

ORDINANCE NO. 78-7

An Ordinance Replacing Ordinance No. 77-11, 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 Health Hazards and Public Nuisances; Establishing Duties of Property Owners with Regard to Maintenance of Property; Providing for the Giving of Notice by Hernando County Officials Upon Written 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 of Liens, and Collection of Liens; Providing for the Repeal of Ordinance No. 77-11; Providing for a Severability Clause; Providing for an Effective Date

SECTION 1. PURPOSES AND GOALS

The purpose and intent of this Ordinance is to protect the public health, safety and welfare and in areas of substantial urban build-up to protect the property values of neighboring properties.

SECTION 2. PROHIBITED AS HEALTH HAZARD

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 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 is hereby prohibited and declared to be a public health hazard 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 3. PROHIBITED AS PUBLIC NUISANCE

The excessive accumulation or untended growth of weeds, grass, 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

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that such lot, tract or parcel of land affects or impairs the economic welfare or 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 one hundred (100) feet of any improved property, dwelling, or commercial building; and
3. Is a parcel of land on which the natural vegetation has been removed; and
4. Is in an area where 70% of the lots within one hundred (100) feet of the offending lot have been improved.

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

#### SECTION 5.

##### 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 2 and 3 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 2 and 3 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: \_\_\_\_\_ 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 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. 78-7 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 a public nuisance. At the hearing, the County and the property owner may introduce such evidence as deemed necessary.

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 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 7. 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 8. 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 9. REPEALER

Hernando County Ordinance No. 77-11 is hereby repealed.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and as provided by law.

ADOPTED in Regular Session this 3rd day of October, 1978,  
A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By *Marvin E. Hunt*  
MARVIN E. HUNT, CHAIRMAN

Attest *Harold William Brown*  
HAROLD WILLIAM BROWN, CLERK

