

1 rates and methods, fertilizer-free zones, low maintenance zones, and exemptions.

2 The article requires the use of best management practices which provide specific
3 management guidelines to minimize negative secondary and cumulative
4 environmental effects associated with the misuse of fertilizers. These secondary and
5 cumulative effects have been observed primarily in and on Hernando County's
6 springs, and also in and on Hernando County's natural and constructed stormwater
7 conveyances, rivers, creeks, canals, lakes, estuaries and other water bodies.
8 Collectively, these water bodies are an asset critical to the environmental,
9 recreational, cultural and economic well-being of Hernando County residents and the
10 health of the public. Overgrowth of algae and vegetation also hinders the
11 effectiveness of flood attenuation provided by natural and constructed stormwater
12 conveyances. Regulation of nutrients, including both phosphorus and nitrogen
13 contained in fertilizer, will help improve and maintain water and habitat quality.

14 Sec. 28-506. Definitions.

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

18 *Application* or *Apply* shall mean ~~the actual physical treatment of turf or~~
19 ~~landscape plants with fertilizer for the purpose of supplying chemical components~~

1 ~~for healthy growth~~ the physical deposit, placement, or release of fertilizer upon soil,
2 turf, or landscape plants.

3 *Applicator* shall mean any person who applies fertilizer on turf ~~and/or~~
4 landscape plants.

5 *Best Management Practices (BMPs) or Green Industry Best Management*
6 *Practices (GI-BMPs)* shall mean turf and landscape practices or combination of
7 practices based on research, field testing, and expert review, determined to be the
8 most effective and practicable on-location shall mean, including economic and
9 technological considerations, for improving water quality, conserving water supplies
10 and protecting natural resources. Best management practices for Florida fertilizer
11 application that are especially applicable to Hernando County are those developed
12 and promulgated by the ~~University of Florida Institute of Food and Agricultural~~
13 ~~Sciences (IFAS)~~ UF/IFAS and the ~~Florida Department of Environmental Protection~~
14 ~~(FDEP)~~ including, but not limited to, the most current version of the FDEP's
15 "Florida-Friendly Best Management Practices for Protection of Water Resources by
16 the Green Industries," and, "Best Management Practices for the Enhancement of
17 Environmental Quality on Florida Golf Courses."

18 *Bank* shall mean, in reference to a water body, the slope immediately
19 bordering the normal expanse of water in the applicable body. The top-of-bank is the
20 top of the slope.

1 *Commercial Fertilizer Applicator* or *Commercial Fertilizer Application* shall
2 mean any person, except as provided in section 482.1562(9), Florida Statutes, who
3 applies fertilizer, or the act of applying fertilizer, for payment or other consideration
4 to property not owned by the person or firm applying the fertilizer or the employer
5 of the applicator.

6 *Compost* means a mixture of decaying organic matter, as from leaves and
7 *manure, used as an amendment to improve soil structure and provide nutrients. The*
8 *composting process is largely the result of the activity of aerobic organisms.*
9 *Compost reduces the need to fertilize because nutrients are supplied in a slow-release*
10 *manner. Compost does not include material that has been modified by the addition*
11 *of inorganic fertilizers.*

12 *Fertilize, Fertilizing, or Fertilization* shall mean the application of fertilizer.

13 *Fertilizer* shall mean any substance that contains one (1) or more recognized
14 plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides
15 other soil enrichment, or, provides other corrective measures to the soil.

16 *Fertilizer-Free Zone* shall mean an area a minimum of ~~ten~~ twenty-five (25)
17 feet wide adjacent to any pond, stream, river, spring, watercourse, lake, canal, or
18 wetland as measured from the top-of-bank or the face of the seawall.

19 *Golf Course* means any public or private area of land designed and used
20 *exclusively for playing or practicing golf, including tees, fairways, greens, rough*

1 areas, hazards and driving ranges (stand-alone ranges or those associated with a golf
2 course). *Golf Course* also includes clubhouses and all facilities that are adjacent to,
3 and associated with, the uses that are listed in the preceding sentence. Golf-related
4 structures or features on residentially zoned private land shall not constitute a golf
5 course.

