



City of North Port

ORDINANCE NO. 2026-09

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, PROVIDING THAT FAILURE TO APPEAR AT A CODE ENFORCEMENT HEARING CONSTITUTES AN ADMISSION AND WAIVER AND AUTHORIZES IMPOSITION OF PENALTIES AND COSTS; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 2-508; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port, Florida provides alleged violators with proper written notice of violation and notice of hearing as required by the code, Florida Statutes Chapter 162, and applicable due process protections, thereby affording each alleged violator a meaningful opportunity to be heard prior to the imposition of any civil penalties; and

WHEREAS, the failure of an alleged violator to appear at a duly noticed hearing results in unnecessary delay, administrative inefficiency, and increased cost to the City; and

WHEREAS, providing that failure of an alleged violator to appear constitutes a waiver of the right to a hearing and an admission of the violation promotes timely resolution of code enforcement matters; and

WHEREAS, clarifying the consequences of non-appearance enhances fairness, consistency, and the effective enforcement of the City's code; and

WHEREAS, the City Commission finds that these amendments serve 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.
- 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 – ADOPTION

2.01 Chapter 2 of the Code of the City of North Port, Florida is hereby amended as follows:

“Chapter 2 – ADMINISTRATION

...

ARTICLE IX. – CODE ENFORCEMENT

...

Sec. 2-508. – HEARING

...

(g) If the alleged violator fails to attend the hearing, such failure shall constitute a waiver of the violator's right to a hearing, and the allegations set forth in the notice of violation shall be deemed admitted. The hearing officer shall then issue an order finding that the violation exists, specifying a date by which compliance must be achieved, and providing that a fine and costs may be imposed if compliance is not achieved by said date.”

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 ~~striketrough~~. 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 June 9, 2026.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on June 23, 2026.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL FUINO, B.C.S.
CITY ATTORNEY