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Ordinance 2004-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA ADOPTING A CODE ENFORCEMENT ORDINANCE; PROVIDING FOR A TITLE; PROVIDING FOR AUTHORITY; PROVIDING FOR ENFORCEMENT BY A SPECIAL MASTER; PROVIDING FOR DEFINITIONS; PROVIDING FOR A CODE ENFORCEMENT CLERK; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR SPECIAL MASTER QUALIFICATIONS AND GROUNDS FOR REMOVAL; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR THE COLLECTION OF PRE-HEARING ENFORCEMENT COSTS; PROVIDING CONTENTS AND SERVICE OF NOTICE; PROVIDING FOR SPECIAL MASTER HEARING PROCEDURES; PROVIDING FOR RECOVERY OF UNPAID CIVIL PENALTIES; PROVIDING FOR PROCEDURES FOR APPEALS; AMENDING THE FOLLOWING SECTIONS OF THE CODE AS THEY RELATE TO CODE ENFORCEMENT: SECTION 1-8, SECTION 5-100, SECTION 6-19, SECTION 7-74, SECTION 7-99, SECTION 8-51, SECTION 10-35, SECTION 12-28, SECTION 12-568, SECTION 13-12, SECTION 15-167, SECTION 16-80, SECTION 18-145(B), SECTION 20-2(E)(4), SECTION 20-46, SECTION 20-65, SECTION 21-23, SECTION 21-176, SECTION 21-226, SECTION 22-9, SECTION 23-77, SECTION 23-164, SECTION 24-2, SECTION 24-3, SECTION 27-34, SECTION 28-218, SECTION 28-250, SECTION 28-301; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Section 1. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

YOUNG & RUBICAM
COUNTY CLERK
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1 **Code Officer** shall mean those employees or other agents of the county duly
2 authorized and appointed by the county administrator whose duty it is to assure
3 compliance with county codes.

4
5 **Codes** shall mean the Hernando County Code of Ordinances and all codes and
6 statutes adopted by reference within the Code of Ordinances, as now existing or as
7 may be amended by ordinance from time to time.

8
9 **Continuing Violations** are those violations which remain uncorrected beyond the
10 prescribed time period for correction contained in the civil violation notice. For each
11 day of continued violation after the time period for correction has run, an additional
12 penalty in the same amount as for the original violation shall be added.

13
14 **Repeat Violation** shall mean a violation of a provision of the Code of Ordinances by
15 a person who has been previously found to have violated the same provision within
16 five years prior to the violation, notwithstanding the violations occur at different
17 locations.

18
19 **Violator** shall mean the person responsible for the code violation, which, in the
20 appropriate circumstances, shall either be the perpetrator of the violation or the owner
21 of the real property upon which the violation occurred.

22
23 **Section 2. Creation, establishment.**

24
25 There is hereby created and established the office of special master for the purpose
26 of providing a supplemental code enforcement process for the county. The special
27 master is hereby vested with all the powers now granted under Chapter 162 Florida
28 Statutes as amended from time to time.

29
30 **Section 3. Code Enforcement Clerk.**

31
32 The functions assigned to the clerk as set forth in this article shall be performed by
33 the County Attorney's Office or such other County department or employee as may

1 efficiently perform such functions.
2

3 **Section 4. Civil offenses and penalties.**
4

5 (a) The violation of any provision of any ordinances or codes shall constitute a
6 civil offense punishable by civil penalty as follows:
7

8 (1) Not in excess of \$1,000.00 per day for a first violation;
9

10 (2) Not in excess of \$5,000.00 per day for a repeat violation;
11

12 (3) An assessment of the cost of repairs incurred by the county where the
13 violation was in the nature of a violation described in F.S. 162.06(4);
14 and
15

16 (4) In the instance where the special master finds that the violation is
17 irreparable or irreversible in nature, the special master may impose a
18 fine not to exceed \$15,000.00 per violation.
19

20 (b) Civil penalties assessed pursuant to this article are due and payable to the
21 county upon the order of the special master
22

23 **Section 5. Special master qualifications and removal.**
24

25 (a) The special master shall be a member in good standing with the Florida Bar for
26 a minimum of five (5) years. Candidates for the position of special master must have
27 knowledge and understanding of local government law. Appointments shall be made
28 by the county administrator on the basis of experience or interest in code
29 enforcement. Such appointments shall be submitted to the county commission for
30 ratification.
31

32 (b) The county administrator shall appoint a special master and an alternate special
33 master. Additional special masters may be appointed only with the approval of the

1 county commission. Appointments shall be made for a term of one year. Any special
2 master may be reappointed at the discretion of the county administrator, subject to
3 ratification by the county commission. There shall be no limit on the number of
4 reappointments that may be given to any individual special master; provided
5 however, that a determination as to removal or reappointment must be made for each
6 special master at the end of each of his/her one-year terms. The county administrator
7 shall have authority to remove a special master with or without cause. Appointments
8 to fill any vacancy shall be for the remainder of the unexpired term.

9
10 (c) A special master shall not be a county employee but shall be compensated at
11 an hourly rate to be established by contract.

12
13 **Section 6. Enforcement procedures.**

14
15 (a) The code officer has the duty of enforcing the various codes and initiating
16 enforcement proceedings before the special master.

