



**BEFORE THE HEARING OFFICER
IN AND FOR CITY OF NORTH PORT, FLORIDA**

CITY OF NORTH PORT

Petitioner,

CASE NO.: **[insert number]**

vs.

[insert name(s)]

Respondent(s).

ADDRESS OF VIOLATION:

[insert complete address]

Parcel ID.: **[insert number]**

_____ /

**ORDER ASSESSING ADMINISTRATIVE FINE FOR
TREE REMOVAL WITHOUT AUTHORIZATION**

THIS MATTER came before the undersigned Hearing Officer at a duly noticed public hearing held on _____ **[insert date of hearing]** following notification by the City of North Port Code Enforcement Division that one or more trees had been removed from the subject property, in violation of the City of North Port, Florida Code of Ordinances, and the North Port Unified Land Development Code. After reviewing sworn testimony, examining the evidence presented, and considering the applicable law, the Hearing Officer makes the following findings and enters this Order:

FINDINGS OF FACT

1. The Respondent, _____ **[insert name(s)]** is the owner of the real property located within the City of North Port, Florida identified by Parcel I.D. No. _____ **[insert number]**, and more particularly described as:

[insert full legal description]

Property Address: **[insert property address]**

2. On or about _____, 20__ **[insert date]**, Respondent was properly served with a Notice of Violation for violating **[insert ULDC Chapter and Section number as it appears on the Notice of Violation]**.

3. At the time of the violation, Article VII, Tree Protection Regulations, Section 6.7.1.B. stated in relevant part: “Except where exempted herein, no development, site clearing, or tree removal may commence until the ULDC Administrator approves the development via the appropriate review process outlined in Section 6.1.2.B.”.

4. The Respondent removed, or caused to be removed, one or more trees from the property without first obtaining ULDC Administrator approval via the appropriate review process outlined in Section 6.1.2.B of the North Port Unified Land Development Code.

5. No exemptions apply in this case.

6. This conduct constitutes an irreparable or irreversible violation.

7. **Select the applicable language and remove all other options:** The total diameter inch at breast height (DBH) of designated trees removed without a certificate of zoning compliance is determined to be **[insert specific number of trees]**. **OR [Select if heritage tree was removed]:** The total diameter inch at breast height (DBH) of heritage trees removed without a certificate of zoning compliance is determined to be **[insert specific number of heritage trees]**. **OR [Select if number of trees is unknown]:** The size of the affected property is **[insert specific square feet of property]**, and penalties shall be calculated based on that dimension.

8. The subject property is subject to a lien, as recorded in the official public records of Sarasota County, Florida, upon entry of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Chapter 1, Article 1, Section 1.1.10.B. of the North Port Unified Land Development Code, should a property owner violate any provision(s) of the North Port Unified Land Development Code, the City may refer the violation(s) to Code Enforcement for action.

2. Pursuant to Chapter 2, Article 9, Sec. 2-511(b) of the City of North Port, Florida, Code of Ordinances, violations of the North Port Unified Land Development Code, Chapter 6, Article VII, Tree Protection Regulations, may result in fines and penalties.

3. Each unauthorized removal of a tree regulated by North Port Land Development Code, Chapter 6, Article VII, Tree Protection Regulations, constitutes a separate violation or offense.

4. Respondent is in violation of **[insert ULDC Chapter and Section number as it appears on the Notice of Violation]**.

5. **Select the applicable language and remove all other options: [Select if harmful act]:** Pursuant to Chapter 2, Article 9, Sec. 2-511(b)(1)b.1. of the City of North Port, Florida, Code of Ordinances, a fine of \$100.00 per diameter inch at breast height (DBH) shall be assessed for each tree, and \$200.00 DBH for each heritage tree, not to exceed \$5,000.00 per tree. This conduct constitutes a harmful act as defined in Chapter 6, Article VII, of the North Port Unified Land Development Code. Respondent _____ **[insert specific finding that constitutes harmful act].** **OR [Select if without authorization]:** Pursuant to Chapter 2, Article 9, Sec. 2-511(b)(1)b.2. of the City of North Port, Florida, Code of Ordinances, a fine of \$100.00 per diameter inch at breast height (DBH) shall be assessed for each tree, and \$200.00 DBH for each heritage tree up to a maximum of \$5,000.00 per tree shall be assessed for conducting an activity that requires authorization pursuant to Unified Land Development Code Chapter 2 without first obtaining that authorization. **OR [Select if number of trees is unknown]:** Pursuant to Chapter 2, Article 9, Sec. 2-511(b)(1)b.3. of the City of North Port, Florida, Code of Ordinances, 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.

6. When the City of North Port, Florida collects fines or receives payments of liens associated with violations described in subsection 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.

7. Pursuant to Chapter 162, Florida Statutes, the City of North Port Code of Ordinances, and the North Port Unified Land Development Code, the City of North Port, Florida is entitled to impose an administrative fine for this violation.

ORDER

BASED UPON the above findings of fact, considerations, and conclusions of law, and pursuant to the authority granted in Chapter 162, Florida Statutes, the City of North Port, Florida Code of Ordinances, and the North Port Unified Land Development Code, it is hereby ORDERED and ADJUDGED that:

1. An administrative fine of \$ _____ **[insert fine]** is hereby imposed upon Respondent for the removal of trees without a certificate of zoning compliance, constituting an irreparable or irreversible violation.

2. A certified copy of this Order may be recorded in the Public Records of Sarasota County, Florida by the City of North Port and shall constitute a lien upon the property.

3. After three (3) months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's Office, or its designee, is authorized to foreclose, collect, or settle such lien using any legal or equitable remedies available under the law.

4. The hearing officer shall retain jurisdiction in all respects to enforce this Order and to issue any further orders which may be necessary and proper.

DONE AND ORDERED, for the City of North Port, Florida this _____ day of _____, 20____.

JAMES E. TOALE
HEARING OFFICER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by Certified Mail, Return Receipt Requested, to Respondent, _____ **[insert name(s)]**, _____ **[insert address]** and the original filed with the City of North Port, Code Enforcement Department, on this _____ day of _____, 20____.

ATTEST

- On behalf of City of North Port