

## Marguerite Linke

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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Thursday, December 17, 2015 10:59 AM  
**To:** Marguerite Linke  
**Cc:** County Ordinances  
**Attachments:** Hernando20151217\_Ordinance2015\_23\_Ack.pdf

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

December 17, 2015

Honorable Don Barbee Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 3621  
Brooksville, Florida 34601

Attention: Marguerite Linke

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2015-23, which was filed in this office on December 17, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 2015-~~22~~23

1  
2  
3 AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF  
4 ORDINANCES BY AMENDING CHAPTER 15 (HEALTH AND  
5 SANITATION), ARTICLE V (PROPERTY MAINTENANCE); BY  
6 AMENDING CHAPTER 15 (HEALTH AND SANITATION), ARTICLE X  
7 (FORECLOSURE REGISTRY/REAL PROPERTY MORTGAGE  
8 REGISTRATION SYSTEM); PROVIDING FOR APPLICABILITY;  
9 PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING  
10 PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT  
11 OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND  
12 PROVIDING FOR AN EFFECTIVE DATE.

13  
14 WHEREAS, the County desires to update and modernize its code of ordinances by providing for  
15 the maintenance of vacant structures; and

16  
17 WHEREAS, the County desires to include vacant commercial structures in its foreclosure  
18 registry program; and

19  
20 WHEREAS, this proposed substantive amendment to the Hernando County Code of Ordinances  
21 (Chapter V, property maintenance), has received a public hearing before the Board of County  
22 Commissioners as required by state and local law.

23  
24 NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY  
25 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

26  
27 SECTION I. Hernando County Code of Ordinances, Chapter 15 HEALTH AND  
28 SANITATION, Article V, PROPERTY MAINTENANCE, is hereby amended to add Sections  
29 15-170 and 15-171 as more precisely delineated with underlined text below:

30  
31 **Sec. 15-170.-Prohibited Conditions for Vacant Structures**

32  
33 (a) It shall be unlawful for any owner of vacant residential or nonresidential structure and  
34 associated accessory structures to permit or maintain, or for any person to cause, or create  
35 a condition which does not meet the following standards:

36 (1) The exterior walls shall be substantially weather-tight and weatherproof, free  
37 from holes, breaks and loose or rotting materials so as to be maintained in sound  
38 condition and good repair.

39 (2) The roofs and all parts thereof shall be maintained in a safe manner, free from  
40 defect, and shall have no defects which allow dampness to enter the building.  
41 Roof drains, gutters and downspouts shall be maintained in good repair and free  
42 from obstructions. Tarps and similar temporary methods of securing roofs may be  
43 utilized for no more than sixty (60) calendar days.

44 (3) Stairs, porches, decks, balconies and any appurtenance thereto shall be maintained  
45 in safe and good condition.

- 1           (4) Windows and exterior doors shall be properly fitted, provided with proper  
2           hardware, secured, weatherproof, weather-tight and maintained in good repair.
- 3           (5) The structure shall be maintained free of graffiti or similar markings by removal  
4           or painting over with an exterior grade paint that matches the color of the exterior  
5           structure.
- 6           (6) Yards and open areas shall be maintained in good condition. Maintenance in good  
7           condition shall not include weeds, gravel, broken concrete, asphalt, or similar  
8           material.
- 9           (7) The property shall not create a visual nuisance or other unsightly condition visible  
10           from adjoining public or private property.
- 11           (8) Temporary measures to secure a structure through boarding of windows, doors  
12           and other openings may be utilized for no more than sixty (60) calendar days.

13  
14 **Sec. 15-171. - Enforcement.**

- 15  
16 (a) Enforcement officers for the county in the performance of their assigned duties or  
17 functions may issue notice to all violators of this article and shall order that such  
18 violations cease.
- 19 (b) If necessary, the governing body, or any appropriate official of the governing body, may  
20 institute appropriate action in a court of competent jurisdiction to enjoin any violation of  
21 this article.
- 22 (c) In addition, any violation hereunder may be prosecuted as described in Chapter 2  
23 (Administration), Article III (Code Enforcement) of the Hernando County Code of  
24 Ordinances, as amended or renumbered from time to time.
- 25 (d) Each violation hereunder shall be deemed a separate offense and a separate offense shall  
26 be deemed committed on each day during or on which a violation occurs or continues.
- 27 (e) Any violation of this article shall constitute a misdemeanor and shall be punishable as  
28 provided in Chapter 1 (General Provisions), Section 1-8 (General Penalty) of the  
29 Hernando County Code.

30  
31 **SECTION II.** Hernando County Code of Ordinances, Chapter 15 HEALTH AND  
32 SANITATION, Article X, FORECLOSURE REGISTRY/REAL PROPERTY MORTGAGE  
33 REGISTRATION SYSTEM, Section 15-253 is hereby amended to provide for revisions as more  
34 precisely delineated with strike-through and underlined text below:

35  
36 **Sec. 15-253. - Definitions.**

37  
38 *Property* means any improved real property, or portion thereof, ~~situation~~ situated in the  
39 unincorporated county, designed or permitted to be used for residential or nonresidential  
40 ~~dwelling~~ purposes, and shall include the buildings and structures located on such improved  
41 real property.

42  
43 **SECTION III. APPLICABILITY.** This Ordinance shall be applicable throughout the  
44 unincorporated area of Hernando County.

1 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of County  
2 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
3 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
4 the validity of the remaining portions of this ordinance.

5  
6 **SECTION V. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature  
7 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,  
8 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this  
9 ordinance to the extent of such conflict except for ordinances concerning either adoption or  
10 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

11  
12 **SECTION VI. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is  
13 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of  
14 Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street,  
15 Tallahassee, FL 32399-0250.

16  
17 **SECTION VII. INCLUSION IN CODE.** It is the intention of the Board of County  
18 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of  
19 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,  
20 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-  
21 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,  
22 "article," or other appropriate designation. Whereas Clauses, and Sections II through Section VII  
23 need not be codified.

24  
25 **SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing  
26 with the Department of State.

27  
28 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 15<sup>th</sup> **DAY OF**  
29 December, 2015.



30  
31 BOARD OF COUNTY COMMISSIONERS  
32 HERNANDO COUNTY, FLORIDA

33  
34  
35  
36  
37 Attest: [Signature]  
38 DONALD C. BARBEE JR, CLERK

39  
40  
41  
42  
43 By: [Signature]  
44 NICHOLAS W. NICHOLSON, CHAIRMAN

45  
46 (SEAL)

47 **Approved as to Form and**  
48 **Legal Sufficiency**

49 By: [Signature]