17
18 (b) Except as provided in (c) and (d) below, if a violation of the codes is found, the
19 code officer shall notify the violator of the violation and give the violator a
20 reasonable time, in light of the nature of the violation, to correct the violation. Should
21 the violation continue beyond the time specified for correction, the code officer shall
22 request that the clerk set a hearing and notify the violator of the hearing as provided
23 herein. The clerk shall schedule a hearing, and written notice of such hearing shall be
24 served on the violator. If the violation is corrected and is then repeated or if the
25 violation is not corrected by the time specified for correction by the code officer, the
26 case may be presented to the special master even if the violation has been corrected
27 prior to the hearing, and the notice shall so state.

28
29 (c) If a repeat violation is found, the code officer shall notify the violator, but is
30 not required to give the violator a reasonable time to correct the violation. The code
31 officer, upon notifying the violator of a repeat violation, shall have the clerk set a
32 hearing and notify the violator. The notice shall state that the case may be presented
33 to the special master even if the violation has been corrected prior to the board

1 hearing.

2
3 (d) If the code officer has reason to believe a violation or the condition causing the
4 violation presents a serious threat to the public health, safety, and welfare or if the
5 violation is irreparable or irreversible in nature, the code officer shall make a
6 reasonable effort to notify the violator and may request that the special master set an
7 immediate hearing on the violation.

8
9 (e) If the owner of property which is subject to an enforcement proceeding before
10 a special master contracts to transfer or does transfer ownership of such property
11 between the time the notice was served and the time of the hearing, such owner shall:

- 12
13 (1) Disclose the existence and the nature of the enforcement proceeding to
14 the buyer;
- 15
16 (2) Deliver to the buyer a copy of the notice of violation and the notice of
17 hearing;
- 18
19 (3) Disclose to the buyer that he/she will be responsible for compliance with
20 the applicable code and with orders issued in the code enforcement
21 proceeding
- 22
23 (4) Within five days after the date of the transfer of title, file a notice of title
24 transfer with the code enforcement official, with the identity and address
25 of the new owner and copies of the disclosures made to the new owner.

26
27 If the property is transferred before the hearing, the proceeding shall not
28 be dismissed, but the new owner shall be provided with a reasonable
29 period of time to correct the violation before a hearing.

30
31 **Section 7. Pre-hearing administrative enforcement costs.**

32
33 If a violation cited under subsection 6(b) is corrected before a Section 9 special

1 master hearing, the violator shall pay the enforcement costs incurred by the county.
2 The individual enforcement cost that may be assessed shall be set by the Board of
3 County Commissioners by resolution. The code officer shall prepare an order
4 specifying the enforcement costs incurred by the county in the enforcement of its
5 codes, and he shall serve a copy of the order on the violator.

6
7 **Section 8. Service of notice.**

8
9 All notices required by this article shall be served as required by Section 162.12, F.S.,
10 and as amended from time to time.

11
12 **Section 9. Contents of notice, schedule and conduct of special master hearing.**

13
14 (a) The notice of hearing shall include the following:

- 15
16 (1) Name of the officer who issued the notice;
17
18 (2) Factual description of alleged violation;
19
20 (3) Date of alleged violation;
21
22 (4) Section of the code allegedly violated;
23
24 (5) Place, date and time of the hearing;
25
26 (6) Right of violator to be represented by an attorney;
27
28 (7) Right of violator to present witnesses and evidence;
29
30 (8) Notice that failure of violator to attend hearing may result in civil
31 penalty being assessed; and
32

1 (9) Notice that requests for continuances will not be considered if not
2 received in writing by the code officer at least ten calendar days prior to
3 the date set for hearing.
4

5 (b) The special master shall conduct hearings on a regularly scheduled monthly
6 basis or more frequently upon request of the county administrator. No hearing shall
7 be set sooner than 20 days from the date the notice of code violation is served.
8

9 (c) All hearings before the special master shall be open to the public. All testimony
10 shall be under oath. Assuming proper notice, a hearing may proceed in the absence
11 of the named violator.
12

13 (d) The proceedings at the hearing shall be recorded electronically or by a
14 stenographer and if recorded by a stenographer may be transcribed at the expense of
15 the party requesting the transcript.
16

17 (e) The county administrator, shall provide clerical and/or administrative support
18 personnel for the special master to facilitate the proper performance of clerical and
19 special master duties.
20

21 (f) Each case before a special master shall be presented by the officer or
22 representative of the department issuing the violation.
23

24 (g) The hearing shall not be conducted in accordance with the formal rules of
25 evidence. Any relevant evidence shall be admitted if the special master finds it
26 competent and reliable, regardless of the existence of any common law or statutory
27 rule to the contrary.
28

29 (h) All testimony at the hearing shall be under oath. Each party shall have the right
30 to call and examine witnesses, to introduce exhibits; to cross-examine opposing
31 witnesses on any matter relevant to the issues.
32

33 (i) The special master shall make findings of fact based on the evidence in the

1 record alone and may state conclusions of law. In order to make a finding upholding
2 the code officers determination that a violation exists, the special master shall find
3 that a preponderance of the evidence indicates that the violator was legally
4 responsible for the violation of the relevant section of the ordinances or codes as
5 cited, and that a violation did or does in fact exist.
6

