

ORDINANCE 93-8  
"ROADS IMPACT FEE ORDINANCE"

FILED  
APR 2 1 57 PM '93  
SECRETARY OF STATE

**AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE IMPOSITION OF AN IMPACT FEE ON LAND DEVELOPMENT IN HERNANDO COUNTY FOR PROVIDING NEW ROADS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING FOR A SHORT TITLE, STATING AUTHORITY AND APPLICABILITY OF THE ORDINANCE; PROVIDING FOR INTENT AND PURPOSES; PROVIDING RULES OF CONSTRUCTION; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR COMPUTATION OF THE AMOUNT OF THE ROADS IMPACT FEE; PROVIDING FOR THE IMPLEMENTATION OF THE HERNANDO COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE PAYMENT OF A ROADS IMPACT FEE AS THE PREREQUISITE FOR ISSUANCE OF A BUILDING PERMIT; PROVIDING FOR REVIEW AND ADJUSTMENT OF THE IMPACT FEE; PROVIDING A METHOD FOR PAYMENT OF THE FEE; PROVIDING FOR ESTABLISHMENT OF ROADS IMPACT FEE TRUST FUNDS DISTRICTS; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM ROADS IMPACT FEES INTO ROADS IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE LIMITATION OF THE EXPENDITURE OF FUNDS FROM THE ROADS IMPACT FEE TRUST FUNDS TO CERTAIN CAPITAL COSTS; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR REVIEW OF THE FEE STRUCTURE; PROVIDING FOR AN APPEAL FROM ADMINISTRATIVE DECISIONS; PROVIDING FOR A PENALTY AND ENFORCEMENT PROVISION; PROVIDING CRIMINAL PENALTIES FOR KNOWINGLY FURNISHING FALSE INFORMATION IN CONNECTION WITH THE CALCULATION OF FEES AND CREDITS; PROVIDING FOR INCLUSION IN THE CODE, CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Hernando County wishes to amend the Roads Impact Fee Ordinance adopted as Ordinance 86-29, so as to clarify various provisions thereof, provide new definitions, a revised schedule of fees, a revised method for calculating and administering credits, providing for an appeal from administrative decisions and to make it a criminal offense to knowingly furnish false information in connection with the calculation of fees or credits; and

WHEREAS, in the Hernando County Comprehensive Plan it has been established that land development shall not be permitted unless adequate capital facilities exist or are assured; and

WHEREAS, in the Hernando County Comprehensive Plan the policy has been established that land development shall bear a proportionate share of the cost of the provision of the new or expanded capital facilities required by such development; and

WHEREAS, the Hernando County Comprehensive Plan has established that the imposition of impact fees is a preferred method of regulating land development in order to ensure that it bears a proportionate share of the cost of capital facilities necessary to accommodate the development and to promote and protect the public health, safety and welfare; and

WHEREAS, the Florida Legislature through the enactment of Section 163.3202(3), Florida Statutes, has sought to encourage local governments to enact impact fees as land development regulations; and

WHEREAS, the Board of County Commissioners of Hernando County has determined that Hernando County must expand its road system in order to maintain the standards established in the Hernando County Comprehensive Plan if new development is to be accommodated without decreasing these standards,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

**SECTION ONE: SHORT TITLE, AUTHORITY AND APPLICABILITY**

- A. This ordinance shall be known and may be cited as the "Roads Impact Fee Ordinance".
- B. The Board of County Commissioners of Hernando County has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapter 125, Section 163.3201, Section 163.3202, and Section 380.06(16) State of Florida Statutes.
- C. This ordinance shall apply to the unincorporated area of Hernando County and to the incorporated areas of Hernando County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

**SECTION TWO: INTENTS AND PURPOSES**

- A. This ordinance is intended to implement and be consistent with the Hernando County Comprehensive Plan.
- B. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide roads in Hernando County as contemplated by the Hernando County Comprehensive Plan.

**SECTION THREE: RULES OF CONSTRUCTION**

- A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- B. For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:
  - 1. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
  - 2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
  - 3. Words used in the present tense shall include the future; and words in the

singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

4. The phrase "used for" includes "arranged for", "designed for", or "maintained for", or "occupied for".
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
6. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
8. Any road right-of-way used to define roads impact fee district boundaries may be considered to be within any district it bounds for purposes of using these funds.
9. All transportation terms and land use types used herein shall have the same meaning as in the Hernando County Comprehensive Plan and the Hernando County Zoning Regulations unless otherwise indicated.

