

ORDINANCE NO. 84-2

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 a Repealor Clause; Providing for an Effective Date.

SECTION 1. SHORT TITLE

This Ordinance may be known as, and cited as, the Hernando County Lawn Ordinance.

SECTION 2. 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 neighboring areas regulated hereby.

SECTION 3. PROHIBITED AS PUBLIC NUISANCE

The excessive accumulation or untended growth of weeds, grass to a height in excess of eighteen (18) inches, undergrowth or other dead or living plant life or rubbish, debris, trash and all other objectionable or unsightly matter upon any lot, tract or parcel of land to the extent and in the manner that such lot, tract or parcel of land affects or impairs the economic welfare of adjacent property, is hereby prohibited and declared to be a public nuisance and unlawful in any unincorporated area of Hernando County meeting all of the following criteria:

1. Within any commercial, industrial, residential or agricultural-residential zoning district, and
2. A parcel or tract of land lying within one hundred (100) feet of the boundary of any improved property, dwelling, or commercial building; and
3. A parcel of land on which the natural vegetation has been removed.

SECTION 4. DUTY OF PROPERTY OWNERS GENERALLY

It shall be the duty of every owner of any lot, tract or parcel of land within the County to reasonably regulate and effectively control excessive growths and accumulations enumerated above.

FILED  
JAN 05 2 35 PM '84  
CLERK OF THE COUNTY OF FLORIDA

SECTION 5.

A. NOTICE

If the Hernando County Department of Development finds and determines that a public nuisance exists, as described and declared herein, it shall so notify the record owner of the offending property in writing and demand that such owner cause the condition to be remedied. The notice shall be given by certified mail addressed to the owner or owners of the property described as the names and addresses are shown upon the records of the County Property Appraiser, and shall be determined complete and sufficient when so addressed and deposited in the United States mail with proper postage paid. Additionally, the Hernando County Department of Development shall physically post the notice on the offending property.

The notice shall be in substantially the following form:

NOTICE OF PUBLIC NUISANCE

Name of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

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

(Description of Property)

An inspection of this property discloses, and the Hernando County Department of Development has determined, that a public nuisance exists thereon so as to constitute a violation of Hernando County Ordinance No. 84-2, in that:

(Description of condition which places the property in violation)

You are hereby notified that unless the condition above-described is remedied so as to make it nonviolative of this Ordinance within fifteen (15) days from the date hereof, the County will remedy this condition, and the cost of the work, including advertising costs and other expenses, will be imposed as a lien on the property as a tax lien, if not otherwise paid within thirty (30) days after receipt of billing.

In addition to any other charges, the failure to remedy the nuisance condition subjects you to a civil fine of up to \$250.00 per day for each day of violation.

\_\_\_\_\_  
Hernando County Department of  
Development

B. HEARING

Within fifteen (15) days after the mailing, serving or posting of this notice, the owner of the property may make written request to the Hernando County Code Enforcement Board for a public hearing to show that the condition does not constitute a public nuisance. At the hearing, the County and the property owner may

introduce such evidence as deemed necessary. The hearing shall be conducted in accordance with the hearing procedures set forth in Hernando County Ordinance No. 82-18. Appeals of the decisions of the Hernando County Code Enforcement Board shall be to the Circuit Court in and for Hernando County.

#### SECTION 6. REMOVAL BY COUNTY

If within twenty (20) days after mailing, serving or posting of the notice no hearing has been requested and the condition described in the notice has not been remedied, the County Department of Development shall cause the condition to be remedied by the County at the expense of the property owner. If a hearing has been held and has concluded adversely to the property owner, the County Department of Development may cause the condition to be remedied by the County at the expense of the property owner.

#### SECTION 7. COLLECTION OF COSTS AND RECORDS

A. After causing the condition to be remedied, the County Department of Development shall certify to the Board of County Commissioners the expense incurred in remedying the condition, including administrative costs, whereupon such expense shall become payable within thirty (30) days, after which a special assessment lien and charge will be made upon the property, which shall be payable with interest at the rate of eighteen percent (18%) 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 Hernando 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 Hernando County, Florida.

B. Right to Foreclosure and Pay Cost. The Tax Collector shall keep complete records relating to the amount payable for liens above-described, and the amounts of such liens shall be included in tax statements thereafter submitted to the owners of lands subject to such liens.

C. Penalties and Fines. In the event the special assessment lien is not paid within one (1) year, the County Attorney shall commence foreclosure proceedings to foreclose upon the special assessment lien. The foreclosure shall be conducted pursuant to the 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 fees in said foreclosure proceeding.

SECTION 8. CIVIL FINES

In the event the owner or owners of any lot, tract or parcel of land fails to remedy the nuisance condition on his property within the time set forth in the notice required in Section 5 hereof, the Hernando County Code Enforcement Board may levy a civil fine of up to \$250 per day for violation of this Ordinance. Each day that a violation continues after the time set forth in said notice shall constitute a separate offense. The civil fine authorized herein shall be levied and collected as set forth in Hernando County Ordinance No 82-18 .

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, phrase, 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 portion hereof.

SECTION 10. REPEALER

Any Ordinance in conflict with the provisions hereof is hereby repealed.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect as provided by law.

ADOPTED in Regular Session this 17<sup>th</sup> day of January , 1984, A. D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By Henry D. Ledbetter  
HENRY D. LEDBETTER, CHAIRMAN

Attest Harold Wildjay Brown  
HAROLD WILDJAY BROWN, CLERK