7 (j) The prescribed time for correction of the violation given to the named violator
8 and contained in the code violation notice shall be presumed to have been a
9 reasonable time for correction. Upon presentation of relevant evidence by the named
10 violator that the time for correction was not reasonable, the special master may find
11 that the time given for correction was insufficient, and the penalty for a continuing
12 violation may be calculated from a date determined by the special master to be the
13 reasonable date for correction.
14

15 (k) If the named violator is found guilty of the violation, he/she may be held liable
16 for the costs of the enforcement proceeding and such costs shall be included in the
17 lien authorized by law.
18

19 (l) The fact-finding determination of the special master shall describe whether the
20 alleged violation did in fact occur and, if so, whether the person named in the civil
21 violation notice is legally responsible for that violation. The special master shall
22 either affirm or reverse the determination of the code officer as to the responsibility
23 of the named violator for the correction of the ordinance or code violation. The
24 special master may modify the determination of the code enforcement officer as to the
25 time for correction contained in the code violation notice. If the special master
26 reverses the determination of the code officer and finds the named violator not
27 responsible for the alleged violation in the code violation notice, the named violator
28 shall not be liable for the payment of any civil penalty, absent a successful appeal by
29 the county of the special master's decision. If the decision of the special master is to
30 affirm the code officer's determination of violation, then any of the following may be
31 included in the order:
32

- 33 (1) Amount of civil penalty;

1 (2) Prehearing and hearing administrative enforcement costs; and
2

3 (3) Date by which the violation shall be corrected to prevent resumption of
4 continuing violation penalties.
5

6 (m) The special master shall have the power to:
7

8 (1) Adopt procedures for the conduct of hearings;
9

10 (2) Subpoena alleged violators and witnesses for hearings; subpoenas may
11 be served by a duly sworn law enforcement officer or by any employee
12 designated by the county administrator;
13

14 (3) Subpoena documentary and tangible evidence for hearings;
15

16 (4) Take testimony under oath; and
17

18 (5) Assess and order the payment of civil penalties.
19

20 (6) Issue orders having the force of law to command whatever steps are
21 necessary to bring a violation into compliance.
22

23 (n) A special master shall not conduct a hearing if the named violator, prior to the
24 scheduled hearing date, files with a duly authorized county and county board of
25 appropriate jurisdiction for administrative interpretation of the legal provision(s) on
26 which the alleged violation was based. Upon exhaustion of the administrative review
27 and finalization of the administrative order by such board, the special master may
28 exercise all powers granted herein. The special master shall not, however, exercise
29 any jurisdiction over alleged code violations where a named violator has properly
30 filed a request for administrative interpretation and review by such county or county
31 board until such time for review has lapsed.
32

33 (o) The special master shall be bound by the interpretations and decisions of the

1 authorized county or county boards of appropriate jurisdiction concerning their
2 administrative interpretations. In the event that the authorized board finds that the
3 cited violation of the ordinance or code has not been properly interpreted, the special
4 master shall be prohibited from proceeding with the enforcement of the alleged
5 violation.

6
7 **Section 10. Recovery of unpaid civil penalties; unpaid penalty to constitute a**
8 **lien; foreclosure.**
9

10 (a) The county may institute proceedings in a court of competent jurisdiction to
11 compel payment of civil penalties imposed under this supplemental code enforcement
12 procedure.

13
14 (b) A certified copy of an order imposing a civil penalty may be recorded in the
15 public records of the county and thereafter shall constitute a lien against the land on
16 which the violation exists or existed; provided that if the violator does not own the
17 land, upon any other real or personal property owned by the violator; and that it may
18 be enforced in the same manner as a court judgment by the sheriffs of this state,
19 including levy against the personal property, but shall not be deemed to be a court
20 judgment except for enforcement purposes. After three months from the filing of any
21 such lien which remains unpaid, the county may foreclose or otherwise execute on
22 the lien.

23
24 **Section 11. Appeals.**
25

26 (a) The violator or the county may appeal an order of a special master by filing a
27 notice of appeal with the county circuit court. Such appeal shall be filed within 30
28 days of the issuance of the order by the special master.

29
30 (b) In the absence of reversal of a special master's ruling by an appellate court of
31 competent jurisdiction, the findings of the special master shall be conclusive as to a
32 determination of responsibility for the ordinance or code violation, and such findings
33 shall be admissible in any proceeding to collect unpaid penalties.

1 (c) Nothing contained in this chapter shall prohibit the county from enforcing its
2 ordinances or codes by any other means. The enforcement procedures outlined herein
3 are cumulative to all others and shall not be deemed to be prerequisites to filing suit
4 for enforcement of any section of this Code.
5

6 **Section 12. Severability.**
7

8 It is declared to be the intent of the Board of County Commissioners that if any
9 section, subsection, clause, sentence, phrase, or provision of this ordinance is for any
10 reason held unconstitutional or invalid, the invalidity thereof shall not affect the
11 validity of the remaining portions of this ordinance.
12

13 **Section 13. Inclusion in the Code.**
14

15 It is the intention of the Board of County Commissioners of Hernando County,
16 Florida, and it is hereby provided, that the provisions of this Ordinance shall become
17 and be made a part of the Code of Ordinances of Hernando County, Florida. To this
18 end, any section or subsection of this Ordinance may be renumbered or relettered to
19 accomplish such intention, and the word "ordinance" may be changed to "section,
20 "article", or other appropriate designation.
21