6 *FDEP* means the Florida Department of Environmental Protection.

7 *Heavy Rain* shall mean rainfall events that have occurred, are occurring, or
8 are forecast as likely to occur within the ensuing twenty-four (24) hours with a total
9 accumulation of two (2) inches or more for any portion of Hernando County.

10 *Institutional Applicator* shall mean any person, other than a private,
11 non-commercial; or a commercial fertilizer applicator (unless such definitions also
12 apply under the circumstances), who applies fertilizer for the purpose of maintaining
13 turf ~~and~~/or landscape plants to areas other than individual private residential
14 properties. *Institutional Applicator*s shall include, but shall not be limited to, owners,
15 managers or employees of public lands, governmental entities, utilities, schools,
16 parks and golf courses, religious institutions, hospitals, community organizations,
17 industrial or business sites and any residential areas maintained in condominium
18 ~~and~~/or common ownership. *Institutional Applicators* that are also commercial
19 fertilizer applicators must meet the applicable requirements of this article for
20 commercial fertilizer applicators.

1 *Landscape Plant* shall mean any native or exotic tree, shrub, or groundcover
2 (excluding turf).

3 *Limited Certification for Urban Landscape Commercial Fertilizer*
4 *Application* (the “State Certification”) shall mean a certification issued by the
5 Florida Department of Agriculture and Consumer Services to a commercial
6 applicator that certifies successful completion of required training and testing in
7 ~~University of Florida IFAS~~ the UF/IFAS’ Green Industry Best Management
8 Practices (GI-BMPs), pursuant to the requirements of section 482.1562, Florida
9 Statutes.

10 *Low Maintenance Zone* shall mean an area a minimum of ten (10) feet wide
11 adjacent to water courses that is planted, preferably with native or Florida-Friendly
12 Landscaping™, and managed in order to minimize the need for fertilization,
13 pesticide application, watering, or mowing.

14 *Person* shall mean any and all persons, natural or artificial, including any
15 individual, firm, or association; any municipal or private corporation organized or
16 existing under the laws of Florida or any other state; any county of the state; and any
17 governmental agency of the state or the federal government.

18 *Prohibited Application Period* shall mean ~~the time period during which~~
19 ~~application of fertilizers containing nitrogen and/or phosphorus to turf and/or~~
20 ~~landscape plants is prohibited~~ the time period during which a Flood Watch or

1 Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning
2 is in effect for any portion of Hernando County, issued by the National Weather
3 Service, or if more than two (2) inches of rain are forecasted within a
4 twenty-four-hour period.

5 *Saturated Soil* shall mean a soil in which the voids are filled with water.
6 Saturation does not require flow. For the purposes of this article, soils shall be
7 considered saturated if standing water is present or the pressure of a person standing
8 on the soil causes the release of free water.

9 *Slow- or Controlled-Release Fertilizer* shall mean nitrogen in a form ~~which~~
10 ~~delays its availability for plant uptake and use after application, or which extends its~~
11 ~~availability to the plant significantly longer than a referenced “rapidly available~~
12 ~~nutrient fertilizer” such as ammonium nitrate or urea. that delays its availability for~~
13 plant uptake and use for an extended period after application, or that extends its
14 availability to the plant longer than a readily available, rapid, or quick-release
15 product, including but not limited to ammonium nitrate and urea. This definition
16 includes the terms “controlled release,” “timed release,” “slowly available,” and
17 “water insoluble.”

18 *Sports Turf* shall mean non-agricultural land planted exclusively for golf
19 courses, parks and athletic fields.

1 *Turf, Sod₂* or *Lawn* shall mean a piece of grass-covered soil held together by
2 the roots of the grass.

