

ORDINANCE NO.: 2023-__

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, OF THE HERNANDO COUNTY CODE, CODE ENFORCEMENT TO REVISE THE PROCEDURES APPLICABLE TO THE PROSECUTION OF CODE ENFORCEMENT VIOLATIONS; AMENDING SEC. 2-46, DEFINITIONS; RENUMBERING SPECIFIED CODE SECTIONS; CREATING A NEW SEC. 2-55, NOTICES TO APPEAR; 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. Amendment of Hernando County Code Section 2-46. Hernando County Code § 2-46, Definitions, is hereby amended to read as follows:

Sec. 2-46. Definitions.

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

Civil penalty means the amount of money that a violator can choose to pay in lieu of contesting a civil violation notice. A violator who contests a civil violation notice automatically waives the option of paying the civil penalty.

Code officer shall mean all law enforcement officers and those employees or other agents of the county duly authorized and appointed by the county administrator whose duty it is to assure compliance with county codes.

1 Codes shall mean the Hernando County Code of Ordinances and all codes and
2 statutes adopted by reference within the Code of Ordinances, as now existing or as
3 may be amended by ordinance from time to time.

4 Continuing violations are those violations which remain uncorrected beyond
5 the prescribed time period for correction contained in the civil violation notice. For
6 each day of continued violation after the time period for correction has run, an
7 additional penalty in the same amount as for the original violation shall be added.

8 Fine shall mean a monetary penalty that the special master orders a violator
9 to pay as punishment for a violation of the Codes following either an administrative
10 hearing or the violator's default.

11 Law enforcement officer shall have the same meaning as is provided for in
12 Fla. Stat. § 943.10, as it may be amended.

13 Notice to appear means a written notice issued by a code officer that requires
14 a violator to appear before the special master at a specified date and time.

15 Repeat violation shall mean a violation of a provision of the Code of
16 Ordinances by a person who has been previously found to have violated the same
17 provision within five (5) years prior to the violation, notwithstanding the violations
18 occur at different locations.

1 Violator shall mean the person responsible for the code violation, which, in
2 the appropriate circumstances, shall either be the perpetrator of the violation or the
3 owner of the real property upon which the violation occurred.

4 **Section 2. Renumbering Specified Code Sections.** Hernando County Code Sections 2-55
5 through 2-58 are renumbered as Sections 2-56 through 2-59 thereof, respectively.

6 **Section 3. Creating Hernando County Code Section 2-55.** Hernando County Code § 2-
7 555, Notices to Appear, is hereby created to read as follows:

8 [Sec. 2-55. Notices to Appear.](#)

9 [As an alternative to the procedures set forth in Hernando County Code §§ 2-
10 51\(g\)\(7\), 2-51\(g\)\(10\)-\(11\), and 2-52, a code officer may serve a violator with a notice
11 to appear at a previously-scheduled hearing before the special master; provided, that
12 the code officer, based upon personal investigation, has reasonable cause to believe
13 that a violation of the Hernando County Code has occurred. A notice to appear shall
14 include, at a minimum, all of the items listed in Hernando County Code § 2-54\(a\),
15 as it may be amended, and may provide for a civil penalty.](#)

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

1 **Section 5. Inclusion in the Code.** It is the intention of the Board of County Commissioners
2 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
3 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
4 sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that
5 the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

6 **Section 6. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
7 conflict with the provisions of this ordinance are hereby repealed.

8 **Section 7. Effective Date.** This ordinance shall take effect immediately upon receipt of
9 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
10 been filed with said office. The revised procedures set forth in Section 1 of this ordinance shall apply
11 prospectively to code enforcement cases that are initiated after that date.

12 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
13 COUNTY in Regular Session this _____ day of _____ 2023.

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

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17
18 Attest: _____
19 DOUGLAS CHORVAT, JR.
20 Clerk and Comptroller

By: _____
 JOHN ALLOCCO
 Chairman

21
22 Approved for Form and Legal Sufficiency

23
24 *Jon Jouben*
25 _____
26 County Attorney