22 **Section 14. Amendments.**
23

24 The following sections of the code are hereby amended to conform with this section.
25

26 Sec. 1-8. General penalty.
27

28 Whenever in this Code any act is prohibited, or is made or declared to be unlawful,
29 or an offense; or whenever in such Code the doing of any act is required, or the
30 failure to do any act is declared to be unlawful, then such act or failure to act shall be
31 denominated a misdemeanor for the purposes of this Code. ~~Where no specific~~
32 ~~penalty is provided therefor, the violation of any such provisions of this Code shall~~
33 ~~be punished by a fine of not more than five hundred dollars (\$500.00) or by~~
34 ~~imprisonment in the county jail not to exceed sixty (60) days or by both such fine and~~

1 imprisonment as described in Chapter 2, Article III as amended from time to time.
2 Each day any violation of any provision of the Code shall continue, shall constitute
3 a separate offense, unless otherwise provided.

4
5 Sec. 5-100. Violations.

6
7 (a)(7) Offers, pays or gives any salary, tip, compensation or reward in any form
8 whatsoever, directly or indirectly, to any person conducting or assisting in the
9 conduct of bingo; shall, upon being found guilty, be subject to ~~a fine of not more than~~
10 ~~five hundred dollars (\$500.00), and imprisonment in the county jail for a period of not~~
11 ~~more than sixty (60) days.~~ penalties as described in Chapter 2, Article III as amended
12 from time to time. For violations that are of a continuing nature, each day that the
13 violation continues, shall be a separate offense.

14
15 Sec. 6-19. Penalties and procedures for violations.

16
17 (a) Unless otherwise specified by this chapter or Florida Statutes a violation of this
18 chapter is a civil infraction.

19
20 (b) The maximum civil penalty for a civil infraction shall ~~not exceed five hundred~~
21 ~~dollars (\$500.00)~~ be as described in Chapter 2, Article III as amended from time to
22 time.

23
24 (c) An officer who has probable cause to believe that a person has committed an act
25 in violation of this chapter ~~may issue a citation to the person~~ may commence
26 enforcement pursuant to Chapter 2, Article III as amended from time to time. This
27 may be in addition to or in lieu of impoundment of the animal(s). ~~In the case of~~
28 ~~violations of more than one section of this chapter, a citation may be issued for each~~
29 ~~section which is violated, and each violation may be considered independent of the~~
30 ~~other violations.~~

31
32 (d) ~~After issuing a citation to an alleged violator, the clerk of the circuit court, the~~
33 ~~violator and the animal services division shall each receive a copy of the citation.~~

1 ~~(e) Such citation shall impose upon the recipient a civil penalty which may, at the~~
2 ~~discretion of the recipient, be paid to the county clerk of court thirty (30) days in full~~
3 ~~satisfaction of the imposed penalty or the recipient shall appear in county court.~~

4
5 ~~(f) If the person elects to contest the citation, he shall appear in county court on the~~
6 ~~date and time specified on the citation.~~

7
8 ~~(g) If the person fails to pay the civil penalty within the time allowed, or fails to~~
9 ~~appear in county court on the specified date at the specified time to contest the~~
10 ~~citation he shall be deemed to have waived his right to contest the citation and, in~~
11 ~~such case, judgement may be entered against the person for an amount up to the~~
12 ~~maximum civil penalty.~~

13
14 ~~(h) The animal services division or the county clerk of court reserves the right to~~
15 ~~amend any citation.~~

16
17 (i) Each animal involved and each day or fraction thereof a violation continues shall
18 be considered a separate violation of this chapter.

19
20 (j) Any person who willfully refuses to sign and accept a citation issued by an officer
21 shall be guilty of a misdemeanor of the second degree, punishable as provided by §
22 775.082, § 775.083, or § 775.084, Florida Statutes.

23
24 ~~(k) Proceedings before the county court shall be non-jury proceedings.~~

25
26 ~~(l) All animal services proceedings shall be heard at the county courthouse in~~
27 ~~Brooksville, Florida, unless otherwise provided by law.~~

28
29 ~~(m) A five dollar (\$5.00) surcharge will be imposed for each violation of this chapter.~~
30 ~~The proceeds from this surcharge shall be used to defray the cost of training for~~
31 ~~county animal services officers.~~

32
33 (n) The animal services officer or supervisor may return any dog or cat impounded

1 pursuant to this chapter, once in a twelve-month period, that is currently vaccinated
2 for rabies, licensed and sterilized, to the owner without a citation of unrestrained
3 animal, provided that the owner pays the impound and board fee, has not received any
4 previous warnings, and that the animal was not acting in an aggressive manner and
5 is not in violation of any other section of this chapter.

6
7 (o) The animal services supervisor may dismiss a citation of prosecution for
8 unrestrained animal for a dog or cat that is not sterilized, if it is the owner's first
9 offense and there are no other violations of this chapter, provided that the owner
10 provides proof that the animal has been sterilized to the animal services division
11 within twenty (20) days.

12
13 (p) An officer may issue a written warning in lieu of a citation, for any correctable
14 violation of this chapter, allowing the owner or harborer a specified time period to
15 produce proof that the violation has been corrected.