#### **SECTION FOUR: DEFINITIONS**

- A. "Building permit" means an official document or official certification which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. In the case of a change in use or occupancy of an existing building or structure, the term shall specifically include Certificates of Occupancy and Occupancy Permits, as those terms are defined by the Hernando County land development regulations. The terms "Building Permit" and "Certificate of Occupancy Permit" also mean those municipal permits which are equivalent to these County permits, regardless of the names by which they are called within a municipality. Building permits shall include those permits which allow the installation or location of a mobile home or a recreational vehicle to or on a site or lot.

- B. "Capital improvements" means transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to: (a) construction of new through lanes, (b) construction of new turn lanes, (c) construction of new bridges, (d) construction of new drainage facilities in conjunction with new roadway construction, (e) purchase and installation of traffic signalization (including both new and upgrading signalization), (f) construction of curbs, medians, sidewalks, bicycle paths and shoulders in conjunction with new roadway construction, and (g) relocating utilities to accommodate new roadway construction.
- C. "County Administrator" means the County Administrator and/or the county or municipal officials that he or she may designate to administer the various provisions of this ordinance.
- D. "Expansion" of the capacity of a road means all road and intersection capacity enhancements and includes but is not limited to extensions, widening, intersection improvements, upgrading signalization and improving pavement conditions.
- E. "Feepayer" means a person commencing a land development activity which generates or attracts traffic and who is applying to Hernando County, or to any participating municipality, for the issuance of a building permit for a type of land development activity specified in Section Six A. of this ordinance, regardless of whether the feepayer owns the land which is to be developed.
- F. "Land development activity generating traffic" means any change in land use, or any construction or expansion of buildings or structures, or any change in the use of any building or structure that attracts or produces vehicular trips.
- G. "Level of service" means a qualitative measure that represents the collective factors of speed, travel time, traffic interruption, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition as set forth in the Highway Research Board's Highway Capacity Manual (1965).
- H. "Participating municipality" means any municipality which enters into an interlocal agreement with Hernando County to collect within the municipality the impact fees imposed by this ordinance.
- I. "Road" has the same meaning given it in Section 334.03 (17), Florida Statutes.
- J. "Site-related improvements" means capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following: (1) site driveways and roads; (2) median cuts made necessary by those driveways or roads, (3) right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads; (4) traffic control measures for those driveways or roads; (5) access or frontage roads that are not shown as planned County-built and/or publicly-owned roads on the County's Required Access Road Map, as amended; and (6) roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development.

**SECTION FIVE: IMPOSITION OF ROADS IMPACT FEE**

- A. Except as provided in Section Twelve of this ordinance, any person who, after the effective date of this ordinance seeks to develop land by applying to Hernando County or any participating municipality for the issuance of a building permit to make an improvement to land for one of the uses which is specified in Section Six of this ordinance and which will generate or attract additional traffic shall be required to pay a roads impact fee in the manner and amount set forth in this ordinance.
- B. No building permit for any activity requiring payment of an impact fee pursuant to Section Six of this ordinance shall be issued by Hernando County or any participating municipality unless and until the roads impact fee hereby required has been paid.
- C. In the case of structures, mobile homes, or recreational vehicles which are moved from one location to another, a roads impact fee shall be collected for the new location if the structure, mobile home, or recreational vehicle is a type of land development listed in Section Six of this ordinance, regardless of whether roads impact fees had been paid at the old location, unless the use at the new location is a replacement of an equivalent use. If the structure or mobile home so moved is replaced by an equivalent use, no roads impact fee shall be owed for the replacement use. In every case, the burden of proving past payment of roads impact fees or equivalency of use rests with the feepayer.

**SECTION SIX: COMPUTATION OF THE AMOUNT OF ROADS IMPACT FEES**

- A. At the option of the feepayer, the amount of the fee may be determined by the schedule set forth below. The reference in the schedule to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not usable, interior, rentable, non-common or other forms of net square footage. The fees shown on the schedule reflect a 15% discount to encourage use of the schedule in order to avoid the expenditure of administrative time on the processing of independent fee calculation studies.

