



City of North Port

ORDINANCE NO. 2012-27

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING NORTH PORT CODE CHAPTER 42, NUISANCES; AMENDING SECTION 42-21, EXCESSIVE GROWTHS; DEAD TREES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to clarify certain provisions of the North Port Code relating to excessive growths; dead trees; and

WHEREAS, the City desires to clarify certain provisions of the North Port Code relating to responsibility, the following changes to North Port Code are necessary.

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

SECTION 1 – AMENDING CHAPTER 42, NUISANCES, SECTION 42-21

1.01 The North Port City Commission hereby amends Chapter 42, Nuisances, Section 42-21 as follows:

(Deleted words are indicated by the deleted text being ~~stricken through~~; added words are indicated by the added text being underlined.)

Sec. 42-21. Excessive growths; dead trees.

- (a) It shall be unlawful for any owner ~~of an occupied or an unoccupied lot~~ to permit the excessive growth of ~~cultivated or uncultivated~~ sodded or seeded grass areas, ~~weeds or underbrush~~ in excess of 12 inches in height on an improved or developed lot, ~~upon said lot~~. ~~Shrubs, trees, bushes or any other natural or cultivated species of foliage found and/or planted upon said lot and used for landscaping purposes shall be permitted to grow to its natural height provided, however, that such growth shall not become a fire or safety hazard to the neighboring premises, nor shall such growth be permitted to grow beyond the legal confines of said lot so as~~

~~to impinge upon the neighboring property and premises or upon a public right of way such as sidewalks and/or streets.~~

- (b) ~~Within the meaning and intent of included lots, as defined in section 42-20 of this article, it shall be unlawful for any owner of an undeveloped lot to permit excessive growth of weeds, grass or underbrush in excess of 12 inches in height and/or to permit the growth of trees, shrubs or any other indigenous plant(s) to grow beyond the legal confines of said lot so as to impinge upon the neighboring property or premises or upon a public right of way, such as sidewalks and/or roads.~~

It shall be unlawful for any owner of a developed or undeveloped lot to permit the excessive growth of shrubs, trees, bushes or any other natural or cultivated species of foliage beyond the legal confines of said lot so as to impinge upon a public right-of-way such as sidewalks and/or streets.

- (c) ~~It shall be the responsibility of the owner of occupied, unoccupied and undeveloped lots, as defined herein, to remove or cause to be removed any and all dead trees on said lots.~~

SECTION 2 - SEVERABILITY

- 2.01 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this Ordinance and any other ordinance, resolution, or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

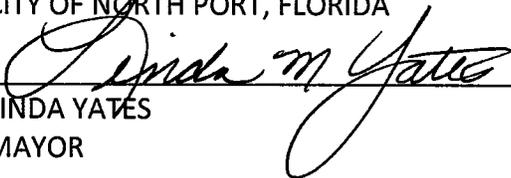
SECTION 4 - EFFECTIVE DATE

- 4.01 The provisions of this Ordinance shall become effective immediately upon passage.

Read in public session this 28th day of January, 2013.

PASSED AND ADOPTED on the second and final reading in public session this 11th day of February, 2013.

CITY OF NORTH PORT, FLORIDA


LINDA YATES
MAYOR

ATTEST:



HELEN RAIMBEAU, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:



ROBERT K. ROBINSON,
CITY ATTORNEY