



1 other arthropods, represent a health hazard to the citizens of Hernando County and is declared a  
2 public nuisance; and

3 WHEREAS, Hernando County Mosquito Control is faced with the additional burden of  
4 providing inspection and treatment services for abandoned swimming pools as well as the removal  
5 of waste tires, trash and debris on individual parcels; and

6 WHEREAS, Hernando County Mosquito Control seeks to recover the additional budgetary  
7 expenses incurred by the inspection and treatment of abandoned swimming pools and expenses  
8 incurred from the removal and disposal of waste tires, trash and other debris from the respective  
9 property owners; and

10 WHEREAS, Hernando County Mosquito Control seeks authority to abate public nuisance  
11 properties and establish a uniform process to charge for inspection and treatment services of  
12 abandoned swimming pools as well as the removal and disposal of waste tires, trash and other debris  
13 and to collect the associated costs, if remain unpaid, through the placement of special assessment  
14 liens.

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

17 **Section 1. Title.** A new section to be included in a new Article VIII in Hernando County  
18 Code Chapter 15 is hereby created to read as follows:

19 This Article shall be known as the “Hernando County Mosquito and Other  
20 Pestiferous Arthropod Control Ordinance.”

1           **Section 2. Statement of Legislative Purpose and Declaration of Special Benefit.** A new  
2 section to be included in a new Article VIII in Hernando County Code Chapter 15 is hereby created  
3 to read as follows:

- 4           1.     It is the intent of these regulations to control and reduce the pestiferous  
5                   arthropod population by removing, draining, treating, altering, or otherwise  
6                   eliminating breeding sources for arthropods. The goal is to establish an  
7                   effective program of mosquito control through such things as the elimination  
8                   or treatment of breeding sources for mosquitoes, elimination of identified  
9                   mosquito populations, and alleviation of all other such conditions found to be  
10                  conducive to the reproduction or continued existence of pestiferous arthropods.
- 11           2.     Due to the short durations of pestiferous arthropods' breeding cycles, it is the  
12                  intent of these regulations to provide a means of abating such nuisances within  
13                  a time period sufficient to prevent the breeding of additional generations of  
14                  such pestiferous arthropods.
- 15           3.     It is recognized that the elimination of pestiferous arthropod nuisances  
16                  provides a financial benefit to the property on which the nuisance is abated. It  
17                  is the further intent of these regulations to provide a means of allocating the  
18                  cost of pestiferous arthropod nuisance abatement to the owners of the parcels  
19                  on which the nuisance exists, as opposed to having the burden placed on the  
20                  taxpayers of Hernando County.

1           **Section 3. Definitions.** A new section to be included in a new Article VIII in Hernando  
2 County Code Chapter 15 is hereby created to read as follows:

3           For the purposes of this article, the following terms shall have the following  
4 meanings:

- 5           1.       “Artificial Container” means any bucket, barrel, tire, bottle, tub, tank, gutter,  
6                   bird bath, swimming pool, ornamental pond, flower pot, jar or any other such  
7                   manmade items capable of collecting water.
- 8           2.       “Breeding Source” means any condition capable of sustaining the  
9                   reproduction of mosquitoes. This shall include both artificial container and  
10                  natural conditions or containers.
- 11           3.       “Canal” means a long, wide hollow whose primary purpose is drainage or  
12                  flood control.
- 13           4.       “Director” means the Director of the Hernando County Mosquito Control  
14                  Department. The term also means the authorized representative of the  
15                  Director.
- 16           5.       “Ditch” means a long, narrow hollow used for the purpose of drainage or  
17                  irrigation.
- 18           6.       “Enforcement Officer” shall mean a person or code enforcement officer  
19                  designated by the Board of County Commissioners to enforce this  
20                  Ordinance.