16
17 (q) All written warnings issued to owners or harborers of animals to show proof of
18 compliance with this chapter, will, after, the specified time period be submitted to the
19 clerk of court of the county as a citation and will contain all of the required
20 information of a citation enforced pursuant to Chapter 2, Article III as amended from
21 time to time. The owner, upon failure to produce the required information within the
22 specified time period, will be required to either pay the appropriate civil penalty
23 within an additional fifteen (15) days or to appear in county court before the Special
24 Master on the given time and date to contest the citation.

25
26
27 Sec. 7-74. Enforcement.

28 Hernando County, by and through its board of county commissioners, may establish
29 and post areas to prohibit entry, limit speed, or otherwise regulate traffic as needed
30 through exercise of its police powers. The board of county commissioners may
31 delegate this function, as it deems appropriate.

32
33 The above prohibitions and restrictions do not apply to vessels owned or under

1 contract to federal, state or local government entities and operated for official
2 business by duly authorized personnel.

3
4 The provisions of this article shall be enforced by members of all duly authorized
5 state, county and municipal law enforcement agencies within the county. Violations
6 of this article are punishable ~~by fines of up to five hundred dollars (\$500.00) and~~
7 ~~imprisonment for up to sixty (60) days for each offense~~ as described in Chapter 2,
8 Article III as amended from time to time.

9
10 Sec. 7-99. Penalties for violation.

11
12 Any person having control of a vessel in violation of the terms of this article, or
13 owning or controlling the land to which such a vessel is moored, who causes or
14 permits such a vessel to violate any provision of this article or who permits a vessel
15 offending against the terms of this article to be moored to his land, shall be guilty of
16 a violation of this article and upon conviction therefor shall be punished ~~by a fine not~~
17 ~~to exceed five hundred dollars (\$500.00) or imprisonment in the county jail not to~~
18 ~~exceed thirty (30) days or by both such fine and imprisonment, in the discretion of the~~
19 ~~court of appropriate jurisdiction~~ as described in Chapter 2, Article III as amended
20 from time to time. Prosecutions for the violation of this article may be in a court of
21 appropriate jurisdiction or heard by any other officer or agency with jurisdiction over
22 violations of the Hernando County Code in general. It shall be the duty of all
23 municipal police officers within the boundaries of Hernando County as well as the
24 duty of the law enforcement officers of Hernando County to enforce the penal
25 provisions of this article. Code enforcement officers shall have concurrent jurisdiction
26 to enforce the provisions of this article in the manner provided therefor. Penalties
27 under this article shall be supplemental and cumulative to any other penalties
28 provided by any other applicable law, ordinance, rule or regulation. Each day a
29 violation of this article continues shall constitute a separate offense for purposes of
30 enforcement, fines and penalties as provided herein.

31
32 Sec. 8-51. Provisions deemed supplemental.

1 Nothing contained within this code or its provisions shall prohibit the county from
2 enforcing the provisions this code by any other means including but not limited to the
3 provisions of Chapter 2, Article III as amended from time to time.

4
5 Sec. 10-35. Special penalty procedures.

6
7 (a) Violation of any of the provisions of this article may be prosecuted as ~~a second~~
8 ~~degree misdemeanor, which, upon conviction, shall be punishable by a fine not to~~
9 ~~exceed five hundred dollars (\$500.00) and up to sixty (60) days in jail~~ described in
10 Chapter 2, Article III as amended from time to time.

11
12 Sec. 12-28. Penalties.

13
14 It shall be unlawful for any person to violate or fail to comply with any of the
15 provisions of this article. Penalties for violation of this article shall be as follows:

16
17 (1) Except for arson and related crimes, violations of this article shall be
18 ~~considered a misdemeanor of the second degree, punishable as~~ described in Chapter
19 2, Article III as amended from time to time, set forth in F.S. 775-082(4)(b), and/or
20 775.083(1)(c).

21
22 Sec. 12-568. Penalties.

23
24 Any violation by any person of any requirement or provision of this article shall be
25 prosecuted in the same manner as ~~misdemeanors are prosecuted~~ as described in
26 Chapter 2, Article III as amended from time to time. Upon conviction, any person
27 violating any requirement or provision of this article shall be punished by a fine not
28 to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to
29 exceed sixty (60) days or by both such fine and imprisonment. Each day any violation
30 subject to the provisions of the duly enacted ordinance continue shall be considered
31 a separate violation subjecting the violator to the fines and imprisonment specified
32 herein.

1 Sec. 13-12. Penalties for violation.

2
3 Violation of the provisions of this chapter or failure to comply with any of its
4 requirements, including violation of conditions and safeguards established in
5 connection with grants of variance or special exceptions, shall constitute a violation
6 and shall be subject to enforcement action as described in ~~F.S. chapter 162 part II~~
7 Chapter 2, Article III as amended from time to time. Each day such violation
8 continues shall be considered a separate offense. Nothing herein contained shall
9 prevent Hernando County from taking such other lawful action as is necessary to
10 prevent or remedy any violation.

11
12 Sec. 15-167. Civil fines.

