City of North Port

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, PROVIDING FOR THE IMPOSITION AND COLLECTION OF NON-AD VALOREM SPECIAL ASSESSMENTS TO FUND COSTS INCURRED BY THE CITY IN ABATING NUISANCE CONDITIONS OF EXCESSIVE GROWTH OF GRASS AND NUISANCE WEEDS ON DEVELOPED LOTS, AND HAZARDOUS TREES AND ACCUMULATION OF DEBRIS ON ANY LOT; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 42 – NUISANCES, ARTICLE II – LOT CLEARING, TO CREATE SECTION 42-27; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 42, Article II of the Code of the City of North Port, Florida (the "City Code") addresses the abatement of nuisance conditions on lots to protect the health, safety, and general welfare of the citizenry and to enhance the properties and premises within the City by eliminating, among other things, excessive growth of grass and nuisance weeds, hazardous trees, and accumulation of debris (as such terms are defined therein); and

WHEREAS, as further described therein, nuisance conditions create unsanitary or unsafe conditions and in general appearance and condition, create a slum appearance which tends to have a decreasing value effect on the neighboring property and premises; and

WHEREAS, City Code Section 42-26 provides that the City may cause nuisance conditions to be abated, at the expense of the lot owner, if the lot owner does not abate the nuisance within a reasonable period of time as set forth in the notice of public nuisance; and

WHEREAS, City Code Section 42-26 further provides for the billing of the City's actual cost of abatement to the property owner, and for the imposition of a special assessment lien if the bill for actual abatement costs is not paid; and

WHEREAS, excessive growth of grass and nuisance weeds, hazardous trees, and the accumulation of debris create imminent risks both for the affected property and the broader public health and in essence create a burden necessitating remedial action by the City, and lot clearing and abatement services provided by the City relieve the burden created by such conditions and therefore convey a special benefit to the property receiving the services; and

WHEREAS, City-provided lot clearing and abatement services convey additional special benefits to affected lots which may include, but are not limited to, preventing decline in property value, improving aesthetics of property, marketability, and safety, by reducing fire hazards and improving access to the property; and

WHEREAS, Florida Statutes Section 197.3632 authorizes the City to use a uniform method for the levy, collection, and enforcement of special assessments for the collection of non-ad valorem special assessments on a property-owner's annual property tax bill in the same manner as provided for ad valorem taxes (the "Uniform Method"); and

WHEREAS, the City Commission of the City of North Port, Florida, intends to amend the City Code to provide that when not timely paid, the special assessment imposed against lots for the actual cost of abatement for excessive growth of grass and nuisance weeds, hazardous trees, and accumulation of debris may be collected pursuant to the Uniform Method; and

WHEREAS, the Uniform Method with its enforcement provisions, including the use of tax certificates and tax deeds for enforcing against any payment delinquencies, is less costly and more fair to property owners than the traditional lien foreclosure methodology; and

WHEREAS, the imposition of a non-ad valorem assessment to recover the actual cost incurred by the City in the abatement of excessive growth of grass and nuisance weeds, hazardous trees, and accumulation of debris, together with a pro rata share of any administrative costs involved (including amounts necessary to account for any statutory discount for the early payment of property taxes and non-ad valorem assessments, but excluding any applicable penalty or fine) provides an equitable method of funding the City-provided abatement services by fairly and reasonably allocating the cost thereof to specially benefitted property; and

WHEREAS, the City Commission finds that this amendment serves 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 as legislative findings of the City Commission.

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 – CREATION OF SECTION 42-27 OF THE CITY CODE

2.01 Chapter 42 of the Code of the City of North Port, Florida is hereby amended as follows:

"**Chapter 42 – NUISANCES**

. . .

ARTICLE II. – LOT CLEARING

. . .

Sec. 42-27. – Alternative method of collecting special assessments for abatement services.

(a) Public nuisance conditions as defined in section 42-19 of this Code and violations contemplated by this chapter create imminent risks both for the affected lot and the broader public health and in essence create a burden that must be remedied by the City. Abatement services provided by the City relieve the burden created by such conditions and therefore convey a special benefit to the lots receiving the services.

(b) Additional special benefits conveyed by the City's provision of public nuisance abatement services may include, but are not limited to, preventing decline in property value, improving aesthetics of property, marketability, and safety, by reducing fire hazards and improving access to the property.

(c) As an alternative to the recording of a special assessment lien as authorized in section 42-26 of this Code, and solely for costs related to nuisance abatement, the City may collect the special assessment contemplated by section 42-26 pursuant to the uniform collection method authorized in F.S. § 197.3632, and in accordance with this section.

(d) The imposition and collection of a non-ad valorem special assessment to recover the actual cost incurred by the City in providing abatement services, together with a pro rata share of any administrative costs involved (including amounts necessary to account for any statutory discount for the early payment of property taxes and non-ad valorem assessments, but excluding any applicable penalty or fine) provides an equitable method of funding the abatement service by fairly and reasonably allocating the cost thereof to specifically benefitted property.

