



City of North Port

ORDINANCE NO. 2024-17

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 2-511, RELATED TO FINES FOR TREE PROTECTION VIOLATIONS; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 6, 2024, the City Commission adopted Ordinance No. 2024-13, repealing the Unified Land Development Code, Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41, 45, 49, 53, 54, 55, 57, 58, 59, 60, and 61, and replacing those chapters with Chapters 1 through 4 and 6, and Appendices; and

WHEREAS, certain references in Chapter 2 of the Code of the City of North Port, Florida (“City Code”) are no longer accurate, as the Unified Land Development Code (“ULDC”) renamed the “Tree Fund” to the “Environmental Protection Fund” and revised regulations regarding tree removal ; and

WHEREAS, these amendments are required to achieve consistency between the City Code and the ULDC; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of this ordinance’s final reading.

SECTION 2 – ADOPTION

- 2.01 Chapter 2 of the Code of the City of North Port, Florida is hereby amended as follows:

“Chapter 2 – ADMINISTRATION

...

ARTICLE IX. – CODE ENFORCEMENT

...

Sec. 2-511. – Fines and liens.

...

(b) *Fine.*

(1) A fine imposed pursuant to this section shall not exceed the following amounts, unless otherwise provided by this Code or the ~~unified land development code~~ Unified Land Development Code:

...

b. Fines for violation of specific sections of the ~~unified land development code~~ Unified Land Development Code, Chapter ~~45~~ 6, Article VII. Tree Protection Regulations. Each unauthorized removal of a single tree regulated by this chapter shall be a separate violation or offense:

~~1.~~ \$100.00 per diameter inch at breast height (DBH) for each tree and \$200.00 per DBH for each heritage tree up to a maximum of \$5,000.00 per tree for harmful acts as described in Unified Land Development Code Chapter 6 for conducting an activity that requires a tree removal permit without first obtaining a tree removal permit.

2. \$100.00 per diameter inch at breast height (DBH) for each tree and \$200.00 per DBH for each heritage tree up to a maximum of \$5,000.00 per tree for conducting an activity that requires authorization pursuant to Unified Land Development Code Chapter 2 without first obtaining that authorization.

~~2-3.~~ In a case where tree removal has occurred and the number of trees removed is unable to be determined, \$15,000.00 fine shall be assessed per each 10,000 square feet of lot/parcel or fraction thereof. Each 10,000 square feet constitutes a separate violation.

4. When the city collects fines or receives payments of liens associated with violations described in Sec. 2-511.(b)(1)b, those funds shall be deposited into the city’s environmental protection fund as described in Unified Land Development Code Chapter 6, Article I, Section 6.1.3.

...”

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect on October 28, 2024.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on July 23, 2024.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on August 6, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY