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**ORDINANCE NO.: 2020 - 10**

AN ORDINANCE AMENDING HERNANDO COUNTY CODE SECTION 15-163 TO PROVIDE FOR DEFINITIONS AND FOR DECLARATIONS OF A PUBLIC NUISANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

**Section 1. Providing Definitions and for Declarations of a Public Nuisance.** Hernando County Code § 15-163, “Prohibited Conditions; Exemptions,” is hereby renamed and amended to read as follows:

Sec. 15-163 - Definitions; Prohibited Conditions; Public Nuisances Declared; Exemptions.

~~(a) Any accumulation of weed growth or grass excluding seed pods, to a height in excess of eighteen (18) inches high where such growth or accumulation increases the conditions leading to a haven or breeding place for snakes, rats, rodents or other vermin of like or similar character, or creates a breeding place for mosquitos, creates a fire hazard to adjacent properties or adversely affects or impairs the economic welfare of adjacent properties or creates a hazard at road intersections or rights-of-way within the county shall be declared a public code violation and is hereby~~

1 ~~prohibited. Dead, decaying, or living trees that pose an actual threat of damage to~~  
2 ~~public property, rights-of-way, or utilities are hereby declared to be a public code~~  
3 ~~violation. Said public code violations shall be unlawful in any unincorporated areas~~  
4 ~~of the county. Prohibited conditions of this section shall apply to the various zoning~~  
5 ~~districts in the following manner:~~

6 ~~(1) Weed growth and the grass height provisions shall be applicable to all~~  
7 ~~tracts or parcels of land to the extent the accumulation of weed growth and grass~~  
8 ~~height lies within one hundred (100) feet of any improved property, with the~~  
9 ~~exception of parcels that are zoned Agricultural, A/R, A/R1, A/R2, County 2.5, or~~  
10 ~~Conservation, as those categories are defined in appendix A to the Hernando County~~  
11 ~~Code.~~

12 ~~(2) The weed growth and the grass height provisions shall not apply to~~  
13 ~~parcels with natural vegetation which shall be defined as any parcel of land~~  
14 ~~considered naturally vegetated if the parcel has not been cleared or mowed~~  
15 ~~subsequent to January 17, 1984, except those lots mowed for the first time as a result~~  
16 ~~of Ordinance 95-17.~~

17 ~~(b) It shall be unlawful for any owner or occupant of property to permit or~~  
18 ~~maintain, or for any person to cause, an accumulation of rubbish, waste, trash, or~~  
19 ~~debris, decaying vegetative matter, exposed salvageable material or other manmade~~

1 ~~materials upon any lot, tract, or parcel of land where the effect of such accumulation~~  
2 ~~is to cause or create:~~

3 ~~(1) An actual or potential haven or breeding place for snakes, rats,~~  
4 ~~rodents or other vermin of like or similar character, or~~

5 ~~(2) An actual or potential breeding place for mosquitos; or~~

6 ~~(3) A fire hazard to adjacent properties; or~~

7 ~~(4) An adverse effect on or impairment of the economic welfare of~~  
8 ~~adjacent properties; or~~

9 ~~(5) A hazard to traffic at road intersections or rights-of-way within the~~  
10 ~~county; or~~

11 ~~(6) A nuisance as defined by law, or other unsanitary condition; or~~

12 ~~(7) A visual nuisance or other unsightly condition visible from adjoining~~  
13 ~~public or private property.~~

14 ~~Provided however, that paragraphs (4) and (7) shall not apply to generally accepted~~  
15 ~~horticultural, agricultural or environmental enhancement practices, including but not~~  
16 ~~limited to use of decaying vegetative matter for composting, mulching, or habitat~~  
17 ~~creation, or to a reasonable and timely accomplished process of clearing and~~  
18 ~~removing overgrown vegetation.~~

19 ~~(c) For purposes of this section, "rubbish, waste, trash or debris" shall mean and~~  
20 ~~include without limitation garbage, rubbish and refuse from residential, commercial,~~



1 ~~or industrial activities, including animal waste, kitchen and table food waste or other~~  
2 ~~waste that is attendant with or results from the storage, preparation, cooking or~~  
3 ~~handling of food material, paper, wood scraps, cardboard, cloth, glass, rubber,~~  
4 ~~plastic, discarded vehicle tires or other vehicle or watercraft fixtures or parts,~~  
5 ~~household goods and appliances, tools and equipment, and similar materials.~~

6 (d) ~~Proof of adverse effect, impact or impairment to economic welfare shall not~~  
7 ~~require expert opinion testimony or a showing of any specific decrease in property~~  
8 ~~value and may be given by fact-based opinion of affected property owners or~~  
9 ~~occupants or any other person generally knowledgeable concerning property in the~~  
10 ~~area.~~

11 (a) Definitions. The following definitions shall apply in the interpretation,  
12 enforcement, and intent of this section:

13 Department shall mean the Hernando County Code Enforcement Department.

14 Litter shall have the same definition as is provided for the word in Fla. Stat.  
15 § 403.413(2)(f), as it may be amended from time-to-time.

16 Owner means a holder or holders of any legal or equitable estate in the  
17 premises, whether alone or jointly with others, or whether in possession or not and  
18 shall include all individuals, associations, partnerships, corporations, or those whose  
19 names appear on the tax rolls of Hernando County; or others who have interest in the  
20 premises and who are in possession or control thereof, as agents of the owner, as

1 executor, executrix, administrator, trustee, or guardian of the estate of the owner.

2 Any such person thus representing the owner or owners shall be bound to comply  
3 with the provisions of this article and of the rules and regulations adopted pursuant  
4 hereto, to the same extent as if such person were the owner.

5 Person means any individual, firm, corporation, association, partnership or  
6 entity.

7 Vehicle is synonymous with "motor vehicle," as that term is defined in Fla.  
8 Stat. § 320.01(1), as it may be amended from time-to-time.

9 Vessel shall have the same definition as is provided for the word in Fla. Stat.  
10 § 327.02, as it may be amended from time-to-time.

11 Waste Material shall include, but not be limited to, litter, garbage, trash,  
12 rubbish, and refuse from residential, commercial, or industrial activities, including  
13 animal waste; kitchen and table food waste or other waste that is attendant with or  
14 results from the storage, preparation, cooking or handling of food material; paper,  
15 wood scraps, cardboard, cloth, glass, rubber, and plastic; mechanical equipment and  
16 parts, including vehicle, vessel, aircraft, or appliance fixtures or parts; household  
17 goods and appliances; tools and equipment; scrap, building material, scrap  
18 contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles,  
19 glass, scrap iron, machinery, rags, paper, excelsior, mattresses, beds, bedding, or  
20 other exposed salvageable material; trash, yard trash, cuttings from vegetation, and

1 other decaying vegetative materials (except for compost piles); hazardous waste,  
2 construction and demolition debris, industrial waste, or other discarded materials,  
3 including material or containers from domestic, commercial, or agricultural  
4 operations, or any other kind of waste material. This may include inoperative or  
5 partially dismantled vehicles, trailers, boats, machinery, appliances, or other similar  
6 articles.

7 (b) The following conditions existing on real property, individually or in any  
8 combination, shall constitute a public nuisance in violation of this article, the  
9 abatement of which is necessary to protect the health, safety, and welfare of the  
10 County's residents:

11 (1) Vegetative growth in excess of 18 inches in height on any lot, tract,  
12 or parcel of land, improved or unimproved, located within 100 feet  
13 of any improved property, or within 25 feet of any federal, state, or  
14 county road right-of-way; provided, that the provisions of this  
15 subsection shall not apply to:

16 (A) Undisturbed lots where vegetation has not been previously  
17 removed or maintained; or,

18 (B) Parcels that are zoned Agricultural, A/R, A/R1, A/R2, County  
19 2.5, or Conservation, as those zoning districts are defined in  
20 Appendix A to the Hernando County Code, or,



- 1                   (C) Vegetation within wetlands and storm water retention lake  
2                               littoral zones; or,  
3                   (D) Cultivated flowers, trees, ornamentals, or food plants.
- 4           (2) The accumulation of waste materials on any lot, track, or parcel of  
5                   land where such accumulation creates an actual or potential:
- 6                   (A) Haven or breeding place for snakes, rats, rodents, or other  
7                               vermin of like or similar character; or,  
8                   (B) Breeding place for mosquitos or other pestiferous arthropods;  
9                               or,  
10                  (C) Fire hazard to adjacent properties; or,  
11                  (D) Hazard at road intersections or rights-of-way; or,  
12                  (E) Violation of an applicable statute, regulation, or ordinance.
- 13           (3) Any condition conducive to the breeding of rats, vermin, flies,  
14                   mosquitoes, or other arthropods that are capable of transmitting  
15                   diseases directly or indirectly to humans.
- 16           (4) Any condition prohibited by Fla. Stat. §§ 309.02 (Deposit of Material  
17                   on Wharf or Quay); 403.413 (Florida Litter Law), 823.01 (Public  
18                   Nuisances Prohibited), 823.041(Disposal of Animal Carcasses); or  
19                   823.07-823.08 (Disposal of Mechanical Equipment and Appliances).

1                   as those statutes, each of which is incorporated herein by reference,  
2                   may be amended from time-to-time; and,

3           (5)   Any condition prohibited by Hernando County Code § 15-170  
4                   (Prohibited Conditions for Vacant Structures), as that ordinance,  
5                   which is incorporated herein by reference, may be amended from  
6                   time-to-time; and,

7           (6)   Any other condition the physical existence of which has been  
8                   declared to be a public nuisance or otherwise made illegal in the  
9                   Hernando County Code, as it may be amended from time-to-time.

10           **Section 2. Severability.** It is declared to be the intent of the Board of County  
11   Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
12   ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
13   the validity of the remaining portions of this ordinance.

14           **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
15   of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
16   become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,  
17   the section of this Ordinance may be renumbered or relettered to accomplish such intention, and that  
18   the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

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



1           **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of  
2 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has  
3 been filed with said office.

4           **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
5 **HERNANDO COUNTY** in Regular Session this 22<sup>nd</sup> day of September 2020.

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

Attest: Heidi Kuppel, D.C. By: [Signature]  
*for* DOUGLAS CHORVAT, JR. JOHN MITTEN  
Clerk Chairman

Approved for Form and Legal Sufficiency

[Signature]  
Deputy County Attorney

