

ORDINANCE NO.: 90 20

70637

FILED
CLERK
TY, FLA

NOV 28 PM 1 57 '90

AN ORDINANCE RELATING TO CODE ENFORCEMENT; AMENDING ARTICLE III, CHAPTER 2, CODE OF ORDINANCES, HERNANDO COUNTY, FLORIDA, BY THE REPEAL OF SECTIONS 2-46 THROUGH 2-57, INCLUSIVE; PROVIDING SHORT TITLE; PROVIDING AUTHORITY; PROVIDING ENFORCEMENT BY THE COUNTY COURT; PROVIDING FOR A CITATION SYSTEM; PROVIDING FOR FINES; PROVIDING FOR INCORPORATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR SEVERABILITY.

SECRETARY OF STATE

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

SECTION I. REPEAL.

Repeal Section 2-46 through 2-57 inclusive in their entirety.

SECTION II. SHORT TITLE.

This ordinance may be cited as the "HERNANDO COUNTY CODE ENFORCEMENT ORDINANCE."

SECTION III. AUTHORITY.

This ordinance is enacted pursuant to Chapter 162, Florida Statutes, 1989. Section 162.21, Florida Statutes, 1989, and as amended from time to time is hereby adopted except as hereafter provided, which subsequent sections shall be supplemental to Section 162.21, Florida Statutes.

SECTION IV. ENFORCEMENT BY COUNTY COURT.

All civil infractions of the Hernando County Code of Ordinances shall be enforced in the County Court.

SECTION V. CITATION SYSTEM.

A. A code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or ordinance may issue a citation to such person.

B. A person who receives a citation from a code enforcement officer for the violation of a county code or ordinance under this ordinance shall be accused of having committed a civil infraction.

C. Each separate violation of a county code or ordinance

under this ordinance shall carry a maximum civil penalty not to exceed five hundred dollars (\$500) plus court costs which are payable to the clerk of court. Each day a violation remains uncorrected past the date set to comply shall constitute a separate violation.

D. A person who has been accused of committing a civil infraction for which they have received a citation may contest the citation in County Court.

E. A person who has been accused of committing a civil infraction for which they have received a citation and who chooses not to contest the citation in the County Court shall be subject to a civil penalty in accordance with the following schedule unless the accused violator is required to appear in the County Court:

1. for the first violation by a civil penalty of one hundred dollars (\$100.00) plus court costs which are payable to the Hernando County Clerk of Court;
2. for the second violation by a civil penalty of two hundred dollars (\$200.00) plus court costs which are payable to the Hernando County Clerk of Court; and
3. for 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 dollars (\$500.00) plus court costs which are payable to the Hernando County Clerk of Court.

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

SECTION VI. FINES.

All fines collected under this ordinance shall be credited to the general fund of Hernando County, Florida.

SECTION VII. 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 ordinance. All amendments, revisions, changes or additions to these incorporated documents will also be in effect.

SECTION VIII. EFFECTIVE DATE.

This Ordinance shall become effective December 14th, 1990.

SECTION IX. 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 X. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners 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.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 14th day of November, 1990, A.D.



Attest: Karen Nicolai
KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By: Harold D. Varvel
HAROLD D. VARVEL
Acting Chairman