3 *Urban Landscape* shall mean pervious areas on residential, commercial,
4 industrial, institutional, highway rights-of-way, or other nonagricultural lands that
5 are planted or maintained with turf or landscape plants. For the purposes of this
6 section, agriculture has the same meaning as in section 570.02, Florida Statutes.

7 *UF/IFAS* means the University of Florida's Institute of Food and Agricultural
8 *Sciences.*

9 *Wetlands* as defined in section § 373.019(27), Florida Statutes, as it may be
10 amended, means those areas that are inundated or saturated by surface water or
11 ground water at a frequency and a duration sufficient to support, and under normal
12 circumstances do support, a prevalence of vegetation typically adapted for life in
13 saturated soils. Soils present in wetlands generally are classified as hydric or alluvial,
14 or possess characteristics that are associated with reducing soil conditions. The
15 prevalent vegetation in wetlands generally consists of facultative or obligate
16 hydrophytic macrophytes that are typically adapted to areas having soil conditions
17 described above. These species, due to morphological, physiological, or reproductive
18 adaptations, have the ability to grow, reproduce or persist in aquatic environments
19 or anaerobic soil conditions. Florida wetlands generally include swamps, marshes,
20 bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps

1 and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other
2 similar areas. Florida wetlands generally do not include longleaf or slash pine
3 flatwoods with an understory dominated by saw palmetto.

4 Sec. 28-507. Applicability.

5 This article shall be applicable to and shall regulate any and all applicators
6 of fertilizer and areas of application of fertilizer to urban landscapes within the
7 unincorporated area of Hernando County, unless such applicator or application is
8 specifically exempted by the terms of this article from the regulatory provisions of
9 this article. This article shall be prospective only, and shall not impair any existing
10 contracts.

11 Sec. 28-508. Timing of Fertilizer Application.

12 (a) ~~No applicator shall apply fertilizers containing nitrogen and/or~~
13 ~~phosphorus to turf and/or landscape plants during any of the following prohibited~~
14 ~~application periods:~~ No person or applicator shall apply fertilizer containing nitrogen
15 or phosphorus to turf or landscape plants during the prohibited application period or
16 to saturated soils.

17 (1) ~~During the time period when a flood watch or warning, or a~~
18 ~~tropical storm watch or warning, or a hurricane watch or warning issued by the~~
19 ~~National Weather Service is in effect for any portion of Hernando County, or, the~~

1 ~~time period during which heavy rain is occurring, imminent, or forecast as likely by~~
2 ~~the National Weather Service for any portion of Hernando County.~~

3 (2) ~~Prior to seeding or sodding a site, and for the first thirty (30)~~
4 ~~days after seeding or sodding, except when hydro-seeding is used to accomplish~~
5 ~~immediate erosion control measures of a temporary or permanent nature on slopes~~
6 ~~(e.g., highway slopes, stormwater structure slopes, wildfire slopes, etc.). Planting of~~
7 ~~sprigs in turf is exempted from this requirement.~~

8 (b) ~~During the season of plant dormancy from January 1 through March~~
9 ~~31, only applicators trained, certified and registered under the terms of this article~~
10 ~~shall apply fertilizer containing nitrogen or phosphorus to turf. Only slow- or~~
11 ~~controlled-release fertilizer shall be applied during this period of time. The applicator~~
12 ~~shall maintain, and provide if requested, on-site verification of the slow- or~~
13 ~~controlled-release product being used during the application~~ No person or applicator
14 shall apply fertilizer containing nitrogen or phosphorus to turf or landscape plants
15 from December 15 through March 15.

16 (c) No person or applicator shall apply fertilizer containing nitrogen or
17 phosphorus to turf or landscape plants from June 1 through September 30.

18 (d) Fertilizer containing nitrogen shall not be applied before seeding or
19 sodding a site, and shall not be applied for the first thirty (30) days after seeding or
20 sodding, except when hydro-seeding for temporary or permanent erosion control in

1 an emergency situation (e.g., wildfire), or in accordance with the Stormwater
2 Pollution Prevention Plan for that site.

