

ORDINANCE NO.: 95-17

AN ORDINANCE COMMONLY KNOWN AS THE HERNANDO COUNTY LAWN ORDINANCE, MAKING IT UNLAWFUL TO PERMIT EXCESSIVE OR UNWARRANTED GROWTH OF WEEDS, DEBRIS, TRASH, RUBBISH, OR EXPOSED SALVAGEABLE MATERIAL WITHIN CERTAIN DEFINED AREAS OF HERNANDO COUNTY; PROVIDING FOR PURPOSES AND GOALS; SETTING FORTH CRITERIA FOR PUBLIC NUISANCES; ESTABLISHING DUTIES OF PROPERTY OWNERS WITH REGARD TO MAINTENANCE OF PROPERTY; PROVIDING FOR THE GIVING OF NOTICE BY HERNANDO COUNTY OFFICIALS UPON COMPLAINTS REQUIRING CORRECTION OF VIOLATIONS; PROVIDING FOR A HEARING AND APPEAL PROCEDURE; PROVIDING FOR CORRECTION OF THE PUBLIC NUISANCE BY HERNANDO COUNTY; PROVIDING FOR THE COLLECTION OF COSTS, LEVYING FINES, AND COLLECTION OF LIENS; PROVIDING FOR CIVIL FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION I. SHORT TITLE

This ordinance shall be known and cited as the Hernando County Property Maintenance Ordinance.

SECTION II. PURPOSES AND GOALS

The purpose and intent of this ordinance is to protect the public health, safety and welfare, and to protect the aesthetic and property values of properties by providing for abatement of unsanitary and unsafe conditions, including the accumulation of litter and debris and overgrown vegetation, which constitutes a nuisance on land subject to and in violation of this ordinance.

SECTION III. PROHIBITED CONDITIONS

The excessive accumulation of weed growth or grass excluding seed pods, to a height in excess of twelve (12") inches on developed land or in excess of eighteen (18")

inches high on undeveloped lands that are subject to this ordinance or other dead or living plant, rubbish, trash, debris, and all other objectionable or unsightly matter upon any lot, tract, or parcel of land where such growth or accumulation which increases the conditions leading to a haven or breeding place for snakes, rats, rodents or other vermin of like or similar character, or creates a breeding place for mosquitos, creates a fire hazard to adjacent properties or adversely affects or impairs the economic welfare of adjacent properties or creates a hazard at road intersections or rights-of-way within the County shall be declared a public nuisance and is hereby prohibited. Said public nuisance shall be unlawful in any unincorporated area of the County meeting the following criteria:

1. Commercial, industrial, or residential zoning district.
2. A parcel or tract of land, except parcels or tracts zoned agricultural or agricultural/residential, lying within 100' of the boundary of any improved property.
3. Agricultural or agricultural/residential properties (trash and debris only).
4. Dead, decaying or living plant life or dead, decaying, or living trees that pose an actual threat of damage to permitted buildings on adjacent properties is hereby declared to be a public nuisance and is unlawful in any unincorporated area of the County.

**SECTION IV. DUTY OF PROPERTY OWNERS**

It shall be the duty of the owner of any lot, tract, or parcel of land within the unincorporated areas of the County to reasonably and effectively control the excessive growths and accumulations described in Section III of this ordinance.

**SECTION V. NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS**

- A. If the Code Enforcement Department finds and determines that a public

nuisance exists, as described in Section III of this ordinance, it shall so notify the record owner of the offending property in writing and demand that such owner cause the situation to be remedied. Such notice shall also contain an invoice for a nuisance administrative surcharge of \$25.00 for a site inspection fee and for certified notification. The notice shall be given by certified mail addressed to the owner or owners of the property described with the names and addresses as shown upon the most recent records of the Hernando County Property Appraiser, and shall be determined complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. Once official notification has been mailed and the letter is returned to the Code Enforcement Department because forwarding address or data from Property Appraiser's records are not current, the Code Enforcement Department shall post the offending property for a period of ten (10) days. Upon the expiration of the posting date, Code Enforcement Department shall order or have ordered the County contractor to mow, clean, or otherwise correct the violation of the offending property and bill the property owner as defined in Section VIII of this ordinance.

B. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC NUISANCE**

Date \_\_\_\_\_

NAME OF OWNER(S): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

All records indicate that you are the owner(s) of the following property in Hernando County, Florida:

(Legal Description of Property)

An inspection of this property discloses, and the Hernando County Code Enforcement Department has determined, that a Public Nuisance exists

thereon so as to constitute a violation of Hernando County Ordinance 95-  
\_\_\_\_\_;

**(Description of Condition of Property)**

You are hereby notified that unless the condition above described is remedied as required by this ordinance within twenty (20) days upon receipt of this letter, the County will abate this condition and the cost of the work, including advertising costs, a Nuisance Administrative Surcharge of twenty five (\$25.00) dollars, Inspection fee of twenty (\$20.00) dollars per site visit, and other expenses, will be imposed as a Special Assessment Lien upon the property if not otherwise paid within thirty (30) days after receipt of billing.

In addition, subsequent to receiving this letter, a Nuisance Administrative Surcharge of twenty five (\$25.00) dollars is due and payable, invoice attached. If payment is not received within thirty (30) days upon receipt of this letter, the Nuisance Administrative Surcharge, inspection fees and other expenses will be imposed as a lien against your property.

