

**ORDINANCE NO. 96-2**

**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.**

**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 of the particular code or ordinance provision.

B. A person who receives a Notice of Violation shall have no more than thirty (30) days

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from receipt of the Notice of Violation 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.

D. After a Notice of Violation 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.

E. 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.

F. Any person committing a civil infraction and receiving a citation under this ordinance may contest such citation in county court.

G. 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.

H. 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.

I. The Notice of Violation 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.

J. Upon receiving a second service request from the same person concerning the same complaint within a six (6) month period, when the first complaint was no violation, 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 treat 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 resolution

for the Code Enforcement Division of the Building Department as adopted by the Board of County Commissioners of Hernando County, Florida . Such administrative costs and fees may from time to time be changed by the Board of County Commissioners by amending the above mentioned resolution 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.95-18 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.

**Fines.** All fines collected under this article shall be credited to the Code Enforcement Department.

**Incorporated Documents.** All local, state and federal codes, manuals, statutes and regulations which are referred to in this ordinance are adopted and incorporated in this article. All amendments, revisions, changes or additions to these incorporated documents will also be in effect.

**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  
9<sup>th</sup> Day of January, 1996 A.D.



(Seal)

Attest:

*Karen Nicolai*

KAREN NICOLAI  
Clerk

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By:

*Hannah M. Robinson*

HANNAH M. ROBINSON  
Chairwoman