3 Sec. 28-509. Fertilizer-Free Zones.

4 (a) Fertilizer shall not be applied within a minimum of ten twenty-five
5 (+025) feet of the topof bank of any spring, pond, stream, watercourse, river, lake,
6 canal, or wetland as defined by the FDEP (Chapter 62-340, Florida Administrative
7 Code) ~~or from the top of a seawall unless a deflector shield, drop spreader, or liquid~~
8 ~~applicator with a visible and sharply defined edge, is used, in which case a minimum~~
9 ~~of three (3) feet shall be maintained. Newly planted turf and/or landscape plants may~~
10 ~~be fertilized in this zone once beginning thirty (30) days after planting if needed to~~
11 ~~allow the plants to become well established. Caution shall be used to prevent direct~~
12 ~~deposition of nutrients into the water. No mowed or cut vegetative material may be~~
13 ~~deposited or left remaining in this zone or deposited in the water. Care should be~~
14 ~~taken to prevent the over-spray of aquatic weed products in this zone.~~ If more
15 stringent Hernando County Code regulations apply, including those contained in
16 Chapter 23, Article VI, Riverine Protection, and other applicable sections, this
17 provision does not relieve the requirement to adhere to the more stringent
18 regulations.

1 **(b) Newly planted turf or landscape plants may be fertilized in this zone**
2 **once beginning thirty (30) days after planting if needed to allow the plants to become**
3 **well established.**

4 Sec. 28-510. Fertilizer Content and Application Rates.

5 (a) Fertilizers applied to turf within Hernando County shall be applied in
6 accordance with requirements and directions provided by Rule 5E-1.003(2), Florida
7 Administrative Code, ~~labels or tags~~ Specialty Fertilizer Label Requirements for
8 Urban Turf or Lawns, as it may be amended or renumbered from time to time, unless
9 otherwise specified in this section.

10 (b) Fertilizer containing nitrogen or phosphorus shall not be applied to
11 turf or landscape plants except as provided in (a) above for turf, or in ~~University of~~
12 ~~Florida IFAS~~ the UF/IFAS's recommendations for landscape plants, vegetable
13 gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified
14 by an approved test.

15 Sec. 28-511. Application Practices.

16 (a) Spreader deflector shields are required when fertilizing via rotary
17 (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are
18 deflected away from all impervious surfaces, fertilizer-free zones and water bodies,
19 including wetlands.

1 (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any
2 impervious surfaces.

3 (c) Any fertilizer applied, spilled, or deposited, either intentionally or
4 accidentally, on any impervious surface shall be immediately and completely
5 removed to the greatest extent practicable.

6 (d) Fertilizer released on an impervious surface must be immediately
7 contained and either legally applied to turf or any other legal site, or returned to the
8 original or other appropriate container.

9 (e) In no case shall fertilizer be washed, swept, or blown off impervious
10 surfaces into stormwater drains, ditches, conveyances, or water bodies.

11 (f) Fertilizer shall not be applied to saturated soils or in saturated soil
12 conditions.

13 Sec. 28-512. Management of Vegetative Matter.

14 In no case shall grass clippings, vegetative material, ~~and~~ or vegetative debris
15 be washed, swept, or blown off into stormwater drains, ditches, conveyances, water
16 bodies, wetlands, sidewalks or roadways. Any material or debris that is accidentally
17 so deposited into, or that may block, stormwater infrastructure shall be immediately
18 removed to the maximum extent practical and consistent with this article.

