

ORDINANCE NO. 77-11

AN 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; ESTABLISHING DUTIES OF PROPERTY OWNERS IN REGARD TO MAINTENANCE OF PROPERTY; PROVIDING FOR THE GIVING OF NOTICE BY HERNANDO COUNTY OFFICIALS REQUIRING CORRECTION OF PUBLIC NUISANCES; PROVIDING FOR A HEARING AND APPEAL PROCEDURE; PROVIDING FOR CORRECTION OF THE PUBLIC NUISANCE BY HERNANDO COUNTY; PROVIDING FOR THE COLLECTION OF COSTS, LEVYING OF LIENS, AND COLLECTION OF LIENS; PROVIDING FOR THE REPEAL OF HERNANDO COUNTY ORDINANCE NOS. 75-8, 75-12, and 77-6; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

SECTION 1. PROHIBITED AS PUBLIC NUISANCES. The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life; or stagnant water, rubbish, debris, trash and all other objectionable, unsightly or unsanitary matter upon any lot, tract or parcel of land to the extent and in the manner that such lot, tract or parcel of land is, or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or adversely 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. Within two hundred feet (200') of any improved property, dwelling, house, or commercial building.

SECTION 2. 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 and to keep the sidewalks in front of his property cleared of excessive weeds and grass.

SECTION 3.

A. NOTICE. Upon the receipt of a written complaint, if the Hernando County Department of Development finds and determines that a public nuisance exists, as described and declared in Sections 1 and 2 hereof, it shall so notify the record owner of the offending property in writing and demand that such owner cause the condition to be remedied. In the event the Hernando County Department of Development, after investigation upon the receipt of a written complaint, shall find and determine that a probable public health hazard does exist, then the Hernando County Health Department shall cause a complaint upon the property to be investigated and if the Hernando County Health Department finds and determines that a public health hazard, as described and declared in Sections 1 and 2 hereof, exists, 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, whether from the Hernando County Health Department or the Hernando County Department of Development, 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 prepaid. In the event such notice is returned by the postal authorities, the Hernando County Health Department or Hernando County Department of Development, as applicable, shall cause a copy of the notice to be served upon the occupant of the property or upon any agent of the owner thereof. In the event that personal service upon the occupant of the property or upon any agent of the owner thereof cannot be performed after reasonable search, the notices shall be accomplished by physically posting it on the said property.

The notice shall be in substantially the following form:

NOTICE OF PUBLIC NUISANCE

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

Date: \_\_\_\_\_

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 Health Department (Hernando County Department of Development) has determined that a public health hazard (public nuisance) exists thereon so as to constitute a violation of Hernando County Ordinance No. 77-11 in that:

(Description of the 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.

Hernando County Health Department/  
(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 Board of County Commissioners for a public hearing to show that the condition does not constitute a public health hazard or public nuisance. At the hearing, the County and the property owner may introduce such evidence as deemed necessary.

SECTION 4. 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 Health Department or County Department of Development, as applicable, 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 Health Department or County Department of Development may cause the condition to be remedied by the County at the expense of the property owner unless the Board of County Commissioners otherwise directs.

SECTION 5. COLLECTION OF COSTS AND RECORDS.

A. After causing the condition to be remedied, the County Health Department or County Department of Development, as applicable, shall certify to the Board of County Commissioners the expense incurred in remedying the condition, 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 six percent (6%) per annum from the date of such certification until paid.

Such lien shall be enforceable in the same manner as a tax lien in favor of Hernando County and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien may be filed in the Office of the Clerk of the Circuit Court and recorded among the Public Records of Hernando County, Florida.

B. 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.


SECTION 6. 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 7. REPEALER. Hernando County Ordinance Nos. 75-8, 75-12, and 77-6 are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and as provided by law.

ADOPTED in Regular Session this 27<sup>th</sup> day of September, 1977.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

BY   
CHARLES R. SMITH, CHAIRMAN

ATTEST   
HAROLD WILLIAM BROWN, CLERK