**Note: This is not a fee to remedy the condition of the property. This fee is for inspection and notification purposes only. The property owner is still responsible for mowing or cleaning costs. Furthermore, please be advised that Hernando County has the right to foreclose on properties upon which a lien has been placed and not paid within one (1) year.**

The enclosed list of contractors is provided for your convenience and you are not obligated to use the services of these contractors.

Your cooperation is greatly appreciated, and if you should have any questions regarding this matter, please contact the Code Enforcement Department by calling 904-754-4056.

Sincerely,

Code Enforcement Officer

**SECTION VI. PAYMENT OF NUISANCE ADMINISTRATIVE SURCHARGE**

Nuisance administrative surcharge of twenty five (\$25.00) dollars is not a fee to remedy the condition of the property but rather is to reimburse the Code Enforcement

Division for its costs of inspection and notification of the property owner that the property is in violation. The record owner is responsible for paying the Nuisance Administrative Surcharge of twenty five (\$25.00) dollars within thirty (30) days of receipt. If County properly addresses the letter using the most recent records from the Hernando County Property Appraiser, failure to receive the letter does not relieve the record property owner of liability for payment of nuisance administrative surcharge. If the nuisance administrative surcharge is not paid within thirty (30) days the County may impose a special assessment lien upon the property in the amount of the nuisance administrative surcharge. After the lien is imposed the County reserves the right to foreclose the lien upon the property if after one (1) year the lien has not been satisfied. In addition, if not paid within thirty (30) days any outstanding inspection fees or reasonable and necessary administrative expenses will be imposed as a lien against the property. The above applies whether or not the record property owner actually receives notice of the inspection provided the County uses the address contained in the most recent records of the County Property Appraiser.

#### **SECTION VII. HEARING**

Within fifteen (15) days upon receipt of a Notice of Public Nuisance, the owner of the property upon payment of a ten (\$10.00) dollar administrative appeal fee may make written request to the Code Enforcement Manager for a public hearing before the Code Enforcement Manager who shall schedule a hearing within thirty (30) days to show that the condition of his or her property does not constitute a public nuisance. At that public hearing, the County and the property owner may introduce such evidence as deemed necessary. If the Code Enforcement Manager finds in favor of the property owner, the ten

(\$10.00) dollar fee shall be returned to the property owner.

**SECTION VIII. REMOVAL OF PROHIBITIVE CONDITIONS BY COUNTY**

If within fifteen (15) days of the notice provided for in Section V of this ordinance, no hearing has been requested and the condition described in the notice has not been remedied, the Code Enforcement Department shall cause the condition to be remedied by the County at the expense of the property owner. If a hearing has been called and has concluded adversely to the property owner, the Code Enforcement Department may cause the condition to be remedied by the County at the expense of the property owner.

**SECTION IX. COLLECTION OF COSTS AND RECORDS**

A. Generally, after causing a condition prohibited by Section III of this ordinance to be remedied, the Code Enforcement Department shall certify to the Board of County Commissioners the expenses incurred in remedying the condition including any unpaid Nuisance Administrative Surcharge and any other reasonable administrative costs whereupon such costs shall be payable within thirty (30) days, after which a Special Assessment Lien and a Nuisance Administrative Surcharge will be made upon the property which shall be payable with interest at a rate of ten (10%) percent per annum from the date of such certification until paid. Such lien shall be enforceable in the same manner as a Special Assessment Lien in favor of the County and shall be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the Office of the Clerk of the Circuit Court and recorded among the public records of the County.

B. Right to Foreclosure and Pay Costs - The Clerk of Circuit Court shall keep complete records relating to the amount payable for the liens above described.

C. Penalties and Fines - In the event the Special Assessment Lien is not paid within one (1) year, the County Attorney may commence foreclosure proceedings to foreclose upon the Special Assessment Lien. The foreclosure shall be conducted pursuant to procedure set forth in General Law for the foreclosure of Special Assessment Liens. In the event the lien is foreclosed upon, the owner of the property which is subject to foreclosure shall, in addition to any other charges, pay the County's reasonable attorney's fees in such foreclosure proceedings. The County shall have the right to compromise or settle any lien by accepting payment of less than the full amount of the lien for good cause.

**SECTION X. CIVIL FINES**

In the event the owner or owners of any lot, tract, parcel of land, fails to remedy the nuisance condition on his or her property within the time set forth in the notice required by Section V of this ordinance, hereof a Notice of Violation and a Citation may be issued. Any violation of this ordinance will be considered a civil infraction for purposes of the issuance of a citation. Issuance of a citation will subject the owner to a maximum civil penalty not to exceed five hundred (\$500.00) dollars plus administrative costs and fees including but not limited to site visits. Each day that a violation continues after the time set forth in said Notice of Violation or citation shall constitute a separate offense. All penalties, fines, fees, and costs collected under this ordinance shall be credited to the County Code Enforcement Department.

**SECTION XI. ADDITIONAL ENFORCEMENT**

Nothing contained in this ordinance shall prohibit Hernando County from enforcing its codes or ordinances by any other means allowed or permitted by law.

**SECTION XII. PERMIT DENIAL**

While any unpaid charges or liens exist on the subject property no building or zoning permit or license or any other form of County approval shall be issued to anyone affecting or relating to the subject property until such lien or charges are satisfied or satisfactory arrangements are made with the County for payment.

**SECTION XIII. 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 XIV. REPEAL**

This ordinance hereby repeals Ordinance No. 84-2 and any code provisions in conflict with the provisions hereof.

**SECTION XV. 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 XVI. 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