19 Sec. 28-513. Exemptions.

20 The provisions set forth above in this article shall not apply to:

1 ~~(1)~~(a) Bona fide farm operations as defined in the Florida Right to Farm Act,
2 section 823.14, Florida Statutes; provided, that fertilizers are applied in accordance
3 with the appropriate best management practices manual adopted by the Florida
4 Department of Agriculture and Consumer Services, Office of Agricultural Water
5 Policy for the crop in question; or,

6 ~~(2)~~(b) Other properties not subject to or covered under the Florida Right to
7 Farm Act that have pastures used for grazing livestock; provided, that fertilizers are
8 applied in accordance with the appropriate best management practices manual
9 adopted by the Florida Department of Agriculture and Consumer Services, Office of
10 Agricultural Water Policy for the crop in question; or,

11 ~~(3)~~(c) Any lands used for bona fide scientific research, including, but not
12 limited to, research on the effects of fertilizer use on urban stormwater, water quality,
13 agronomics, or horticulture; or,

14 (d) Yard waste, food compost, or mulch; or,

15 (e) Sports turf managed for active recreation, including, but not limited
16 to, on athletic fields; provided, that fertilizers are applied in accordance with the
17 document entitled UF/IFAS SL191 “Recommendations for N, P, K and Mg for Golf
18 Course and Athletic Field Fertilization Based on Mehlich III Extractant,” revision:
19 October 2013, which is hereby adopted and incorporated by reference into this

1 Article pursuant to Rule 5E-1.003(3)(b), Florida Administrative Code,” as that
2 regulation may be amended; or,

3 (f) Vegetable gardens, defined as a plot of ground where herbs, fruits
4 (fruit trees and shrubs), flowers, or vegetables are cultivated for human ingestion and
5 not for commercial sale, provided they are not within fifteen (15) feet of any water
6 body or wetland; or,

7 (g) Golf courses; provided, that:

8 (1) Fertilizers are applied by or under the direction of a
9 professional who possesses a valid certification from the UF/IFAS’ Florida Golf
10 Course Best Management Practices Certification Training, or its successor program;
11 and,

12 (2) Fertilizers are applied in compliance with the “Best
13 Management Practices for the Enhancement of Environmental Quality on Florida
14 Golf Courses,” which is hereby adopted and incorporated by reference into this
15 Article pursuant to Rule 5E-1.003(3)(c), Florida Administrative Code, “Labeling
16 Requirements for Sports Turf,” as this regulation may be amended.

17 Sec. 28-514. Applicator Training.

18 (a) All commercial applicators of fertilizer within Hernando County shall
19 abide by and successfully complete the ~~University of Florida IFAS~~ UF/IFAS’
20 “Florida-Friendly Best Management Practices for Protection of Water Resources by

1 the Green Industries,” training program or an approved equivalent. Successful
2 completion shall be evidenced by issuance of a training certificate and a ~~Limited~~
3 ~~Certification for Urban Landscape Commercial Fertilizer Application~~ State
4 Certification to the applicator.

5 (b) All institutional applicators of fertilizer within Hernando County shall
6 ensure that at least one (1) employee has completed the training program specified
7 in subsection (a) of this section and received a training certificate. The employee or
8 employees shall complete the training for the purpose of ensuring that fertilizer
9 application practices are planned and carried out in compliance with this article and
10 with ~~Green Industry best management practices~~ the Florida-Friendly Best
11 Management Practices for Protection of Water Resources by the Green Industries.

12 (c) Private, non-commercial, non-institutional applicators are encouraged
13 to follow the recommendations of the ~~University of Florida IFAS~~ UF/IFAS to assist
14 them in complying with the fertilizer application standards of this article. In the event
15 of a conflict between any provision contained within this article and the UF/IFAS’
16 Florida Yards and Neighborhoods program, the requirements of this article shall
17 apply.

18 Sec. 28-515. Applicator Licensing and Certification.

19 (a) ~~By January 1, 2014, all commercial fertilizer applicators within~~
20 ~~Hernando County shall have and carry in their possession at all times when applying~~

1 ~~fertilizer, a limited certification for urban landscape commercial fertilizer application~~
2 ~~or other approved evidence of certification by the Florida Department of Agriculture~~
3 ~~and Consumer Services as a commercial applicator per 5E-14.117(18) Florida~~
4 ~~Administrative Code.~~ All commercial fertilizer applicators performing fertilizer
5 application in Hernando County shall obtain a State Certification from the Florida
6 Department of Agriculture and Consumer Services pursuant to Fla. Stat. § 482.1562,
7 and Rule 5E-14.117(11), Florida Administrative Code, as they may be amended. A
8 commercial fertilizer applicator shall physically possess a copy of his or her active
9 State Certification at all times when he or she is applying fertilizer.