SCHEDULE OF IMPACT FEES  
IMPLEMENTATION OF GRADUAL INCREASE BY YEAR  
**ROADS**

| LAND USE TYPE   | Effective Date<br>1/1/94 | Effective Date<br>10/1/94 | Effective Date<br>10/1/95 |
|---|--------------------------|---------------------------|---------------------------|
| <b>Residential</b>                                      |                          |                           |                           |
| Single-Family, Detached                                 | \$760                    | \$956                     | \$1153                    |
| Single-Family, Attached                                 | 593                      | 746                       | 899                       |
| Multi-Family  | 464                      | 584                       | 704                       |
| Mobile Home - 1 Acre Lot                                | 760                      | 956                       | 1153                      |
| Mobile Home - Other                                     | 365                      | 459                       | 553                       |
| Hotel/Motel - Room                                      | 606                      | 763                       | 919                       |
| Other Residential                                       | 760                      | 956                       | 1153                      |
| <b>Industrial &amp; Warehouse Per 1,000 Square Feet</b> |                          |                           |                           |
| Industrial Buildings*                                   | 252                      | 317                       | 383                       |
| Warehouse Buildings*                                    | 225                      | 283                       | 342                       |
| Storage buildings*                                      | 133                      | 167                       | 201                       |
| <b>Office &amp; Financial Per 1,000 Sq. Ft.</b>         |                          |                           |                           |
| Medical Offices*  | 2,341                    | 2,541                     | 2740                      |
| General Offices*  | 577                      | 726                       | 876                       |
| Retail Per 1,000 Sq. Ft.*                               | 1,837                    | 2,312                     | 2786                      |
| Restaurant Per 1,000 Sq. Ft.*                           | 3,251                    | 4,350                     | 5448                      |
| * Denotes Square Feet of Gross Building Area            |                          |                           |                           |

1. If a building permit is requested for a building with mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
  2. For applications for an extension of a building permit, the amount of the fee is the difference between the fee then applicable and any amount already paid pursuant to this Ordinance.
  3. If the type of development activity for which a building permit is applied is not specified on the above fee schedule, the County Administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule. The County Administrator shall be guided in the selection of a comparable type by the reports titled Trip Generation: An Informational Report, Institute of Transportation Engineers (latest edition) and studies or reports done by the United States Department of Transportation, the State of Florida Department of Transportation, the Hernando County Public Works Department, and articles or reports appearing in the ITE Journal. If the County Administrator determines that there is no comparable type of land use on the above fee schedule, then the County Administrator shall determine the fee by:
    - a) using traffic generation statistics from the above named sources; and
    - b) applying the formula set forth in paragraph B. of this section.
  4. When change of use, redevelopment, or modification of an existing use requires the issuance of a building permit, the roads impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. However, should the change of use, redevelopment or modification result in a net decrease, no refunds or credits for past impact fees paid shall be made or created. The County Administrator shall be guided in this determination by the above named sources.
- B. If a feepayer shall opt not to have the impact fee determined according to paragraph A. of this section, then the feepayer shall prepare and submit to the County Administrator an independent fee calculation study for the land development activity for which a building permit is sought. The independent fee calculation study shall measure the impact of the development in question on the road system by following the prescribed methodologies and formats for the study established by the Hernando County Administrative Code. The traffic engineering and/or economic documentation submitted, which will require a pre-application meeting with the County Administrator, shall show the basis upon which the independent fee calculation was made, including, but not limited to the following:
1. Traffic Engineering Studies:
    - a. Documentation of trip generation rates appropriate for the proposed land development activity; and
    - b. Documentation of trip length appropriate for the proposed land development activity; and
    - c. Documentation of trip data appropriate for the proposed land development activity.
  2. Cost Documentation Studies: Documentation of the cost per lane per mile for roadway construction and right-of-way costs appropriate for the proposed land development activity, including but not limited to the costs of mitigating environmental impacts; the construction of access roads, where required by the County, bridges, interchanges, intersections, and drainage facilities; and the

costs of design, engineering and planning. This documentation shall be prepared and presented by qualified professionals in their respective fields and shall follow best professional practices and methodologies. The following formula shall be used by the County Administrator to determine the roads impact fee per unit of development:

- (1) NEW LANE MILES = [ (GENERATION RATE X AVERAGE TRIP LENGTH X % New Trips)/LANE SERVICE VOLUME AT LEVEL OF SERVICE D]/2
- (2) COST = NEW LANE MILES X COST PER LANE MILE
- (3) NET COST = COST - GAS TAX CREDIT
- (4) IMPACT FEE = NET COST

