

## Heidi Kurppe

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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Wednesday, January 29, 2020 2:22 PM  
**To:** Ordinances  
**Cc:** County Ordinances  
**Subject:** [EXT.] -  
**Attachments:** Hernando20200129\_Ordinance2020\_1\_Ack.pdf



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

January 29, 2020

Honorable Doug Chorvat, Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 362  
Brooksville, Florida 34601

Attention: Heidi Kurppe

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2020-1, which was filed in this office on January 29, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



1 children and adults; interfere with the comfort and well being of the public, the  
2 purpose of this article is therefore to provide adequate protection of the public health,  
3 safety and welfare which requires that such conditions be regulated, abated or  
4 prohibited.

5 Sec. 20-17. - Definitions.

6 For the purposes of this Article, the following definitions shall apply in the  
7 interpretation, enforcement and intent of this Article:

8 ~~Inoperative vehicle means a vehicle that is in a state of disrepair and incapable~~  
9 ~~of being moved under its own power, or a vehicle that is incapable of being lawfully~~  
10 ~~operated on the streets of the state. A vehicle shall be deemed inoperative if one or~~  
11 ~~more parts of the drive train which are required for the operation of the vehicle are~~  
12 ~~missing, are dismantled, are inoperative or are not attached to the vehicle as designed.~~  
13 ~~There shall be a rebuttable presumption that a vehicle is incapable of being lawfully~~  
14 ~~operated on the streets of the state if a current registration tag for that vehicle, also~~  
15 ~~known as a license plate, of a kind required under state law as a condition of~~  
16 ~~operation upon the public streets, is not affixed thereto.~~

17 (a) *Abandoned Vehicle* shall mean any vehicle to which the last registered owner  
18 of record thereof has relinquished all further dominion and control or any  
19 vehicle which has been left ~~on open lands~~ outdoors and for which no  
20 arrangement has been made for its storage with the owner or occupant of the

1                    ~~premises in which it is located for a period of thirty (30) days~~ has no apparent  
2                    intrinsic value to the rightful owner.

3            (b)    County shall mean Hernando County, Florida.

4            (c)    Enforcement Officer means any law enforcement officer or a Hernando  
5                    County Code Enforcement Officer.

6            (d)    Inoperable Vehicle shall mean:

7                    (1)    A motor vehicle in such state of physical or mechanical ruin as to be  
8                    incapable of propulsion or of being operated upon the public streets  
9                    or highways; or,

10                  (2)    A vessel situated on dry land that is in a wrecked, junked, or  
11                    substantially dismantled condition.

12            (e)    Private Property means any real property located within the unincorporated areas of  
13                    Hernando County that does not satisfy the definition of "public property."

14            (f)    Public Property means lands and improvements owned by the Federal Government,  
15                    the state, or Hernando County, and includes sovereignty submerged lands, buildings,  
16                    grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way, and other  
17                    similar property.

18            ~~Board shall mean the Board of County Commissioners.~~

19            ~~Drive Train shall mean any part or combination of parts of a vehicle's system for~~  
20                    ~~propulsion, including but not limited to the engine, carburetor or other fuel injection~~

1           ~~mechanism (whether mechanical or electronic), transmission, axles, and wheels~~  
2           ~~(including tires).~~

3           (g) Street shall mean the entire width between the boundary lines of any road,  
4           street, highway, alley or any part of which is open to the public for use for  
5           purposes of vehicular traffic, within the unincorporated areas of Hernando  
6           County.

7           ~~(h) Vehicle shall mean all vehicles designed to be propelled by power other than~~  
8           ~~human power designed to travel along the ground by use of wheels, treads,~~  
9           ~~runners, slides, and transport persons or property or pull machinery and shall~~  
10           ~~include, without limitation, automobile, truck,, motorcycle, all-terrain vehicle~~  
11           ~~or tractor, except be synonymous with “motor vehicle,” as that term is defined~~  
12           ~~in Fla. Stat. § 320.01(1), as it may be amended from time-to-time that~~  
13           ~~operative farm vehicles which are not required by law to be registered, and~~  
14           ~~racing vehicles that can be documented to have participated in an official~~  
15           ~~sanctioned event within the past sixty (60) days shall not be included within~~  
16           ~~this definition.~~

17           ~~Property shall mean any real property within the unincorporated areas of the county~~  
18           ~~which is not a street or highway.~~

1 ~~Street or highway~~ shall mean the entire width between the boundary lines of any road,  
2 street, highway, alley or any part of which is open to the public for use for purposes  
3 of vehicular traffic, within the unincorporated areas of the county.