- 1           7.     “EPA” means the U.S. Environmental Protection Agency.
- 2           8.     “Evidence of Mosquito Breeding” means the natural presence of mosquito  
3                 larva, pupa, or their remains.
- 4           9.     “Insecticide” means a chemical agent which kills or prevents the  
5                 reproduction of insects.
- 6           10.    “Integrated arthropod control” means the implementation of arthropod  
7                 control measures, including, but not limited to, the use of pesticides and  
8                 biological control agents and source reduction, to control arthropods without  
9                 an unreasonable adverse effect on the environment.
- 10          11.    “Larva” means the immature, fully aquatic stage of mosquito development  
11                in which the insect appears as a small, wingless, worm-like form.
- 12          12.    “Larvicide” means a chemical agent which kills or prevents the reproduction  
13                of mosquito larvae.
- 14          13.    “Mosquito” means a small long-legged, two-winged insect of the family  
15                Culicidae, in which the female of the species is distinguished by a long  
16                proboscis for sucking blood.
- 17          14.    “Natural body of water” means any spring, stream, pond, lake, or wetland  
18                that was historically present in a natural state but may have been physically  
19                altered over time. A pond built in an area where there was no surface water  
20                or wetland present is not a natural body of water.

- 1           15.    “Occupant” means the person who has the use of or occupies any building or  
2                    any part thereof or who has the use or possession, actual or constructive, of the  
3                    premises whether the owner or tenant. In the case of vacant buildings or vacant  
4                    portions of a building, or in case of occupancy in whole or in part by the owner,  
5                    the owner of the building shall be deemed to be, and shall have the  
6                    responsibility of an occupant of such building.
- 7           16.    “Owner” means the person owning the building or premises.
- 8           17.    “Person” means individuals, firms, partnerships, associations, public or private  
9                    institutions, municipalities, political subdivisions of the State of Florida,  
10                   governmental agencies, and public or private corporations.
- 11          18.    “Pestiferous Arthropod” means those insects of public health or nuisance  
12                    importance, including all mosquitoes, midges, sand flies, dog flies, yellow flies,  
13                    and house flies.
- 14          19.    “Premises” means a parcel of real property, including all buildings and  
15                    structures located thereon.
- 16          20.    “Pupa” means the immature, fully aquatic stage of mosquito development  
17                    immediately following the larval stage and preceding the adult form in which  
18                    the insect appears as a small, wingless, worm-like shape with a greatly enlarged  
19                    head.
- 20          21.    “Responsible party” means the owner of the property that is the site of the  
21                    mosquito or other pestiferous arthropod breeding.



1       shall cooperate with Hernando County in eliminating the breeding source if the  
2       natural body of water is suspected of or has been determined to be a breeding source.

3       The owner or occupant of premises with a stock tank shall manage the stock tank to  
4       minimize breeding of mosquitoes and other pestiferous arthropods without using any  
5       substance that will impair the use of the water for livestock.

6       **Section 5. Methods of Integrated Arthropod Control.** A new section to be included in  
7 a new Article VIII in Hernando County Code Chapter 15 is hereby created to read as follows:

8       Breeding sources for mosquitoes and other pestiferous arthropods shall be treated by  
9       one or more of the following methods to eliminate the breeding source:

- 10       1.     Filling, draining, removing, or otherwise eliminating the breeding source.
- 11       2.     Completely emptying the breeding source of all water at least every five (5)  
12       calendar days. Where an artificial container is a water basin, such as a  
13       swimming pool, pond, bird bath, etc., designed for the purpose of holding  
14       water, such containers shall be maintained or altered to prevent breeding or  
15       be removed.
- 16       3.     Treating the breeding source with an effective insecticide and/or larvicide in  
17       accordance with the label and/or directions established with the EPA.
- 18       4.     Completely emptying artificial containers of all liquid and storing in an  
19       enclosed structure which is constructed in such a manner as to prevent the  
20       permanent collection of liquid in said containers.



- 1           5.     Proper disposal, by removal or destruction, of cans, boxes, broken or empty  
2                     bottles, discarded vehicle tires, and similar objects likely to hold water.
- 3           6.     Maintain all natural or manmade storm or surface water drainways in a manner  
4                     to prevent the ponding of water sufficient to provide breeding for mosquitoes  
5                     and other pestiferous arthropods.
- 6           7.     Other methods proven to be effective in controlling mosquitoes and other  
7                     pestiferous arthropods as approved by the Enforcement Officer.