#### **SECTION SEVEN: PAYMENT OF FEE**

- A. The feepayer shall pay the roads impact fees required by this ordinance to the County Administrator prior to the issuance of a building permit for which the fee is imposed. No building permit may be issued for any development listed in Section Six A. of this ordinance by Hernando County or by any participating municipality in Hernando County until such fee has been paid.
- B. In lieu of cash, the roads impact fee may be paid by the use of credits which are created in accordance with the provisions of Section Twelve B. of this ordinance.
- C. Every participating municipality in Hernando County shall remit roads impact fee collections to Hernando County at least once each month, less any amounts retained pursuant to Section Ten D. of this ordinance, unless another method is specified in an appropriate interlocal agreement.
- D. All funds collected pursuant to this ordinance shall be properly identified by Roads Impact Fee District and promptly transferred for deposit into the appropriate Roads Impact Fee Trust Fund to be held in separate accounts as determined in Section Nine of this ordinance and used solely for the purposes specified in this ordinance.

#### **SECTION EIGHT: ROADS IMPACT FEE DISTRICTS ESTABLISHED**

There are hereby established Four (4) Roads Impact Fee Districts as shown in Attachment 1 attached hereto and incorporated herein by reference.

#### **SECTION NINE: ROADS IMPACT FEE TRUST FUNDS ESTABLISHED**

- A. There are hereby established Four (4) Roads Impact Fee Trust Funds, one for each Roads Impact Fee District established in Section Eight of this ordinance as shown in Attachment 1 attached hereto and incorporated herein by reference.
- B. Funds withdrawn from these accounts must be used in accordance with the provisions of Section Ten of this ordinance.

#### **SECTION TEN: USE OF FUNDS**

- A. Funds collected from roads impact fees shall be used for the purpose of capital improvements to transportation facilities associated with the arterial, major collector and minor collector road network in Hernando County as shown in the Hernando County Comprehensive Plan. Such improvements shall be of the type as are made necessary by the new development. No funds shall be used for periodic or routine maintenance as defined in Sections 334.03 (13) and (18), Florida Statutes. Except as provided in paragraph D of this section, funds shall be used exclusively for capital improvements within the Roads Impact Fee District from which funds were collected, or for projects in other Roads Impact Fee Districts which are of direct benefit to the



Roads Impact Fee District from which the funds were collected. Funds shall be expended in the order in which they are collected.

- B. In the event that bonds or similar debt instruments are issued for advanced provision of road capital improvements for which roads impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in paragraph A above and are located within the appropriate impact fee district created by Section Eight of this ordinance or as provided in paragraph B of this section.
- C. Each fiscal period the County Administrator shall, after consultation with participating municipalities and consistent with the provisions of any interlocal agreements made with them, present to the Board of County Commissioners a proposed capital improvement program for roads, assigning funds, including any accrued interest, from the several Roads Impact Fee Trust Funds to specific road improvement projects. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Roads Impact Fee Trust Funds until the next fiscal period, except as provided by the refund provisions of this ordinance.
- D. The County or participating municipality collecting roads impact fees shall be entitled to retain up to Three percent (3%) of roads impact fees it collects as an administrative fee to offset the costs of administering this ordinance.

#### **SECTION ELEVEN: REFUND OF FEE PAID**

- A. If a building permit expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no construction or improvement of land (including moving a mobile home or recreational vehicle on to land) has been commenced, then the feepayer shall be entitled to a refund of the roads impact fee paid as a condition for its issuance, except that three percent (3%) of the fee paid shall be retained as an administrative fee to offset the cost of processing the refund. The feepayer shall be entitled to a refund equal to ninety-seven percent (97%) of the roads impact fee paid. No interest shall be paid to the feepayer on refunds due to non-commencement.
- B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the roads impact fee was paid shall, upon application of the feepayer within one hundred eighty (180) days of that date, be returned to the feepayer with interest at the rate of six percent (6%) per annum.

#### **SECTION TWELVE: EXEMPTIONS AND CREDITS**

- A. The following shall be exempted from payment of the roads impact fee:
  - 1. Alterations or expansion of an existing building or use of land where no additional living units will be produced over and above those in the existing use of the property, the use is not changed, and where no additional vehicular trips will be produced over and above those produced by the existing use.
  - 2. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.
  - 3. The replacement of a lawfully permitted building, mobile home, or structure, the building permit for which was issued on or before the effective date of this ordinance or the replacement of a building, mobile home or structure that was constructed subsequent thereto and for which the correct roads impact fee, which was owed at the time the building permit was applied for, was paid or otherwise provided for, with a new building, mobile home, or structure of the

same use and at the same location, provided that no additional vehicular trips will be produced over and above those produced by the original use of the land.