13
14 (a) In the event the owner or owners of any lot, tract, parcel of land, should fail to
15 remedy a prohibited condition on such property or to make a written response within
16 the time set forth in the notice required by section 15-165 of this article, or if the
17 owner or owners should make a written response to the notice of public code
18 violation within twenty (20) days of receipt which does not directly consent to
19 remedy of any such prohibited conditions by the county, its agents or contractors, the
20 code enforcement department may elect to issue a citation. Any such citation shall be
21 delivered within the county or served by certified mail to addresses outside the
22 county, and shall be accompanied by a notice of the provisions of paragraph (c)
23 hereof. Any violation of this article may be considered a civil infraction ~~for purposes~~
24 ~~of the issuance of a citation. Issuance of a citation will subject the owner to a~~
25 ~~maximum civil penalty not to exceed five hundred dollars (\$500.00) plus~~
26 ~~administrative costs and fees including but not limited to site visits~~ and shall be
27 prosecuted as described in Chapter 2, Article III as amended from time to time. Each
28 day that a violation continues after the time set forth in said notice of violation or
29 citation shall constitute a separate offense. All penalties, fines, fees, and costs
30 collected under this article shall be credited to the county code enforcement
31 department.

32
33 Sec. 16-80. Penalty.

1 Any person who violates any provisions of this article shall be subject, upon
2 conviction, to ~~a fine up to but not exceeding the sum of five hundred dollars~~
3 ~~(\$500.00), or imprisonment for a term not exceeding six (6) months, or by both such~~
4 ~~fine and imprisonment penalties as described in Chapter 2, Article III as amended~~
5 from time to time.
6

7 Sec. 18-145. Violations and penalties.
8

9 (b) The provisions of this article shall be enforced by any authorized code
10 enforcement officer or law enforcement officer. Violations may be prosecuted as
11 ~~misdemeanors are prosecuted, upon complaint to the prosecuting attorney by a law~~
12 ~~enforcement officer or a citizen, in addition to any other remedy provided by the~~
13 ~~Hernando County Code of Ordinances or applicable law, including, but not limited~~
14 ~~to, notice of violation and citation by a code enforcement officer. Upon conviction,~~
15 ~~violators shall pay a fine of not more than five hundred dollars (\$500.00), or shall be~~
16 ~~imprisoned for not more than sixty (60) days, or both fined and imprisoned as~~
17 ~~authorized herein or by any other applicable law as described in Chapter 2, Article~~
18 III as amended from time to time.
19

20 Sec. 20-2. Parking, standing or the presence of vehicles in, on or upon drainage
21 retention areas, lakes, ponds utility property or easements prohibited.
22

23 4) For any violations subsequent to the fourth violation, a law enforcement
24 officer with jurisdiction in the unincorporated areas of Hernando County, shall issue
25 a mandatory court appearance where the violation may be prosecuted ~~in the same~~
26 ~~manner as misdemeanors as described in Chapter 2, Article III as amended from time~~
27 to time. Such violations shall be prosecuted in the name of the state and in the court
28 having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon
29 conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00)
30 or by imprisonment in the county jail, not to exceed sixty (60) days, or by both fine
31 and imprisonment. Each violation of this ordinance shall be deemed a separate
32 offense and a separate offense shall be deemed committed on each day during or on
33 which a violation occurs or continues. In assessing fines hereunder, the ~~court~~ Special

1 Master may consider whether the violator has been convicted of or pleaded guilty to
2 prior violations of this section.

3
4 Sec. 20-45. Civil penalties.

5
6 (d) The amount of any civil penalty specified in this section shall be increased by
7 sixteen dollars (\$16.00) if payment is not received by the ~~clerk~~ county within the
8 described thirty-day period after the parking ticket.

9
10
11 Sec. 20-46. Procedures governing payment of civil penalties and proceedings to
12 enforce payment.

13
14 (a) Any person issued a county parking ticket, pursuant to section 20-44 shall answer
15 the ticket by either of the following procedures within a thirty-day period which
16 begins to run on the day immediately following the day that said ticket is issued:

17
18 (1) Payment of the civil penalty indicated on the ticket may be remitted to the
19 ~~clerk~~ county, pursuant to the directions of such ticket, which civil penalty is subject
20 to increase pursuant to the terms of the article.

21
22 (2) A hearing may be requested by the person receiving such citation or the
23 cited vehicle's registered owner for the purpose of presenting evidence before a
24 ~~county judge~~ special master concerning a parking violation. Any person requesting
25 a hearing shall execute a statement on a form prepared by the ~~clerk~~ county indicating
26 his or her willingness to appear at such hearing at a time and place specified thereon.

27
28 (b) Any election to request the hearing constitutes a waiver of the right to pay the
29 civil penalty indicated on the parking ticket, and a ~~county judge~~ special master after
30 the hearing may impose a fine not to exceed one hundred dollars (\$100.00), plus court
31 costs for each parking violation.

32
33 (c) If there has been no response pursuant to paragraph (a) of this section, and after

1 the time prescribed therein, the clerk shall notify the registered owner first listed on
2 such ticket of its issuance. Such notice shall be sent by regular mail and shall inform
3 such registered owner concerning the nature and location of the parking violation.
4 The registered owner shall pay the civil penalty indicated on the ticket, including the
5 fifteen dollar (\$15.00) penalty, as specified in section 2-45(d), within fourteen (14)
6 days after the date of mailing such notice.

7
8 (d) If payment of the civil penalty is not received within the fourteen-day period
9 specified in paragraph (c) herein, the ~~clerk~~ county shall cause the Department of
10 Highway Safety and Motor Vehicles to be notified in accordance with section
11 316.1967, Florida Statutes, 1993.

12
13 (e) If the last day of a time period described above falls on a Saturday, Sunday or
14 legal holiday, the time period shall run until the end of the next business day which
15 is neither a Saturday, Sunday, or legal holiday.