4 (i) Vessel includes every description of watercraft that is used or is capable of  
5 being used as a means of transportation on water.

6 Sec. 20-18. - Storage on Private Property Prohibited.

7 (a) No person shall park, store, leave, or permit the parking, storage or leaving  
8 of any abandoned or inoperative vehicle on any private property within the  
9 unincorporated areas of the County ~~for a period in excess of thirty (30) days~~  
10 unless such vehicle is stored in an area not visible from the right-of-way or  
11 adjoining property, or unless such vehicle is so stored or parked on private  
12 property in connection with a duly licensed business or enterprise operated  
13 and conducted for the repair of such vehicles.

14 (b) The parking, storing, leaving, or permitting of an abandoned or inoperative  
15 vehicle on private property within the unincorporated areas of the County is  
16 hereby declared to be a public nuisance, the abatement of which, pursuant to  
17 the policing power of the County, is hereby declared to be necessary for the  
18 health, welfare and safety of Hernando County's residents.

1           Sec. 20-19. - Leaving on Street Public Property Prohibited.

2                   No person shall leave any abandoned or inoperative vehicle on ~~any street,~~  
3           road, highway, alley, or public way public property within the unincorporated areas  
4           of the county Hernando County.

5           Sec. 20-20. - ~~Allowing to Remain on Property~~ Prohibited Indicia of Abandonment or  
6           Inoperability.

7                   ~~No person in charge or control of any property within the county whether as~~  
8           owner, tenant, occupant, lessee or otherwise, shall allow any abandoned or  
9           inoperative vehicle to remain on such property longer than thirty (30) days unless such  
10          vehicle is stored in an area not visible from the right-of-way or adjoining property or  
11          unless such vehicle is so stored or parked on private property in connection with a  
12          duly licensed business or enterprise operated and conducted for the repair of such  
13          vehicles.

14          (a)   Evidence that a vehicle is abandoned or inoperable may include, but is not  
15               limited to, factors such as:

16                   (1)   The vehicle being in a wrecked or junked condition; and,

17                   (2)   Vegetative growth under or around the vehicle; and,

18                   (3)   The accumulation of refuse or debris underneath, on top, or about the  
19                   vehicle; and,

20                   (4)   The vehicle being used solely for storage purposes; and,



- 1                   (5)    The vehicle being completely or partially dismantled; and,  
2                   (6)    The vehicle visibly missing major parts or components; and,  
3                   (7)    The vehicle being in a physical state that renders it incapable of being  
4                               immediately driven, propelled, moved, or pulled in the manner for  
5                               which the vehicle was intended or designed.
- 6           (b)    If the primary apparent evidence of abandonment or inoperability is vegetative  
7                       growth, then a code enforcement officer may, using his or her training and  
8                       experience, determine whether, under the totality of the circumstances, the  
9                       vehicle is abandoned or is inoperable pursuant to the terms of this Article.
- 10          (c)    With regard to motor vehicles, the absence of a valid license plate, sticker for  
11                       the current year, or a current motor vehicle registration certificate shall be  
12                       prima facie evidence that such vehicle is abandoned; however, the presence  
13                       of any such item shall not in and of itself mean that such vehicle is not  
14                       abandoned. The mere absence of a current motor vehicle registration, license  
15                       plate, or sticker may be refuted by the property owner or vehicle owner upon  
16                       proof that the vehicle is immediately driveable.

1            Sec. 20-21. - Notice Requiring Removal Procedures for the Removal of Abandoned  
2            and Inoperable Vehicles.

3            (a)    Abandoned or inoperable vehicles situated on public property shall be  
4            removed pursuant to the provisions of Fla. Stat. § 705.103, as it may be  
5            amended from time-to-time.

