

ORDINANCE NO.: 2002-07

AN ORDINANCE ADOPTING AND ENACTING A CODE OF HERNANDO COUNTY, FLORIDA; DEFINING AND ESTABLISHING THE SAME; PROVIDING FOR THE EFFECT OF ENACTMENT; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN THE CODE AND EXCEPTIONS; PROVIDING FOR THE MANNER OF AMENDING AND SUPPLEMENTING SUCH CODE; PROVIDING FOR PENALTIES AND UNLAWFUL ACTS; PROVIDING FOR SEVERABILITY; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

SECTION 1. Definition.

As used herein, the term "Code" shall mean that compilation of ordinances assembled and published by Municipal Code Corporation, Tallahassee, Florida, under the title "Code of Ordinances, Hernando County, Florida," dated 1985, as supplemented through Supplement No. 54, incorporating into the compilation Ordinance No. 2001-25 and all prior ordinances deemed advisable to be included, and shall further include each and every ordinance enacted between December 18, 2001, and the effective date of this ordinance, to the extent that Municipal Code Corporation has deemed or may deem it advisable to include any such ordinance in the Code. For purposes of this ordinance, the term "Code" shall include without limitation Chapters 1 through 28 of the published "Code of Ordinances, Hernando County," and shall further include the Hernando County Zoning Ordinance, denominated by the Code compiler as Appendix A.

SECTION 2. Enactment of Code.

The Code is hereby adopted and enacted as the "Code of Ordinances, Hernando County, Florida," which Code shall supersede all general and permanent ordinances of the county adopted on or before the effective date of this ordinance, to the extent provided in Section 3 hereof. This revision, consolidation, and compilation of the ordinances of Hernando County of a general and permanent nature shall be the official ordinance law of the county and shall take effect as provided herein.

SECTION 3. Effect of enactment.

All provisions of the Code shall be in full force and effect from and after the date this ordinance is filed with the secretary of state, notwithstanding any technical or procedural defect in the manner of adoption or enactment of the original ordinance from which any such Code provision is derived, and all conflicting provisions of ordinances of a general and permanent nature enacted on or before such effective date, and not included or to be included in the Code or recognized and continued in force by reference therein, are hereby repealed from and after the

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effective date of this ordinance, except as may be specifically provided herein. It is the specific intent of the Hernando County Board of County Commissioners that the Code shall be rendered valid and fully enforceable, and that any technical defects in the ordination or enactment of individual ordinances shall be hereby cured. The adoption of this Code shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any ordinance in effect on the date of adoption and enactment of this Code.

SECTION 4. No revival by repeal.

The repeal provided for in Section 3 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

SECTION 5. Penalties for violation of Code.

Whenever in such Code, or in any ordinances of the county any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such code or ordinance the doing of any act or the failure to do any act is declared to be unlawful or a misdemeanor or is prohibited and no specific penalty is provided therefor, the violation of any such provision of such Code or any ordinance shall be punishable by a fine of up to five hundred dollars (\$500.00). Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense.

SECTION 6. Additions and amendments.

Any and all additions and amendments to the Code, when passed in the form as to indicate the intention of the governing body to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code shall be understood and intended to include the additions and amendments.

SECTION 7. General penalty.

In case of the amendment of any section of the Code for which a penalty is not provided, the general penalty, as provided in Section 5 of this Ordinance, and in Section 1-8 of the Code, shall apply to this section as amended, or in case the amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the chapter, the penalty so provided in the other section shall be held to relate to the section so amended, unless specifically repealed therein.

SECTION 8. Future ordinances.

All ordinances adopted after the effective date of this ordinance, which amend or refer to ordinances which have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 9. Unlawful to alter Code to misrepresent law.

It shall be unlawful for any person, firm or corporation in Hernando County to change or amend by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of Hernando County to be misrepresented thereby.

SECTION 10. Repeal of ordinances.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 11. Amending section 1-3 of the Code to specify certain ordinances excepted from repeal, making said section consistent with the intent of the board.

Section 1-3 of the Code of Ordinances, Hernando County, Florida, is hereby amended to read as follows, with underlined matter constituting additions to the Code and struck-through matter to be deleted:

Nothing in this Code or the ordinance adopting and enacting this Code shall be construed to repeal or otherwise affect the validity of any of the following specified ordinances, which shall be recognized as continuing in full force and effect to the same extent as if set out at length in this Code:

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- (1) Any ordinance promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness;
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes not codified herein, or providing for an annual budget;
- (3) Any ordinance granting any franchise, permit or other right;
- (4) ~~Any ordinance regulating or restricting traffic or parking on particular locations in the county;~~
- ~~(5) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;~~
- (6 ~~5~~) Any zoning ordinance or amendments thereto which relate to a specific parcel of property or make changes in the zoning map;
- (7 ~~6~~) Any ordinance adopting a preliminary plan or development plan, or any ordinance dedicating, accepting or vacating any plat or subdivision;
- (8 ~~7~~) Any temporary or special ordinance;
- ~~(9) Reserved;~~
- (10 ~~8~~) Ordinance No. 82-5 (public utility franchising);
- ~~(11) Reserved;~~
- ~~(12) Any ordinance adopted after April 16, 1985;~~

(9) Any ordinance or portion of an ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street or public way.

SECTION 12. 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 13. Inclusion in the Code.

Section 11 hereof shall be included within the Code of Ordinances, Hernando County, Florida, as an amendment to an existing code section. The compiler may choose to codify any other portions of this ordinance or to set forth the ordinance terms at the beginning of the codification.

SECTION 14. Effective date.

This ordinance shall take effect immediately upon adoption and enactment, pursuant to the intent of the Board to render all provisions of the Hernando County Code of Ordinances as presently existing fully enforceable for all purposes.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 7 day of May 2002.

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

Attest:

Jessie E. Niculai, Deputy
KAREN NICOLAI

Clerk

By:

Hannah M. Robinson
HANNAH M. ROBINSON

Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature] 5/7/02
County Attorney's Office