4. A building permit for which the roads impact thereof has been or will be paid or otherwise provided for pursuant to a written agreement, zoning approval or development order which, by the written terms thereof, clearly and unequivocally was intended to provide for the full mitigation of such impact by enforcement of the agreement, zoning approval or development order, and not by the application of this ordinance.
5. A building permit which does not result in any additional generation or attraction of traffic.

**B. Credits:**

1. No credit shall be given for site-related improvements, local roads, or payments to special assessment or taxing districts.
2. All other capital improvements for approved roads, except for those improvements deemed site-related shall be credited against roads impact fees in amounts to be established pursuant to paragraph B.3. of this section. However, the right to determine whether a capital improvement will be approved for credit purposes lies exclusively with the County, unless the improvement is not site-related and is required under a participating municipality, state or County development approval, in which case credits shall be given to the extent required by law.
3. When a person requests that a credit be created for construction of an approved road and/or the dedication of right-of-way for an approved road permitted by paragraph B.2. of this section, he shall submit a project description in sufficient detail and with complete cost estimates prepared by qualified professionals to be utilized by the County Administrator in determining the amount of the credit which the County Administrator may approve. When a person requests credit for land dedication for approved roads, he shall present: a specimen of the deed which he proposes to use to convey title to the County; a title opinion written by a licensed State of Florida attorney and rendered within sixty (60) days of submission thereof, the content of which is satisfactory to the County Attorney and verifying that the proffered deed will convey unencumbered fee simple title to the appropriate governmental body; property appraisals prepared by qualified professionals; and a certified copy of the most recent assessment of the property for tax purposes to be used by the County Administrator in making his decision or recommendation for the amount of the credit. In preparing their reports, appraisers shall value the land at its then current zoning and without the improvements for which the dedication is offered or the permit in question is sought, unless the land in question is subject to a valid agreement, zoning approval or development order which prescribes a different valuation, in which case the agreement, zoning approval or development order shall control. However, the County Administrator retains the right to independently determine the amount of credit to be approved or recommended by securing other engineering and construction cost estimates and/or property appraisals for those improvements and/or right-of-way dedications through the use of the methodology described in Section Six B. In every case, roads impact fee credits shall be calculated so as to be consistent with State of Florida statutory requirements.
4. Credits for construction shall be created when the construction is completed and accepted by the appropriate governmental body for maintenance or when the feepayer posts security, as provided below, for the costs of such

construction. Credits for land dedication shall be created when the title to said land has been accepted by the appropriate governmental body and recorded in the Official Records of the Clerk of Circuit Court in Hernando County. Security in the form of cash, a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with the Board of County Commissioners, made payable to the County in an amount approved by the County Administrator equal to one hundred and ten percent (110%) of the full cost of such construction. If the road construction project will not be constructed within one (1) year of the acceptance of the offer by the County, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the County Attorney's office prior to acceptance of the security by the County. If the road is to be owned by a participating municipality, the County may assign its rights in such security to the municipality if the municipality requests it and the law permits it.

- C. Feepayers claiming credits shall submit documentation sufficient to permit the determination of whether such credits claimed are due and, if so, the amount of such credits.
- D. Exemptions or credits must be claimed by the feepayer at the time of the application for a building permit.

#### **SECTION THIRTEEN: APPEAL**

Any decision made by the County Administrator or his designee in the course of administering this ordinance may be appealed to the Board of County Commissioners by filing a notice of appeal within ten days after the decision. The County Administrator shall schedule the appeal before the Board of County Commissioners within 30 days after receiving the notice of appeal.

#### **SECTION FOURTEEN: PENALTY AND ENFORCEMENT PROVISION**

A violation of this ordinance shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Hernando County, or any roads impact feepayer, shall have the power to sue for relief in civil court to enforce the provisions of this ordinance. Knowingly furnishing false information to the County Administrator, his designee, or any municipal official who is charged with the administration of this ordinance on any matter relating to the administration of this ordinance shall constitute a violation thereof.

#### **SECTION FIFTEEN: SEVERABILITY**

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION SIXTEEN: CODIFICATION AND INCLUSION INTO THE CODE AND SCRIVENER'S ERRORS**

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Hernando County Code; and that sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

ORDINANCE 86-29 IS HEREBY AMENDED AND SUPERSEDED BY THE AMENDED VERSION SET FORTH ABOVE EFFECTIVE ON THE 1st DAY OF JANUARY, 1994.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 25th DAY OF MARCH, 1993.