6            (b)    Abandoned or inoperable vehicles situated on private property shall be subject  
7            to the following provisions:

8            (1)    The enforcement officer shall cause a notice to be placed upon such  
9            vehicle in substantially the following form:

10           NOTICE TO THE OWNER AND ALL PERSONS INTERESTED

11           IN THE ATTACHED PROPERTY, TO WIT:

12           (Setting Forth Brief Description of Vehicle)

13           LOCATED AT:

14           (Setting Forth Address or Brief Description of Vehicle's Location) is:

15           IMPROPERLY STORED AND IS IN VIOLATION OF:

16           (Setting Forth Ordinance Violated)

17           AND MUST BE REMOVED WITHIN TEN (10) DAYS FROM

18           THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE

19           PRESUMED TO BE ABANDONED PROPERTY AND WILL BE

1                   REMOVED AND DISPOSED OF PURSUANT TO HERNANDO

2                   COUNTY CODE CHAPTER 20, ARTICLE II.

3                   Dated this: (setting forth the date of posting of notice) Signed:

4                   (setting forth name, title, address, and telephone number of law

5                   enforcement officer)

6                   Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently

7                   weatherproof to withstand normal exposure to the elements.

8                   (2)   ~~Whenever it shall appear that a citation for a violation of this article~~

9                   ~~has become final and unappealable~~ In addition to posting, the code

10                  enforcement officer or the county sheriff, shall ~~give, or cause to be~~

11                  ~~given~~, serve a copy of the written notice to on the registered owner of

12                  ~~any the vehicle which is in violation of this article~~, on any known

13                  holder of a lien on the vehicle, and ~~shall give such notice to~~ on the

14                  owner or person in lawful possession or control of the private

15                  property upon which such vehicle ~~violates the provisions of this article~~

16                  and ~~directing that such vehicle be moved to a place of lawful storage~~

17                  ~~within seven (7) days from the date of such notice~~ is situated. Such

18                  notice may be served upon the registered owner of the vehicle and any

19                  lienholders by certified mail return receipt requested, addressed to

20                  such owner at the last known address of record of the ~~department of~~

1                   ~~motor vehicles~~ Department of Highway Safety and Motor Vehicles.

2                   Notice to the owner or person in lawful possession or control of the  
3                   property upon which such vehicle is located may be personally served,  
4                   or be served by certified mail return receipt requested, if such owner  
5                   or occupant cannot be found upon such property. Such certified mail  
6                   shall be addressed to the owner of such property according to the last  
7                   county property appraiser's rolls and a copy of such notice shall be  
8                   conspicuously posted upon the premises, or as close thereto on  
9                   adjoining public property or public or private easement or right-of-  
10                  way as practicable.

11                  (3)       If the vehicle remains in violation after the ten calendar day period, the  
12                  enforcement officer shall cause such vehicle to be removed by and  
13                  released to an approved wrecker service for disposal pursuant to Fla.  
14                  Stat. Ch. 713, as it may be amended from time-to-time.

15                  (4)       The authorization in this section for the towing of abandoned and  
16                  inoperable vehicles shall not be construed so as to negate the authority  
17                  of the Hernando County Sheriff to remove abandoned, wrecked,  
18                  dismantled, or inoperable motor vehicles under any other law or  
19                  ordinance.

1           Sec. 20-22. - Failure to Remove; ~~Misdemeanor~~ Civil Penalties.

2           ~~Any person who fails, neglects or refuses to remove an abandoned or inoperative~~  
3           ~~vehicle or to properly store such vehicle and abate such nuisance in accordance with~~  
4           ~~the notice given pursuant to the provisions of section 20-21 shall, upon conviction~~  
5           ~~thereof, be guilty of a misdemeanor and be punished as provided in section 1-8 of this~~  
6           ~~Code; provided that this section shall not prevent issuance of a citation pursuant to~~  
7           ~~code enforcement procedures authorized under Florida law and this Code. Any~~  
8           ~~person or entity violating any of the provisions of this article shall be prosecuted as~~  
9           ~~described in Hernando County Code chapter 2, article III, as amended from time to~~  
10           ~~time. Each incident or separate occurrence of an act that violates this article shall be~~  
11           ~~deemed a separate offense.~~

12           Sec. 20-23. - Entry upon Private Property for Removal or Abatement under Specified  
13           Circumstances; Authorized.

