

ORDINANCE NO. 96-1

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 CODE VIOLATION; 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 CORRECTION OF THE PUBLIC CODE VIOLATION 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 code violation 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 eighteen (18") inches high are subject to this ordinance or rubbish, trash, debris, or manmade materials upon any lot, tract, or parcel of land where such growth or accumulation

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HERNANDO COUNTY, FLORIDA

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 code violation and is hereby prohibited. 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 code violation. Said public code violations 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 adjacent to the boundary of any improved property, and within 100 feet of the property.

Exemptions:

(1) For the purpose of this ordinance, natural vegetation shall be defined as a parcel of land considered naturally vegetated if the parcel has not been cleared or mowed subsequent to January 17, 1984, except those lots mowed for the first time as a result of Ordinance 95-17.

(2) Agricultural or agricultural/residential properties are exempt from this ordinance with the exception of trash and debris.

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 code violation 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. 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 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 VI of this ordinance.

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

NOTICE OF PUBLIC CODE VIOLATION

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 Code Violation 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.

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 352-754-4056.

Sincerely,

Code Enforcement Officer

SECTION VI. 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 administrative costs whereupon such costs shall be payable within thirty (30) days, after which a Special Assessment Lien and an 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 VII. CIVIL FINES

In the event the owner or owners of any lot, tract, parcel of land, fails to remedy the condition on his or her property within the time set forth in the notice required by Section V of this ordinance, hereof a Citation may be issued. Any violation of this ordinance may 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 VIII. 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 IX. 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 X. 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 XI. REPEAL

This ordinance hereby repeals Ordinance No. 95-17 and any code provisions in conflict with the provisions hereof.

SECTION XII. 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 section 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 XIII. 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

9th Day of January, 1996 A.D.



Karen Nicolai
KAREN NICOLAI
Clerk

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

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