16
17 Sec. 20-65. Penalty.

18
19 Any violation of this article may be prosecuted as follows:

20
21 (1) Upon the issuance of a notice to appear by a law enforcement agency, the
22 respondent shall be liable for payment of a fine in the amount of two hundred fifty
23 dollars (\$250.00) plus any fees or charges that may lawfully be required by the clerk
24 of court or the court having jurisdiction of this matter upon conviction or plea of
25 guilty.

26
27 (2) In addition, any violation of this article may be prosecuted ~~in the same manner as~~
28 ~~misdemeanors are prosecuted. Such violation shall be prosecuted in the name of the~~
29 ~~state and in the court having jurisdiction of misdemeanors by the prosecuting attorney~~
30 ~~thereof and upon conviction shall be punished by a fine not to exceed five hundred~~
31 ~~dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days~~
32 ~~or by both fine and imprisonment as described in Chapter 2, Article III as amended~~
33 from time to time. Each violation of this article shall be deemed a separate offense

1 and a separate offense shall be deemed committed on each day during or on which a
2 violation occurs or continues. In assessing fines hereunder, the ~~court~~ special master
3 may consider whether the violator has been convicted of or pleaded guilty to prior
4 violations of this article.

5
6 Sec. 21-23. Enforcement and penalties.

7
8 Any person or entity violating any of the provisions of this article shall be prosecuted
9 ~~in the same manner as misdemeanors are prosecuted. Such violations shall be~~
10 ~~prosecuted in the name of the State of Florida in a court having jurisdiction of~~
11 ~~misdemeanors by the prosecuting attorney thereof and, upon conviction shall be~~
12 ~~punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment~~
13 ~~in the county jail not to exceed sixty (60) days or by both such fine and imprisonment~~
14 as described in Chapter 2, Article III as amended from time to time. Each incident or
15 separate occurrence of an act that violates this article shall be deemed a separate
16 offense.

17
18 Sec. 21-176. Violations and penalties.

19
20 Any person, firm or corporation failing to comply with any provision of this article
21 shall be prosecuted ~~in the same manner as a misdemeanor of the second degree,~~
22 ~~punishable as provided in sections 775.082 and 775.083, Florida Statutes~~ as described
23 in Chapter 2, Article III as amended from time to time.

24
25 Sec. 21-226. Civil fines.

26
27 (c) Any violation of this article may be considered a civil infraction ~~for purposes of~~
28 ~~the issuance of a citation. Issuance of a citation will subject the owner to a maximum~~
29 ~~civil penalty not to exceed five hundred dollars (\$500.00) plus administrative costs~~
30 ~~and fees including but not limited to site visits~~ and may be prosecuted as described
31 in Chapter 2, Article III as amended from time to time. Each day that a violation
32 continues after the time set forth in said notice of violation shall constitute a separate
33 offense. All penalties, fines, fees, and costs collected under this article shall be

1 credited to the county code enforcement department.

2
3 Sec. 22-9. Penalties.

4
5 Violation of any provision of this article other than section 22-6, shall constitute a
6 misdemeanor and shall be punished as provided in section 1-8 of this Code. Violators
7 of section 22-6 of this article shall be punished with a minimum sentence of ~~twenty~~
8 ~~(20) days in the county jail~~ or a two hundred fifty dollar (\$250.00) fine.

9
10 Sec. 22-77. Enforcement of penalties.

11
12 (b) Failure to abide by the terms of this article shall constitute a violation thereof.
13 Violations of this article shall be punishable as provided in section 1-8 of this Code
14 or pursuant to F.S. § 125.69, as such provisions may be amended as needed.

15
16 Sec. 23-164. Permit procedure.

17
18 (f) Fine for failure to receive permit or alteration of road configuration. Permitting of
19 a special exception and enforcement of the work to be done shall be in the purview
20 of the planning and development department. Failure to receive a permit for access
21 to a protected road prior to tree removal, or alteration of the road configuration by any
22 person, firm or corporation, shall be considered a violation of this Code and a
23 misdemeanor subject to ~~a fine of five hundred dollars (\$500.00)~~ prosecution as
24 described in Chapter 2, Article III as amended from time to time for each day the
25 violation continues.

26
27 Sec. 24-2. Frontage roads.

28
29 (g) Penalties. Any person, firm or corporation found guilty of violating any of the
30 provisions of this section shall be ~~guilty of a second degree misdemeanor, which,~~
31 ~~upon conviction, shall be punishable by a fine not to exceed five hundred dollars~~
32 ~~(\$500.00) and up to sixty (60) days in jail~~ punished as described in Chapter 2, Article
33 III as amended from time to time. Each day that an offense or violation of this section

1 continues shall be deemed a separate offense.

2
3 Sec. 24-3. Right-of-way utilization regulations.

4
5 (g) Penalty. If any permittee or any authorized agent, officer or employee of a
6 permittee shall knowingly refuse to comply with or willfully violate any provision of
7 this section, such permittee shall incur a penalty for each offense of not more than
8 twenty-five (25) percent of the estimated project cost to be fixed, imposed and
9 collected by the board of county commissioners, proceeds of which shall be deposited
10 in the transportation trust fund. Additionally, any permittee who has previously failed
11 to restore the right-of-way as required by this section shall not be issued further
12 permits until such right-of-way is restored, or the entire cost of restoration incurred
13 by the county to make such restoration has been paid by the applicant. In addition,
14 violations of any provisions herein may be prosecuted as described in Chapter 2,
15 Article III as amended from time to time.

