

ORDINANCE NO. 85-27

AN ORDINANCE TO BE ENTITLED THE HERNANDO COUNTY LITTER ORDINANCE; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE PROHIBITION OF CERTAIN ACTS; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

Dec 10 2 28 PM '85

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

SECTION I SHORT TITLE. This Ordinance shall be known as and may be cited as the Hernando County Litter Ordinance.

SECTION II DEFINITIONS. As used in this section:

(a) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, container, paper, lighted or unlighted cigarette or cigar, or flaming or glowing material.

(b) "Person" means any individual, firm, corporation or unincorporated association.

(c) "Law Enforcement Officer" means any officer of the Florida Highway Patrol, county sheriff's departments, municipal law enforcement departments, law enforcement departments of any other political subdivision, Department of Natural Resources, and Game and Fresh Water Commission. In addition, and solely for the purposes of this Ordinance, "law enforcement officer" means any employee of the Department of Development designated by the department head as a Code Enforcement Officer.

SECTION III ACTS PROHIBITED. It is unlawful for any person to throw, discard, place, or deposit litter in any manner or amount as follows:

(a) in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor; when any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(b) in or on any freshwater lake, river, or stream or tidal or coastal water of the County, when any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

(c) in or on any private property, unless prior consent of the owner has been given and unless said litter will not cause a public nuisance or be in violation of any other State or local law, ordinance, rule or regulation.

SECTION IV PENALTIES. Any person who violates the provisions of this section shall be charged as follows:

(a) If the violation involves litter of a total weight of less than five (5) pounds, then the violator shall be deemed guilty of a noncriminal violation and shall be fined an amount of one hundred (\$100.00) dollars. Violation of this subparagraph shall be triable in the County courts.

(b) If the violation involves litter of a total weight of five (5) pounds or more, then the violator shall be deemed guilty of a misdemeanor of the second degree and shall be punished as provided in Sections 775.082 and 775.083, Florida Statutes.

However, imposition of such fine shall not prohibit a judge from imposing civil penalties which would include, but not limited to, picking up litter or performing other labor commensurate with the offense committed. Said fines shall be assessed and collected pursuant to the procedures in Chapter 318, Florida Statutes. The moneys collected from the assessed fine shall go into the general revenue fund of Hernando County to be used for litter control.

SECTION V ENFORCEMENT. It shall be the duty of all law enforcement officers as defined herein, to enforce the provisions of this section.

SECTION VI AREA EMBRACED. The unincorporated areas of Hernando County, Florida, shall be embraced by the provision of this Ordinance.

SECTION VII 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 VIII 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 IX REPEAL. Hernando County Ordinance No. 75-1, is hereby repealed in its entirety. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION X EFFECTIVE DATE. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular
Session this 3rd day of December, 1985.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

(SEAL)

Attest: Harold W. Brown
Harold William Brown
Clerk

By: Leonard F. Tria Jr.
Leonard F. Tria Jr.
Chairman

I hereby certify that the foregoing is a true and
correct copy of the original as the same appears in the
minutes of the Board of County Commissioners, Hernando
County, Florida.
By: Gaul Donato D. C.
12-5-85