## **Heidi Kurppe**

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>

Sent: Wednesday, September 9, 2020 10:00 AM

To: Ordinances

**Cc:** County Ordinances

Subject: [EXT.] -

Attachments: Hernando20200909\_Ordinance2020\_8\_Ack.pdf



**RON DESANTIS**Governor

**LAUREL M. LEE**Secretary of State

September 9, 2020

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

Attention: Ms. Heidi Kurppe, Deputy Clerk

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. 2020-8, which was filed in this office on September 9, 2020.

Sincerely,

Ernest L. Reddick Program Administrator

ELR/lb

1	ORDINANCE NO.: 2020- <u>8</u>
2	AN ORDINANCE REMOVING THE PROHIBITION AGAINST THE USE OF
3	FIREWORKS DURING A "DESIGNATED HOLIDAY" TO COMPLY WITH THE
4	PREEMPTION SET FORTH IN SECTION 791.08 OF THE FLORIDA
5	STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION
6	IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING
7	PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.
8	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
9	COUNTY:
10	Section 1. Statement of Legislative Intent. Section 791.08 of the Florida Statutes creates
11	an exemption from the prohibition of fireworks use on "designated holidays." Section 18-123 of the
12	Hernando County Code of Ordinances is amended to conform to this exemption.
13	Section 2. Exemption to Prohibition Against Fireworks Displays. Chapter 18, Article
14	IV, Section 18-123(a) of the Hernando County Code of Ordinances is amended as follows:
15	Section 18-123. Prohibition(s).
16	(a) Prohibition generally. It is unlawful for any person, firm, co-partnership, or
17	corporation to have in its possession, to offer for sale, expose for sale, sell at retail
18	or use or explode any fireworks. This subsection does not prohibit the use of

1	fireworks during a "designated holiday," as that term is defined by Section 791.08(1),
2	Florida Statutes, as it may be amended or renumbered from time-to-time.
3	Section 3. Amendment to Land Development Regulations. Chapter 23, Article VII,
4	Division 1, Section 23-229 of the Hernando County Code of Ordinances is amended as follows:
5	Sec. 23-229 Created.
6	(a) Necessity of land development regulations: Pursuant to section; 163.3202, Florida
7	Statutes, as may be amended or renumbered from time to time, the county shall adopt or
8	amend and enforce land development regulations that are consistent with and implement its
9	adopted comprehensive plan.
10	(b) Compilation: The Hernando County Land Development Regulations ("land development
11	regulations" or "LDRs") are located throughout the Hernando County Code of Ordinances
12	and shall collectively comprise the following chapters or provisions of the code:
13	(1) Chapter 8, Buildings and Building Regulations.
14	(2) Chapter 10, Community Appearance Regulations.
15	(3) Chapter 13, Flood Damage Prevention and Protection Regulations.
16	(4) Chapter 18, Article II, Pain Management Clinic Registration.
17	(5) Chapter 18, Article III, Sexually Oriented Business.
18	(6) Chapter 18, Article IV, Fireworks.

1	(7) (6) Chapter 19, Mining Regulations.
2	(8) (7) Chapter 23, Planning.
3	(9) (8) Chapter 24, Roads and Bridges, Article I, Section 24-2, Frontage Road
4	Regulations.
5	(10) (9) Chapter 26, Subdivision Regulations.
6	(11) (10) Chapter 28, Utilities, Article III, Division 3, Individual Sewage Disposal
7	Systems.
8	(12) (11) Chapter 28, Utilities, Article VII, Groundwater Protection and Siting.
9	(13) (12) Appendix A, Zoning.
10	Section 4 Severability. It is declared to be the intent of the Board of County
10 11	Section 4 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
11	Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
11 12	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
11 12 13	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.
11 12 13 14	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 5. Inclusion in the Code. It is the intention of the Board of County Commissioners
11 12 13 14 15	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 5. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall

1	Section 6. Conflicting Provisions Repealed. All ordinances or parts of ordinances in
2	conflict with the provisions of this ordinance are hereby repealed.
3	Section 7. Effective Date. This ordinance shall take effect immediately upon receipt of
4	official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
5	been filed with said office.
6	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
7	HERNANDO COUNTY in Regular Session this 8th day of September 2020
8 9 10	BOARD OF COUNTY COMMISSIONERS HERNANDO COUNTY, FLORIDA
11 12 13 14 15	Attest: Heid Kurgre, D.C.  By:  JOHN MITTEN  Clerk  Chairman
16 17 18 19 20 21 22	Approved for Form and Legal Sufficiency  Assistant County Attorney  Chairman  Chairman  Chairman  Chairman  Chairman
	COUNTY CO