

ORDINANCE NO.: 2025 -__

AN ORDINANCE PROHIBITING THE ABANDONMENT OF NEWSPAPER VENDING MACHINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Prohibition Against Abandoning Newspaper Vending Machines. A new Hernando County Code § 21-6, to be entitled “Abandonment of Newspaper Vending Machines,” is hereby created to read as follows:

Abandonment of Newspaper Vending Machines

A. Legislative Intent. Abandoned newspaper vending machines are eyesores that are frequently transformed into makeshift garbage cans. Also, graffiti and criminal activities gravitate toward them. The Hernando County Board of County Commissioners enacts this section to protect Hernando County’s aesthetics and its residents’ quality of life.

B. Definitions. As used in this Section:

1. “Code Enforcement Officer” means any employee designated as a code enforcement officer pursuant to Fla. Stat. §§ 125.69 or 162.21, as they may be amended from time to time.

1 2. “Law Enforcement Officer” shall have the same definition as provided
2 for in Fla. Stat. § 705.101(2), as it may be amended from time to time.

3 3. “Newspaper Vending Machine” shall mean any self-service
4 complimentary or coin/money-operated, cubicle-shaped box, crate, container, carton
5 or storage bin that has a door, window or latch and which contains or offers to the
6 public any printed material that includes, but is not limited to, newspapers, circulars,
7 flyers and/or advertisements, whether commercial or noncommercial.

8 4. “Nominal Salvage Value” means the value of an article of abandoned
9 or derelict property (which value a reasonably prudent person would believe is the
10 fair market value of the property, taking into consideration its useful life, earning
11 capacity or replacement cost, less depreciation and items of general or special
12 depreciation) that would be nominally greater than the costs of salvage, including the
13 removal, transportation, storage and sale of the same.

14 5. “Officer” shall mean any Hernando County Law Enforcement Officer
15 or Code Enforcement Officer, as those terms are defined herein.

16 6. “Public Property” shall have the same definition as provided for in
17 Fla. Stat. § 705.101(5), as it may be amended from time to time.

18 C. Abandoned Newspaper Vending Machines. It shall be unlawful for any
19 person to abandon a newspaper vending machine on public property. A newspaper
20 vending machine shall be considered abandoned and subject to removal if:

1 1. It remains empty for a period of sixty (60) days; or,

2 2. It is in such a wrecked, inoperable, graffiti-covered, or partially
3 dismantled state that it has no value other than nominal salvage value.

4 D. Abatement. An officer shall utilize the procedures set forth in Fla. Stat. §
5 705.103, as it may be amended from time to time, in the event he or she discovers an
6 abandoned newspaper vending machine on public property.

7 E. Enforcement. In addition to the foregoing, any violation hereunder may be
8 prosecuted as described in Hernando County Code Chapter 2, Article III, as it may
9 be amended or renumbered.

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 the
13 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, the
17 sections 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.

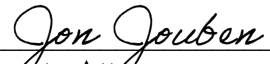
1 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of
 2 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
 3 been filed with said office.

4 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
 5 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 20__.

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

11 Attest: _____
 12 DOUGLAS CHORVAT, JR.
 13 Clerk and Comptroller

 By: _____
 BRIAN HAWKINS
 Chairman

16 Approved for Form and Legal Sufficiency
 17
 18 
 19 _____ County Attorney