10 (b) ~~By January 1, 2014, a~~ All employees or agents of institutional
11 applicators shall be supervised on site during the application of fertilizer by at least
12 one (1) institutional applicator who shall have and carry in their possession at all
13 times when applying fertilizer, a ~~University of Florida IFAS~~ UF/IFAS
14 “Florida-Friendly Best Management Practices for Protection of Water Resources by
15 the Green Industries” training certificate.

16 Sec. 28-516. Registration of Commercial Fertilizer Applicators and Institutional
17 Applicators.

18 (a) ~~By January 1, 2014, a~~ All commercial fertilizer applicators shall
19 register with Hernando County prior to performing professional landscaping in
20 unincorporated Hernando County. Commercial fertilizer applicators must present an

1 active ~~“Limited Certification for Urban Landscape Commercial Fertilizer~~
2 ~~Application”~~ State Certification to successfully complete registration. Commercial
3 fertilizer applicators shall renew their Hernando County registration concurrent with
4 renewal of their ~~“Limited Certification for Urban Landscape Commercial Fertilizer~~
5 ~~Application”~~ State Certification.

6 (b) ~~By January 1, 2014, a~~All institutional applicators of fertilizer shall
7 register with Hernando County prior to applying fertilizer in unincorporated
8 Hernando County. Any institutional applicators seeking to register and remain
9 registered with the county shall have at least one (1) employee who holds an active
10 ~~University of Florida IFAS~~ UF/IFAS “Florida-Friendly Best Management Practices
11 for Protection of Water Resources by the Green Industries” training certificate.
12 Institutional applicators shall renew their registration every four (4) years with
13 presentation of an updated training certificate showing the completion of continuing
14 education units (CEUs) that meet state standards.

15 (c) Hernando County may assess initial and annual registration fees
16 sufficient to cover the cost of administration of the registration program.

17 Sec. 28-517. Low Maintenance Zones.

18 A voluntary ten-foot maintenance zone is strongly recommended, but not
19 mandated, from any pond, stream, water course, lake, wetland or from the top of a
20 seawall. A swale/berm system is recommended for installation at the landward edge

1 of this low maintenance zone to capture and filter runoff. No mowed or cut
2 vegetative material should be deposited or left remaining in this zone or deposited
3 in the water. Care should be taken to prevent the over-spray of aquatic weed
4 products in this zone. If more stringent Hernando County Code regulations apply,
5 including those contained in chapter 23, article VI, riverine protection, and other
6 applicable sections, this provision does not relieve the requirement to adhere to the
7 more stringent regulations.

8 Sec. 28-518. Notice to Consumers.

9 Persons, firms, corporations, franchises, and commercial establishments
10 selling fertilizers containing nitrogen or phosphorus shall prominently display, at the
11 point of distribution, a notice to customers that the use of lawn and landscape
12 fertilizers containing nitrogen or phosphorus within the county is restricted in
13 accordance with this article. Signage will be provided by Hernando County and shall
14 be displayed in a location that is clearly visible to consumers.

15 Sec. 28-51~~7~~⁹. Violations.

16 (a) Any person applying fertilizers in violation of any stipulation or
17 performance standard contained herein, including the best management practices and
18 other documents incorporated herein by reference, shall be subject to the remedies
19 and ~~or~~ penalties as provided for in this Article.