8           **Section 6. Right-of-Entry and Inspection.** A new section to be included in a new Article  
9 VIII in Hernando County Code Chapter 15 is hereby created to read as follows:

- 10           1.     The Enforcement Officer is hereby authorized to inspect, for mosquito or other  
11                     pestiferous arthropod breeding, any lot, tract, or parcel of land, improved or  
12                     unimproved where entry is necessary to carry out the provisions of this  
13                     Ordinance.
- 14           2.     Occupied or secured structures may be entered only by consent of the property  
15                     owner, occupant, or at the direction of a court of competent jurisdiction. If  
16                     consent for entry is not given or obtained, the Enforcement Officer shall obtain  
17                     an administrative search and inspection warrant. If an imminent hazard exists,  
18                     no warrant is required for entry upon the premises.
- 19           3.     The natural presence of mosquito or other pestiferous arthropod larvae in  
20                     standing or running water shall be evidence that such insects are breeding  
21                     therein.

- 1           4.     If the Enforcement Officer determines that the breeding of mosquitoes or  
2                     other pestiferous arthropods exists on a parcel, the Enforcement Officer shall  
3                     serve the responsible party with written notice requiring the responsible party  
4                     to take corrective action to abate the breeding within 72 hours.
- 5           5.     The Enforcement Officer shall serve the responsible party with the written  
6                     notice by posting on the applicable parcel and by personal service, posting,  
7                     or certified mail, unless otherwise provided by law.
- 8           6.     The Notice of Mosquito Control Public Code Violation shall be in  
9                     substantially the following form, shall include current surcharge and fee  
10                    amounts pursuant to resolution, and shall provide notice of waiver rights in  
11                    the absence of a written response:

12                    NOTICE OF MOSQUITO CONTROL PUBLIC CODE VIOLATION

13                            Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

14                    NAME OF OWNER(S): .....

15                    ADDRESS: .....

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

18                            (Legal Description of Property from Property Appraiser Records)

19                    An inspection of this property discloses, and the Hernando County Mosquito  
20                    Control Department has determined, that a Public Code Violation exists thereon so  
21                    as to constitute a violation of the Hernando County Mosquito and Other Pestiferous

1           Arthropod Control Ordinance:

2                           (Description of Unlawful Condition on Property)

3           You are hereby notified that unless the condition above described is remedied  
4           as required by this Ordinance within seventy-two hours (72) hours upon posting of  
5           the property, the County will abate this condition and the cost of the work as  
6           applicable, using the current service charge fees:

7 <u>Basic Administrative Fee:</u>	<u>\$250.00</u>
8 <u>Inspection by Mosquito Control Technician:</u>	<u>\$45.00 (per visit)</u>
9 <u>Inspection and Chemical Treatment (Altosid XR):</u>	<u>\$70.00 (per treatment)</u>
10 <u>Inspection and Placement of Mosquito Fish</u>	<u>\$60.00 (per treatment)</u>
11 <u>Additional Inspections:</u>	<u>\$25.00 (each)</u>
12 <u>Additional Administrative and Legal Costs, if any:</u>	<u>To Be Determined</u>
13 <u>Labor, Landfill Trash Disposal, &amp; Misc. Charges:</u>	<u>To Be Determined</u>

14           Such action WILL be taken if you fail to remedy the violation or otherwise  
15           respond in writing to this notice within seventy- two (72) hours of the date of posting  
16           and a Special Assessment Lien shall be placed upon the property. Any such response  
17           must be mailed or delivered so as to reach the Hernando County Mosquito Control  
18           Department within seventy-two (72) hours of the property posting. If you do not  
19           remedy the violation or otherwise respond in writing, YOU WILL BE DEEMED TO  
20           HAVE WAIVED ANY AND ALL RIGHTS TO ANY FURTHER NOTICE AS TO  
21           THIS MATTER.

1           Furthermore, please be advised that Hernando County has the right to foreclose  
2           on properties upon which a lien has been placed and not paid within one year.