(e) *Establishment of special assessment district*. The entire area of the City, as it may be expanded or contracted from time to time, is hereby declared a special-assessment district for the purposes of abating nuisance violations under this chapter.

(f) *Notice*. In addition to the requirements for the notice of public nuisance violation set forth in section 42-25 of this Code, notices related to violations involving nuisance abatement must include a statement that if the public nuisance violation is not corrected and abated by the lot owner within a specified reasonable period of time, the City may cause the violation to be corrected and abated, the cost of which, if not paid when due, may be collected as a non-ad valorem assessment pursuant to F.S. § 197.3632.

(g) *Levy of non-ad valorem assessments*. The City Commission is authorized to levy from time to time a non-ad valorem special assessment against each and every property in the City on which there occurs or has occurred a nuisance violation abatement related to a violation of this chapter, whenever the City has undertaken action to abate the violation and thereby incurred costs, and the property owner, or if applicable the agent, custodian, lessee, or occupant of the property has failed or refused, for whatever reason, to timely pay the amount owed to the City for the costs incurred by the City in carrying out such abatement. Provided,

however, that the amount of the non-ad valorem assessment shall be limited to actual abatement costs as determined in the sole discretion of the City together with administrative and collection costs as contemplated herein.

(h) *Collection of non-ad valorem assessments*. The city commission elects to use the uniform method as authorized in F.S. § 197.3632 to impose and collect non-ad valorem assessments against properties on which public nuisance violations under this chapter occur or have occurred. The non-ad valorem assessments collected pursuant to this section will be included in the combined notice for ad valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(i) *Agreement to reimburse county property appraiser and county tax collector*. In order to use the uniform method authorized in F.S. § 197.3632 for the levy, collection, and enforcement of the non-ad valorem assessments, the City is authorized to enter into a written agreement with the county property appraiser and the county tax collector providing for the reimbursement of their costs incurred in the administration and collection of the non-ad valorem assessments levied under this section.

(j) *Adoption of resolutions*.

(1) The city commission will consider such resolutions as may be required by F.S. § 197.3632, pertaining to the imposition and collection of non-ad valorem assessment on the annual property tax bill, including, but not limited to, the resolution required by F.S. § 197.3632(3), which resolution shall state the following:

a. The City's intent to use the uniform method of collecting non-ad valorem assessments;

b. The City's need for the imposition of the non-ad valorem assessments; and

c. A legal description of the entire area of the City.

(2) The City will comply with all statutory notice prerequisites set forth in F.S. § 197.3632.

(k) *Annual non-ad valorem assessment roll*.

(1) Each year, the city commission will approve by resolution a non-ad valorem assessment roll at a public hearing between January 1 and September 15 (or as otherwise required by F.S. § 197.3632). The non-ad valorem assessment roll will be comprised of properties that have had non-ad valorem assessments levied against them pursuant to this section, and where the assessments have not otherwise been paid in full prior to certification of the assessment roll to the county tax collector.

(2) The city manager or designee is authorized and directed each year to prepare the notice that must be sent by first class United States mail, as required by F.S. § 197.3632(4)(b), and to prepare and publish the newspaper notice required by F.S. § 197.3632(4)(b).

(3) The notice to be sent by first class mail will be sent to the owner of record of each lot to be included on the non-ad valorem assessment roll and must include the following:

a. The purpose of the assessment to pay the abatement costs incurred by the City;

b. The total amount to be levied against the lot, which includes the actual abatement cost incurred by the City for the provision of abatement services on one or more occasions;

c. A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title;

d. A statement that all affected property owners have a right to appear at the hearing and to file written objections with the city commission within 20 days of the notice;

e. The date, time, and place of the hearing; and

f. A statement that the property owner may avoid collection of the abatement cost as a non-ad valorem assessment by paying the amount due by the payment date specified therein (which payment date shall be no later than September 1 of each year, and prior to certification of the assessment roll to the tax collector).

(4) The non-ad valorem assessment roll will be comprised solely of properties that have had non-ad valorem assessments levied against them pursuant to this section, and where the assessment has not otherwise been paid in full prior to approval of the roll.

(5) Any cost of abatement that exceeds $1,000.00 may be collected by the City in two annual cycles. This shall be solely at the discretion of the city commission.

(6) Upon its approval by city commission, the non-ad valorem assessment roll will be certified to the tax collector as required by F.S. § 197.3632."

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 ~~strikethrough~~. 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 immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on January 13, 2026.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on _____, 2026.

CITY OF NORTH PORT, FLORIDA

_____

MAYOR

ATTEST

_____
HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

_____
MICHAEL FUINO, B.C.S.
CITY ATTORNEY