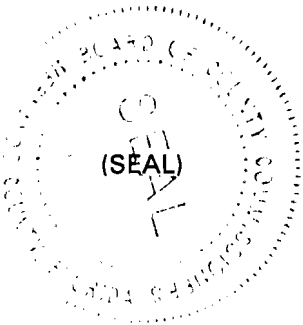
BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

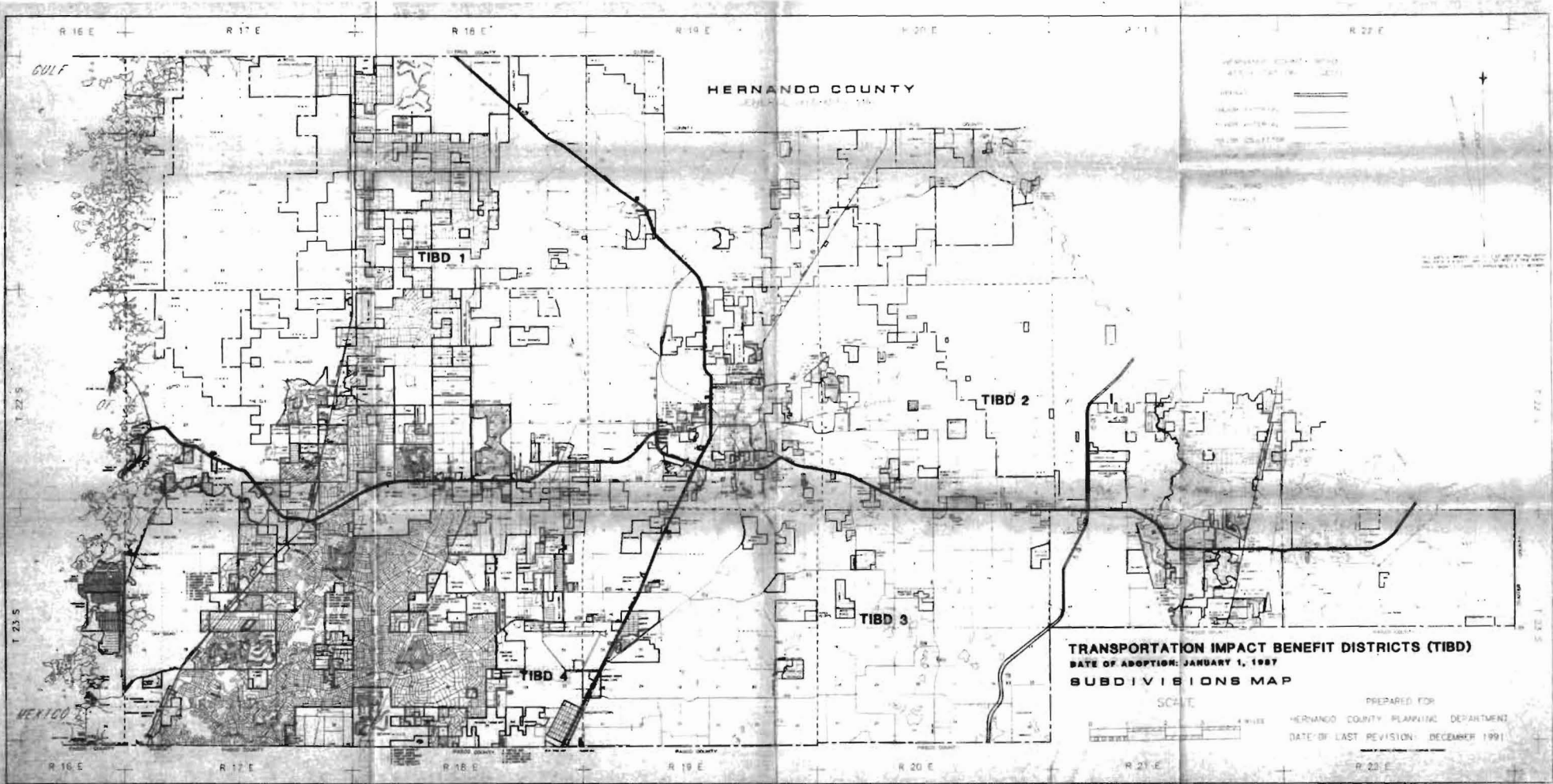
BY

  
ANTHONY C. MOSCA, JR., CHAIRMAN

ATTEST

  
KAREN NICOLAI, CLERK





Book 9 Ordinance 93-B