

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Monday, October 15, 2018 9:45 AM
To: Marguerite Linke
Cc: County Ordinances
Subject: Hernando20181011_Ordinance2018_18_Ack.pdf
Attachments: Hernando20181011_Ordinance2018_18_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 15, 2018

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
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. 2018-18, which was filed in this office on October 11, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

1 Section 7-140. Definitions.

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

5 *Bulkhead* means a soil retaining structure which relies for its stability on the deep
6 embedment of the base of the structure. It is differentiated from a seawall in that a
7 bulkhead is not specifically intended to resist wave attack. It is differentiated from
8 a quaywall by the reliance on deep embedment of the base for stability.

9 *County* means the unincorporated area of Hernando County, Florida.

10 *Failed bulkhead, failed quaywall, failed seawall, or failed revetment* means a
11 bulkhead, quaywall, seawall, or revetment that has become structurally unsound or
12 that has moved from its original position.

13 *Quaywall* means a gravity-type wall used to provide a berthing face for vessels. It
14 may or may not act as a soil retaining structure. It is differentiated from a seawall by
15 its function as a berthing face for vessels.

16 *Revetment* means a sloping structure which serves to separate real property and/or
17 any improvements thereon from any natural or manmade body of water.

18 *Seawall* means any solid upright structure which serves to separate real property
19 and/or any improvements thereon from any natural or manmade body of water, with

1 the additional primary purpose of defending against wave attack from the body of
2 water.

3 Section 7-141. Declaration of Nuisance.

4 (a) It is hereby declared unlawful and a public nuisance for any property owner
5 in the county to permit or fail to repair or reconstruct, any failed bulkhead, quaywall,
6 seawall, or revetment upon his or her property.

7 (b) It is further declared unlawful and a public nuisance for any property owner
8 to fail to remove from his property or an adjacent body of water the debris and rubble
9 of any failed bulkhead, quaywall, seawall or revetment.

10 Section 7-142. Violations, Remedies, and Penalties.

11 (a) Any person or persons, firm or corporation, or any agent thereof who violates
12 any provision of this Article may be prosecuted in the manner provided for in
13 Chapter 2, Article III of this Code.

14 (b) Each incident or separate occurrence of an act that violates this division shall
15 be deemed a separate offense.

16 (c) The remedies and penalties herein are not intended to be cumulative, and the
17 county may institute any appropriate action or proceedings to prevent, restrain,
18 correct or abate a violation of this division, as provided by law.

1 **Section 2. Amending Hernando County Code § 8-137.** Hernando County Code § 8-137,

2 Violations, Remedies, and Penalties, is amended to read as follows:

3 (a) Any person or persons, firm or corporation, or any agent thereof who violates
4 any provision of this division may be prosecuted by the county building official
5 pursuant to this chapter and the Florida Building Code. All remedies set forth in the
6 Florida Building Code shall apply to any violation herein.

7 (b) Any entity violating any provision of this division shall be subject to the
8 penalties provided for herein. The ~~director~~ building official or his authorized
9 representative shall issue notice to all entities violating any provision of this division
10 and shall order that such violations cease. Should any entity fail to comply with such
11 notice or order, the governing body or its authorized official may institute appropriate
12 action to bring such entity before a court of law for adjudication. Any entity violating
13 any provision of this division shall, upon conviction, be guilty of a misdemeanor and
14 shall be fined or imprisoned, or both fined and imprisoned, in accordance with the
15 provisions of section 125.69, Florida Statutes.

16 (c) Any person or persons, firm or corporation, or any agent thereof who violates
17 any provision of this division may be prosecuted in the manner provided for in
18 Chapter 2, Article III of this Code.

19 (d) Each incident or separate occurrence of an act that violates this division shall
20 be deemed a separate offense.

1 (e) The remedies and penalties herein are not intended to be cumulative, and the
2 county may institute any appropriate action or proceedings to prevent, restrain,
3 correct or abate a violation of this division, as provided by law.

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

8 **Section 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners
9 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
10 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
11 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
12 the word “ordinance” may be changed to “section,” “article,” or other appropriate designation.

13 **Section 5. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
14 conflict with the provisions of this ordinance are hereby repealed.

15 **Section 6. Effective Date.** This ordinance shall take effect immediately upon receipt of
16 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
17 been filed with said office.

1 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

2 **HERNANDO COUNTY** in Regular Session this 9th day of October 2018.



3
4 **BOARD OF COUNTY COMMISSIONERS**
5 **HERNANDO COUNTY, FLORIDA**

6
7
8 Attest: Marguerite Luke, D.C.
9 DONALD C. BARBEE, JR.
10 Clerk

11 By: [Signature]
12 STEVE CHAMPION
13 Chairman

14 Approved for Form and Legal Sufficiency

15
16 [Signature]
17 Deputy County Attorney