

ORDINANCE NO. 98-23

AN ORDINANCE AMENDING HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 8, BUILDING AND BUILDING REGULATIONS; BY AMENDING ARTICLE II, SECTION 8-136, ADOPTION OF CODE AND ALL APPENDICES, THROUGH MODIFICATION OF CHAPTER 2 OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE, 1985 EDITION, BY PROVIDING FOR THE DEFINITION OF PUBLIC NUISANCE; BY AMENDING ARTICLE II, SECTION 8-136, ADOPTION OF CODE AND ALL APPENDICES, THROUGH THE MODIFICATION OF CHAPTER 3 OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE, 1985 EDITION, BY AMENDING THE NOTICE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 8, SECTION 8-136, ADOPTION OF CODE AND ALL APPENDICES, IS HEREBY AMENDED BY PROVIDING FOR A DEFINITION OF PUBLIC NUISANCE TO CHAPTER 2 OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE TO READ AS FOLLOWS:

202 – DEFINITIONS

PUBLIC NUISANCE – means, but is not limited to, a structure or building which is abandoned; has sustained damage, to the extent that a permit for repair is required by the adopted building code, from fire, flood, wind, earthquake, lack of maintenance, or other cause; and a permit for repair has not been issued within one (1) year of the damage. Any structure or building constituting a public nuisance will be subject to remedies as provided by this code.

SECTION 2. HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 8, SECTION 8-136, ADOPTION OF CODE AND ALL APPENDICES, IS HEREBY AMENDED THROUGH THE ADDITION OF SUBSECTIONS 302.1.5, 302.1.6, AND 302.1.7 TO CHAPTER 3 OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE TO READ AS FOLLOWS:

302.1.5

All notices required to be provided to the owner of an unsafe building or other structure by the Standard Unsafe Building and Abatement Code, 1985 Edition, may be provided to the owner by certified mail, return receipt requested; or hand delivery by the Sheriff or other law enforcement officer, code inspector, or other person designated by the Development Department; or by leaving the notice at the owner's usual place of residence with any person residing therein who is above eighteen (18) years of age and informing such person of the contents of the notice; or by

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ALLAHSSER, E. J. III

the provisions of Section 302.1.7 of this code.

302.1.6

Hernando County will be deemed to comply with the provisions of this Section if it determined ownership by referring to the latest version of the property tax roll on file in the Property Appraiser's Office and obtaining the name of the owner of the subject property from that roll. This does not preclude the County from obtaining the ownership of the property through other customarily used methods or means, including, but not limited to, opinion of a title company, opinion of an attorney, or personal investigation.

302.1.7

Hernando County will be deemed to comply with the provisions of this section if the property owner is served by publication or posting as follows:

- a. Such notice shall be published once during each week for four (4) consecutive weeks (four [4] publications being sufficient) in a newspaper of general circulation in Hernando County. The newspaper shall meet the requirements that are prescribed under Chapter 50, Florida Statutes, for legal and official advertisements.
- b. Proof of publication shall be made as provided in Section 50.041 and 50.051, Florida Statutes, as they may be amended from time to time.
- c. In lieu of publication as described above, such notice may be posted for at least thirty (30) days in at least two locations, one of which shall be the property upon which the dilapidated structure or building is sited or the dilapidated structure or building itself; and the other shall be in the glass enclosed case in the Atrium of the Hernando County Administration Building where notices and announcements of meetings and the like are posted or other sites where notices and announcements of public meetings and the like are posted. The dimensions of the notice to be posted on the site shall be a minimum of 16" x 22".
- d. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- e. Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as prescribed above.
- f. Evidence that an attempt has been made to hand deliver or mail notice as provided herein together with proof of publication or posting as provided herein shall be sufficient to show that the notice requirements have been met, without regard to whether or not the owner has actually received such notice.

SECTION 3. 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.

SECTION 4. INCLUSION IN THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. 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 11TH DAY OF AUGUST, 1998.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: *Karen Nicolai*
KAREN NICOLAI, Clerk

By: *Hannah M. Robinson*
HANNAH M. ROBINSON, Chairwoman

