

ORDINANCE NO. 99-5

AN ORDINANCE AMENDING HERNANDO COUNTY ORDINANCE NO. 96-07 AND CODE SECTIONS DERIVED THEREFROM; ESTABLISHING A UNIFORM PENALTY TO FACILITATE ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 96-07 prohibits truck traffic on certain streets, roads, and highways in the County, and

WHEREAS, the graduated scale of penalties in Ordinance No. 96-07 has proved difficult and impractical to fully implement as intended, and

WHEREAS, the primary enforcement agency has indicated that effective enforcement requires a uniform penalty, and

WHEREAS, an enforceable ordinance regulating truck traffic in the streets and roads of Hernando County is necessary in order to ensure the health, safety, and welfare of the citizens of the County.

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

Section 1.

Section VIV of Hernando County Ordinance No. 96-07, as codified at Sec. 20-65, Hernando County Code of Ordinances, is hereby amended to read:

SECTION VIV. PENALTY

Any violation of this ordinance may be prosecuted as follows:

A. Upon the issuance of a Notice to Appear by a law enforcement agency ~~for a first offense~~, the respondent shall pay be liable for payment of a fine in the amount of ~~sixty (\$60.00)~~ two-hundred fifty (\$250.00) dollars plus any fees or charges that may lawfully be required by the Clerk of Court or the court having jurisdiction of this matter upon conviction or plea of guilty.

~~B. Upon the issuance of a Notice to Appear for a second offense for the same ordinance violation by the same respondent within twenty-four (24) months the payable fine amount shall be one hundred (\$100.00) dollars plus any fees or charges that may lawfully be required by the Clerk of Court or the court having jurisdiction of this matter.~~

~~C. Upon the issuance of a Notice to Appear for a third offense for the same ordinance violation by the same respondent within twenty-four (24) months. The payable fine amount shall be two hundred fifty (\$250.00) dollars plus any fees or charges that may lawfully be required by the Clerk of Court or the court having jurisdiction of this matter.~~

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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~~D. Upon the issuance of a Notice to Appear for a fourth offense for the same ordinance violation by the same respondent within a twenty-four (24) month period the respondent shall be required to appear in court and the court may impose any fine or penalty allowed or permitted by law plus any fees or damages that lawfully may be imposed by the Clerk of Court or the court having jurisdiction of this matter.~~

E B. In addition any violation of this ordinance shall may be prosecuted in the same manner as misdemeanors are prosecuted. Such violation shall be prosecuted in the name of the state and in the court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the County jail not to exceed sixty (60) days or by both fine and imprisonment. Each violation of this ordinance shall be deemed a separate offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In assessing fines hereunder, the court may consider whether the violator has been convicted of or pleaded guilty to prior violations of this ordinance.

F C. If any of the fines or penalties enumerated ~~in a-d of this section~~ herein are invalidated by a court of competent jurisdiction such invalidation shall be severable from the rest of the provisions in this ordinance and such invalidity shall not extend to any other provision of this ordinance including the statutory penalty for violation of county ordinances.

G D. If any of the fines or penalties enumerated ~~in a-d of this section~~ herein are invalidated, then the statutory penalty for violation of county ordinances shall be deemed to automatically apply to any violation of this ordinance and in any event ~~with or without invalidation of a-d of this ordinance~~ the court shall have the absolute right and discretion to impose the fines on penalties, or both provided for in the statutory provision for violation of county ordinances instead of the fines and penalties provided for ~~in a-d of this section~~ herein. □

Section 2. 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 3. 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 work "ordinance" may be changed to "section", "article", or

other appropriate designation.

Section 4. Effective Date

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular

Session this 27th day of April, 1999, A.D.

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

Attest:


KAREN NICOLAI
Clerk

By:


PAT NOVY
Chairman