16
17 Sec. 27-34. Collection.

18
19 (f)(2) Each dealer and person required by this article to collect the county tourist
20 development tax shall secure, maintain, and keep for a period of three (3) years a
21 complete record of rooms or other lodging, leased or rented by said dealer or person,
22 together with records of gross receipts from such sales, and other pertinent records
23 and papers as may be required by the clerk for the reasonable administration of this
24 article; and all such records which are located or maintained in this state shall be open
25 for inspection by the clerk or the clerk's employees, at all reasonable hours at such
26 dealer's place or person's place of business located in the county. Any dealer or
27 person who maintains such books and records at a point outside this county must
28 make such books and records available for inspection by the clerk or the clerk's
29 employees in the county. Any dealer or person subject to the provisions shall be
30 prosecuted ~~in the same manner as misdemeanors are prosecuted and, upon conviction,~~
31 ~~shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by~~
32 ~~imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and~~
33 ~~imprisonment~~ as described in Chapter 2, Article III as amended from time to time.

1 Each day that such violation continues shall constitute a separate offense.

2
3 Sec. 28-218. Compliance.

4
5 All applicants for water and/or sewer service shall comply with this division. Any
6 person, firm, or corporation, either individually or through agents, employees, or
7 independent contractors who shall violate the provisions of this division shall be
8 prosecuted as described in Chapter 2, Article III as amended from time to time. fined
9 not more than five hundred dollars (\$500.00) for each violation or imprisonment for
10 not more than sixty (60) days in county jail for each violation, or both, and each day
11 of violation shall constitute a separate offense.

12
13 Sec. 28-250. Violation of division.

14
15 (a) Any person, firm or corporation violating any of the provisions of this division
16 shall, upon conviction thereof, for each such offense, be subject to ~~a fine of not to~~
17 ~~exceed five hundred dollars (\$500.00) or imprisonment for not to exceed sixty (60)~~
18 ~~days, or by both such fine and imprisonment~~ prosecution as described in Chapter 2,
19 Article III as amended from time to time. Any failure or refusal by an owner to
20 connect to the Hernando County Water and Sewer District system after notification
21 to do so, as hereinabove provided, or any failure or refusal to pay the charges or rates
22 herein-above provided, shall be considered to be a violation of this division. Each day
23 that such violation continues shall be deemed a separate offense.

24
25 Sec. 28-276. Enforcement.

26 (b) Penalties. In addition to other penalties provided by this article, any person,
27 organization, society, association, corporation or any agent or representative thereof
28 who violates any provision of this article shall, upon adjudication or conviction, be
29 subject to the penalties described below. Each day of continued violation after receipt
30 of written notice may constitute a separate offense.

31
32 (1) ~~Criminal penalties:~~

- 1 ~~a. A fine not to exceed five hundred dollars (\$500.00); or~~
2 ~~b. Imprisonment in the county jail for a term not exceeding sixty (60)~~
3 ~~days; or~~
4 ~~c. Both such fine and imprisonment.~~

5
6 (2) Civil penalties. Civil infractions of this article shall be handled according to the
7 provisions of the Hernando County Code Enforcement Ordinance.

8
9 Sec. 28-301. Enforcement and penalty provisions.

10
11 (a) Any person violating any of the provisions of this article shall be prosecuted ~~in the~~
12 ~~same manner as misdemeanors are prosecuted. Such violations shall be prosecuted~~
13 ~~in the name of the State of Florida in a court having jurisdiction of misdemeanors by~~
14 ~~the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not~~
15 ~~to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to~~
16 ~~exceed sixty (60) days or by both fine and imprisonment as provided in F.S. §§~~
17 ~~125.69 and 162.22 as described in Chapter 2, Article III as amended from time to~~
18 ~~time.~~ Each incident or separate occurrence of any act that violates this article shall be
19 deemed a separate offense. In addition to the penalties provided under this section,
20 violators of this article shall be subject to any other appropriate civil or criminal
21 action provided by law in a court of competent jurisdiction, including, but not limited
22 to, injunctive relief and code enforcement under F.S. ch. 162.

23
24 **Section 15. Repeal.**

25
26 Chapter 2, Article III, the current Code Enforcement Ordinance is hereby repealed
27 and replaced in its entirety by this ordinance.

28
29
30
31 **Section 16. Effective date.**

32
33 This ordinance shall take effect immediately upon receipt of official

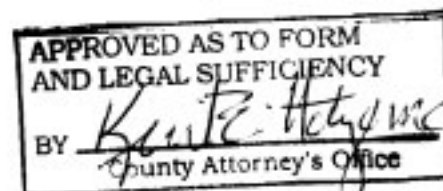
1 acknowledgment from the office of the Secretary of State of Florida that this
2 ordinance has been filed with said office.

3
4 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
5 **HERNANDO COUNTY** in Regular Session this 13th day of July, 2004.
6

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

9
10
11
12 Attest: Karen Nicolai
13 KAREN NICOLAI
14 Clerk

By: Hannah M. Robinson
HANNAH M. ROBINSON
Chairperson



7-14-04