



City of North Port

RESOLUTION NO. 2019-R-27

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, DIRECTING THE CITY MANAGER TO TEMPORARILY SUSPEND ENFORCEMENT OF SECTION 42-24 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA, ENTITLED "MAINTENANCE OF STORMWATER DRAINAGE AREA," SUBSECTIONS (a)(1)b, (a)(2)b, (a)(3), AND (a)(4), SOLELY AS IT PERTAINS TO THE REQUIREMENT TO MOW THE CENTER OF THE SWALE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 42-24 of the Code of the City of North Port, Florida requires property owners to maintain, at their own expense, the swale area from the edge of the pavement to the owner's property line; and

WHEREAS, this maintenance includes mowing and edging grass and weeds and keeping these areas free of litter and debris; and

WHEREAS, the City Commission intends to amend the City's regulations related to mowing the center of swales; and

WHEREAS, until such amendments are adopted, the City Commission desires to temporarily suspend enforcement of Section 42-24, Subsections (a)(1)b, (a)(2)b, (a)(3), and (a)(4), solely as it pertains to the requirement to mow the center of the swale; and

WHEREAS, the City Commission of the City of North Port finds that suspending enforcement of these code provisions promotes the general health, welfare, and safety of citizens.

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

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by reference.

SECTION 2 - TEMPORARY SUSPENSION OF ENFORCEMENT

- 2.01 The City Commission hereby directs the City Manager to temporarily suspend enforcement of Section 42-24, entitled "Maintenance of Stormwater Drainage Area," Subsections (a)(1)b, (a)(2)b, (a)(3), and (a)(4) of the Code of the City of North Port, Florida, solely as it pertains to the requirement to mow the center of the swale.
- 2.02 Enforcement will continue and not be suspended for any other requirement of Section 42-24, including, but not limited to, mowing the banks of the swales.

SECTION 3 - DURATION

- 3.01 The direction of the City Manager to temporarily suspend enforcement of the specified provisions of the code herein shall remain in effect through April 1, 2020, unless modified, revoked or extended by the City Commission.

SECTION 4 - CONFLICTS

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

SECTION 5 - SEVERABILITY

- 5.01 If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 6 - EFFECTIVE DATE

- 6.01 This resolution shall take effect immediately after adoption by the City Commission of the City of North Port, Florida.

PASSED AND DULY ADOPTED by the City Commission of the City of North Port this 26th day of November 2019.

CITY OF NORTH PORT, FLORIDA

Debbie McDowell

DEBBIE MCDOWELL
MAYOR

ATTEST



HEATHER TAYLOR, CMC
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



AMBER L. SLAYTON
CITY ATTORNEY