14           (a)    Any person in charge or control, whether as owner, tenant, occupant, lessee  
15           or otherwise, of property on which an abandoned or inoperative vehicle shall  
16           be situate and who fails to remove such vehicle in accordance with a ~~citation~~  
17           ~~which has become final and unappealable~~ as notice issued by the a code  
18           enforcement officer or county sheriff, or their duly authorized agents, shall  
19           permit access to such property by any duly authorized agent of the county for  
20           the purpose of examining or removing such vehicle or vehicles. It shall be

1 unlawful for any person to interfere, hinder, or refuse to allow such person so  
2 authorized to enter upon private property for the purpose of enforcing the  
3 provisions of this article.

4 (b) In the event that the person in charge or control of the property is the record  
5 owner of the property pursuant to current records of the county property  
6 appraiser, and such record owner fails to respond to a notice ~~of violation~~  
7 which is hand-delivered or sent certified mail, return receipt requested, within  
8 the time specified therein, such record owner shall be conclusively deemed to  
9 have waived any right to object to entry upon the property for purposes of  
10 examination and removal of abandoned or inoperative vehicles hereunder.

11 (c) Whenever the county may be authorized under the terms of this article to  
12 remove abandoned or inoperative vehicles from private property, the county  
13 is authorized to employ an independent contractor pursuant to procurement  
14 provisions of the code and related policies in order to accomplish such  
15 removal.

16 ~~Sec. 20-24. - Responsibility for Disposition.~~

17 ~~Where any vehicle is in such condition that it is no longer self-propelled, then~~  
18 ~~the person in charge or control, whether as owner, tenant, occupant, lessee or~~  
19 ~~otherwise, of the property on which such vehicle is situated shall remove and dispose~~  
20 ~~of such vehicle through a private contractor by private means. Where the person in~~

1 ~~charge or control of the property, whether as owner, tenant, occupant, lessee or~~  
2 ~~otherwise, after thirty (30) days of having been given written notice has failed to~~  
3 ~~remove the vehicle, then the code enforcement officer or county sheriff, or any~~  
4 ~~contractor employed for such purpose, is authorized to arrange for prompt removal;~~  
5 ~~but such action by the code enforcement officer or county sheriff or contractor shall~~  
6 ~~not provide a defense or excuse to the person in charge or control of such property~~  
7 ~~for failure to comply with this article. The person in charge or control of such~~  
8 ~~property shall pay and be jointly and severally liable for all costs incurred by the~~  
9 ~~county in effecting such removal. If payment is not made on demand, the actual costs~~  
10 ~~thereof, plus accrued interest at the statutory judgment rate from the date of the~~  
11 ~~completion of the work, shall be and constitute a lien against the property of such~~  
12 ~~owner, and such charge shall be collectible in the same manner as may now or~~  
13 ~~hereafter be provided for the collection or enforcement of liens generally.~~

14 ~~Sec. 20-25. - Notice and Disposition of Impounded Vehicles.~~

15 ~~Whenever the code enforcement officer or county sheriff or contractor~~  
16 ~~employed for such purpose removes any vehicle, under the provisions of this article,~~  
17 ~~from public or private property, the vehicle shall be disposed of as described in~~  
18 ~~Chapter 713 of the Florida Statutes, as amended from time to time, without regard~~  
19 ~~to whether the vehicle was removed from public or private property.~~

20 ~~Sec. 20-26. - Enforcement Officers for Removal from Public Property Designated.~~

1           ~~The code enforcement officer or county sheriff is designated as enforcement~~  
2           ~~officer for removal of abandoned vehicles from public property pursuant to Chapter~~  
3           ~~705 of the Florida Statutes, as amended from time to time.~~

4           **Section 2. 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 ordinance  
6           is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of  
7           the remaining portions of this ordinance.

8           **Section 3. 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          section of this Ordinance may be renumbered or relettered to accomplish such intention, and that the  
12          word "ordinance" may be changed to "section," "article," or other appropriate designation.

13          **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in  
14          conflict with the provisions of this ordinance are hereby repealed.

15          **Section 5. 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.

18



