penalty of one hundred (\$100.00) dollars plus administrative and court costs.

E. After a Notice of Violation and Administrative Surcharge has been issued and the person does not correct the violation or comply with the Hernando County code or ordinance provision a Code Enforcement Officer shall then issue a citation imposing a penalty plus administrative and court costs as indicated in the penalty provisions of this ordinance.

F. The civil penalty imposed upon the person who committed the civil infraction and who does not contest the citation will be less than the maximum civil penalty allowed by law.

G. Any person committing a civil infraction and receiving a citation under this ordinance may contest such citation in county court. The person who has been served with

a Notice of Violation and Administrative Surcharge may contest the administrative surcharge by payment of a ten (\$10.00) dollar administrative fee and a protest in writing to the Code Enforcement Manager within ten (10) days of receipt of the administrative surcharge stating, with particularity, why the person feels the administrative surcharge should not be imposed. Within thirty (30) days of receipt of the written protest of administrative surcharge, the Code Enforcement Manager shall schedule a hearing to consider the protest. The filing of a protest will toll the time periods on any contested Notice of Violation and Administrative Surcharge. If the Code Enforcement Manager finds in favor of the protester, the ten (\$10.00) fee will be returned. If the Code Enforcement Manager, whose decision shall be final, makes a finding adverse to the protester, after receipt of the Code Enforcement Manager's adverse ruling the protester shall have the time indicated in the Notice of Violation and Administrative Surcharge to correct the violation. Failure to correct the violation within the time indicated in the Notice of Violation and Administrative Surcharge will subject the violator to additional penalties.

H. Unless filed within ten (10) days of receipt of Notice of Violation and Administrative Surcharge the person forfeits his right to contest the administrative surcharge to the Code Enforcement Manager.

I. The Citation issued by the Code Enforcement Officer shall at a minimum contain the following:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the civil infraction was committed or existed.

4. The facts constituting reasonable cause.
5. The number or section of the code or ordinance violated.
6. The name and authority of the Code Enforcement Officer.
7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.

J. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and in such case judgment may be entered against the person for an amount up to the maximum civil penalty.

K. The Notice of Violation and Administrative Surcharge shall contain the following information:

1. The date and time of issuance.
2. The name and address of the person to whom the notice is issued.
3. The date and time the civil infraction was committed.
4. The facts constituting reasonable cause.
5. The number or section of the code or ordinance violated.
6. The name and authority of the Code Enforcement Officer.
7. The procedure for the person to follow to contest the administrative surcharge before the Code Enforcement Manager.

8. The applicable civil penalties if the person fails to pay the administrative surcharge.

L. A conspicuous statement that if the person fails to pay the administrative surcharge within the time allowed he shall be subject to being issued a citation and having a civil penalty imposed for failure to pay the administrative surcharge.

M. Upon receiving a second call from the same person within a six (6) month period, the Code Enforcement Division shall not be obligated to investigate the complaint until it receives payment of fifteen (\$15.00) dollars as an administrative fee from the complainant. The Code Enforcement Manager shall have the authority to waive this fee in extraordinary and unusual circumstances. His or her decision as to any waiver shall be final. The Code Enforcement Division is not obligated to make any investigation where it has good reason to believe that the subject property is not in violation of any code provision.

SECTION V. SIGNING AND ACCEPTANCE OF CITATION

Any person who willfully refuses to sign and accept the citation issued by a Code Enforcement Officer shall be guilty of a misdemeanor of the second degree and punishable as provided in Section 775.082 or 775.083, Florida Statutes.

SECTION VI. REPEAT VIOLATIONS AND THREATS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE

A Code Enforcement Officer does not have to provide a person with a reasonable time to correct the violation prior to issuing a citation or may immediately issue a citation if a repeat violation is found or if the Code Enforcement officer has reason to believe that

a violation presents a serious threat to the public health, safety, and welfare if the violation is irreparable or irreversible.

SECTION VII. FINES AND ADMINISTRATIVE FEES

A. For the first violation the civil penalties imposed shall be one hundred (\$100.00) dollars plus court costs and administrative fees, which are payable to the Clerk of the Circuit Court.

B. For the second violation the civil penalties imposed shall be two hundred (\$200.00) dollars plus court costs and administrative fees, which are payable to the Clerk of the Circuit Court.

C. The third violation or additional violations, the alleged violator shall be required to appear before the county judge who may impose a civil penalty in an amount not to exceed five hundred (\$500.00) dollars plus court costs and administrative fees which are payable to the Clerk of Circuit Court. Each violation of any Hernando County code or ordinance provision shall be considered a separate violation subjecting the person to civil penalties not to exceed five hundred (\$500.00) dollars plus administrative fees and court costs which are payable to the Clerk of Circuit Court or penalties as indicated in the fee schedule herein.

D. Administrative costs and fees shall be imposed pursuant to the fee schedule for the Code Enforcement section of the Building Department as adopted by the Board of County Commissioners of Hernando County, Florida, pursuant to Resolution 95-112. Such administrative costs and fees may from time to time be changed by the Board of County Commissioners by amending the above mentioned resolutions or by adopting new

resolutions establishing new administrative costs and fees.

E. The provisions of this ordinance are additional and a supplemental means of enforcing county ordinances and may be used for the enforcement of any Hernando County code or ordinance as permitted by law. Nothing contained in this ordinance shall prohibit Hernando County from enforcing its codes and ordinances by other means.

SECTION VIII. REPEAL

This ordinance hereby repeals Ordinance No. 90-20 and any code provision in conflict with the provisions hereof.

SECTION IX. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION X. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XI. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular

Session this 3rd day of October, 1995 A.D.



Attest:

Karen Nicolai

KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By: *John Richardson*

JOHN RICHARDSON
Chairman