1 **(b) Each incident or separate occurrence of an act that violates this**
2 **Article, or in the case of continuous violations, each day a violation occurs or**
3 **continues, shall be deemed a separate offense.**

4 Sec. 28-51820. Enforcement, ~~Remedies, and Penalties.~~

5 ~~(a) Personnel of the county in the performance of their assigned duties~~
6 ~~or functions to enforce the provisions of this article may enter upon any property~~
7 ~~during normal work hours of the county and make examination to determine Code~~
8 ~~compliance that do not occasion damage or injury to private property or otherwise~~
9 ~~impair private property or personal rights. Any code enforcement officer or law~~
10 ~~enforcement officer with jurisdiction over the unincorporated areas of Hernando~~
11 ~~County may enforce the provisions of this Article.~~

12 **(b) Remedies:**

13 ~~(1) Personnel of the county in the performance of their assigned~~
14 ~~duties or functions may issue notice to all violators of this fertilizer ordinance and~~
15 ~~shall order that such violations cease.~~

16 ~~(2) If necessary, the governing body, or any appropriate official~~
17 ~~of the governing body, may institute appropriate action in a court of competent~~
18 ~~jurisdiction to enjoin any violation of the county's land development regulations~~
19 ~~and/or this zoning ordinance.~~

1 (3) ~~In addition, any violation hereunder may be prosecuted as~~
2 ~~described in Chapter 2, Article III of the Hernando County Code of Ordinances, as~~
3 ~~amended or renumbered from time to time.~~

4 (c) ~~Penalties. Any violation of the county's fertilizer ordinance may be~~
5 ~~prosecuted as follows:~~

6 (1) ~~Whenever in the county's fertilizer ordinance any act is~~
7 ~~prohibited, or is made or declared to be unlawful, or an offense; or whenever in such~~
8 ~~ordinance the doing of any act is required, or the failure to do any act is declared to~~
9 ~~be unlawful, then such act or failure to act shall be deemed a misdemeanor for the~~
10 ~~purposes of this article.~~

11 (2) ~~Each violation hereunder shall be deemed a separate offense~~
12 ~~and a separate offense shall be deemed committed on each day during or on which~~
13 ~~a violation occurs or continues. In assessing fines hereunder, the special master may~~
14 ~~consider whether the violator has been convicted of or pleaded guilty to prior~~
15 ~~violations of the county's fertilizer ordinance.~~

16 (3) ~~If any of the fines or penalties enumerated herein are~~
17 ~~invalidated by a court of competent jurisdiction, such invalidation shall be severable~~
18 ~~from the rest of the provisions in this fertilizer ordinance and such invalidity shall not~~
19 ~~extend to any other provision of this fertilizer ordinance including the statutory~~
20 ~~penalty for violation of county ordinances.~~

1 (4) ~~If any of the fines or penalties enumerated herein are~~
2 ~~invalidated, then the statutory penalty for violation of county ordinances shall be~~
3 ~~deemed to automatically apply to any violation of this fertilizer ordinance and in any~~
4 ~~event the court shall have the absolute right and discretion to impose the fines or~~
5 ~~penalties, or both, provided for in the statutory provision for violation of county~~
6 ~~ordinances instead of the fines and penalties provided for herein.~~

7 Any violation hereunder may be prosecuted as described in Hernando County
8 Code Chapter 2, Article III, Code Enforcement, as it may be amended. A violation
9 of this Article shall be considered irreparable or irreversible. Notwithstanding the
10 foregoing, nothing contained in this article shall be deemed to prohibit the County
11 from seeking enforcement by any other means provided by law, including, but not
12 limited to, filing an action for declaratory and injunctive relief in a court of
13 competent jurisdiction.

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

18 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
19 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
20 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,

1 the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and
2 that the word “ordinance” may be changed to “section,” “article,” or any other appropriate
3 designation.

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

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

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

11
12 **BOARD OF COUNTY COMMISSIONERS**
13 **HERNANDO COUNTY, FLORIDA**
14

15
16
17 Attest: _____
18 DOUGLAS CHORVAT, JR.
19 Clerk and Comptroller

20
21 By: _____
22 JOHN ALLOCCO
23 Chairman

24 Approved for Form and Legal Sufficiency

Jon Jouben

County Attorney