



City of North Port

ORDINANCE NO. 2016-38

(Amendments to Chapter 42, Section 42-21 of the City of North Port Administrative Code, as amended)

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

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

SECTION 1 – FINDINGS:

- 1.01 WHEREAS, the City desires to clarify certain provisions of the North Port Administrative Code relating to excessive growth; dead trees; and
- 1.02 WHEREAS, the City desires to restore and clarify certain provisions of the North Port Administrative Code relating to responsibility of impinging growth; and
- 1.03 WHEREAS, the expenditure serves a public purpose, and

1.04 WHEREAS, the public purpose is the general welfare, safety, security, prosperity, and contentment of all the residents and property owners within the city.

SECTION 2 – ADOPTION:

2.01 The North Port City Commission hereby approved and adopts the following amendments and additions in strikethrough and underline format to the City of North Port Administrative Code, Chapter 42, Section 42-21 which is attached hereto, and incorporated herein, as Exhibit “A”.

SECTION 3 - APPLICABILITY:

3.01 For the purposes of jurisdictional applicability, this ordinance shall apply in the City of North Port. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 4 - SEVERABILITY:

4.01 If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5 - CONFLICTS:

5.01 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 6 - EFFECTIVE DATE:

6.01 This Ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this _____ day of _____, 2016.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this _____ day of _____, 2016.

CITY OF NORTH PORT, FLORIDA

JACQUELINE MOORE
MAYOR

ATTEST:

PATSY ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

MARK MORIARTY
CITY ATTORNEY

EXHIBIT A

(DELETED WORDS ARE INDICATED BY THE DELETED TEXT BEING ~~STRIKE THROUGH~~; ADDED WORDS ARE INDICATED BY THE ADDING TEXT BEING UNDERLINE)

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

- (a) It shall be unlawful for any owner of an occupied or 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 a 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.
- ~~(b) 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 sidewalk 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.
- (d) 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 located within one hundred (100) feet of any structure that abuts the property.

(e) Violations of Sec. 42-21. (a), (b), and (c) is considered a civil penalty pursuant to Part II, Chapter 2, Article IX, Section 2-216 of the City Code of North Port and is subject to a hearing before the Hearing Officer.

ORIGINAL TEXT AND RESTORED TEXT

~~AMENDED 2012 TEXT~~

STAFF SUGGESTED ADDITIONAL TEXT FOR CONSIDERATION

DRAFT