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

5           Your cooperation is greatly appreciated. You may contact the Mosquito  
6           Control Department by calling 352-540-6552 if you have questions. However, you  
7           MUST respond in writing within seventy-two (72) hours of the date of posting if you  
8           disagree with the determinations in this notice.

9           Sincerely,

10          Mosquito Control Representative

- 11          7.    If the responsible party fails to take corrective action to abate the breeding  
12            within 72 hours of being provided with notice by the Enforcement Officer,  
13            said party shall be cited by the Enforcement Officer for a civil violation  
14            pursuant to Chapter 2, Article III of the Code. The citation shall be provided  
15            to the responsible party, and prosecuted, as provided in Fla. Stat. Ch. 162.  
16            Penalties under this article shall be supplemental and cumulative to any other  
17            penalties provided by any other applicable law, ordinance, rule or regulation.  
18            Each day a violation of this article continues shall constitute a separate offense  
19            for purposes of enforcement, fines and penalties as provided herein.  
20

1           **Section 7. Abatement of Sanitary Nuisances.** A new section to be included in a new  
2 Article VIII in Hernando County Code Chapter 15 is hereby created to read as follows:

- 3           1.     If the responsible party fails to take corrective action to abate the breeding  
4                   within 72 hours of being provided with notice by the Enforcement Officer,  
5                   the Enforcement Officer shall take corrective action to abate the breeding, at  
6                   the responsible party's expense. The Board of County Commissioners shall  
7                   file a special assessment lien in the amount of all expenses incurred in  
8                   correcting the condition, including all fines, penalties, interest and actual  
9                   administrative costs. Such liens shall be enforceable in the same manner as  
10                  a tax lien and may be satisfied at any time by payment thereof, including  
11                  accrued interest. Upon such payment, the Board of County Commissioners  
12                  shall, by appropriate means, evidence the satisfaction and cancellation of such  
13                  lien upon the record thereof. Notice of such lien may be filed in the Office of  
14                  the Clerk of the Circuit Court and recorded among the public records of  
15                  Hernando County, Florida.
- 16           2.     In the event the special assessment lien is not paid within one year, the county  
17                   attorney may commence foreclosure proceedings to foreclose upon the special  
18                   assessment lien. The foreclosure shall be conducted pursuant to procedure set  
19                   forth in general law for the foreclosure of special assessment liens. In the  
20                   event the lien is foreclosed upon, the owner of the property which is subject  
21                   to foreclosure shall, in addition to any other charges, pay the county's

1           reasonable attorney's fees in such foreclosure proceedings. The county shall  
2           have the right to compromise or settle any lien by accepting payment of less  
3           than the full amount of the lien for good cause.

4           **Section 8. Severability.** It is declared to be the intent of the Board of County  
5 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance  
6 is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity  
7 of the remaining portions of this ordinance.

8           **Section 9. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
9 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
10 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the  
11 section of this Ordinance may be renumbered or relettered to accomplish such intention, and that the  
12 word "ordinance" may be changed to "section, "article", or other appropriate designation.

13           **Section 10. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in  
14 conflict with the provisions of this ordinance are hereby repealed.

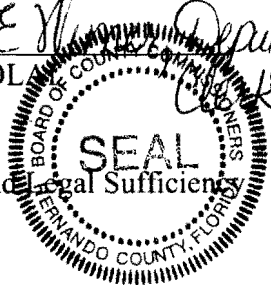
15           **Section 11. Effective Date.** This ordinance shall take effect immediately upon receipt of  
16 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has  
17 been filed with said office.

18

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
2 HERNANDO COUNTY in Regular Session this 13th day of Sept. 2011.

3  
4 BOARD OF COUNTY COMMISSIONERS  
5 HERNANDO COUNTY, FLORIDA  
6

7  
8 Attest: Karen Nicola Deputy: James E. Adkins  
9 KAREN NICOLA JAMES E. ADKINS  
10 Clerk Chairman



11 Approved for Form and Legal Sufficiency  
12  
13  
14  
15 [Signature]  
16 Assistant County Attorney

Attachment: Proposed Ordinance (539 : Proposed Mosquito Nuisance Abatement Ordinance)