

ARTICLE II. - LOT CLEARING

Sec. 42-19. - Legislative intent and declaration.

- (a) The city commission hereby declares its intent and purpose in adopting this article to protect the health, safety and general welfare of its citizenry and to enhance the properties and premises within this municipality by eliminating excessive growth of weeds and underbrush; the accumulation of unusable household items; and the accumulation of parts of vehicles, tires, inoperable vehicles or any other accumulation of items which provides or creates a breeding place or haven for snakes, rats and vermin of all kinds and character or a breeding place for mosquitoes, emits noxious odors, creates a public nuisance or other unsightly and/or unsanitary and unsafe conditions, creates a fire and/or health hazard and, in general appearance and condition, creates a slum appearance which tends to have a decreasing value effect on the neighboring properties and premises.
- (b) The city commission further declares such conditions to be a public nuisance and detrimental to the health, safety and general welfare of the citizenry of this municipality.

(Code 1990, § 110-1)

Sec. 42-20. - Definitions and word usage.

- (a) When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular number include the plural; and words in the male gender include the female gender. The word "shall" is always mandatory and not merely directory.
- (b) For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Accumulation of debris. Includes but is not limited to the accumulation of lumber, tires, parts of vehicles, inoperable vehicles, unusable household items, scraps of building materials of all kinds or any other accumulation of articles and/or equipment for which immediate use cannot be established.

Commercial building. Includes any structure which is intended to be occupied for business; the rendering of professional services; the sale or display of merchandise; the supplying of food and drink; educational or instructional purposes; penal or correctional purposes, medical, charitable or other care or treatment purposes; amusement purposes; storage of goods, wares or

merchandise; the performance of work or labor in connection with the fabrication, assembly, processing, etc., of products or materials; or any other purpose normally recognized as commercial and/or industrial.

Dwelling. Includes any structure in which families or households live or in which sleeping accommodations are provided, including, without limiting the generality of the foregoing, single-family homes, mobile homes, multiple dwellings, hotels, motels, dormitories, lodginghouses, convents, apartments, condominiums and monasteries.

Excessive growth. Any growth of cultivated grass, shrubs, bushes and/or the rank, wild, uncultivated obnoxious growth of vegetation in excess of 12 inches in height.

Included lots. Lots on which an occupied dwelling or commercial building is located and all lots or portions of lots sharing a common boundary with the lot upon which the dwelling or commercial building is located and lying within 200 feet of the nearest wall of said dwelling or commercial building. Lots separated by a dedicated street or road shall be considered to share a common boundary along the centerline of said dedicated street or road.

Inoperable vehicle. A vehicle which cannot be used or operated for the purpose intended and for which the owner of same does not possess a current registration and license plate.

Lots. Refers to "lots" as shown by a plat of a subdivision, duly recorded in the public records of Sarasota County, Florida, or any other lot, parcel or tract of land located within the municipal boundaries of the City of North Port.

Major units of a subdivision. Plats or portions of a subdivision containing a separate dedication, recorded in the Public Records of Sarasota County, Florida, or plats of portions of a subdivision recorded on different dates, if such plats were recorded in the public records of Sarasota County, before the requirement of dedication became a prerequisite to such recording.

Mowable. Those lots which can be mowed with bushhog-type equipment without damage to the lot or the equipment.

Occupied. Inhabited as a dwelling or used as a commercial building.

Plastic pipe flowliner. A one-quarter portion of a 12-inch diameter corrugated smooth bore plastic pipe installed in the swale flowline.

Subdivision. Only platted and recorded subdivisions as shown by the plats thereof recorded

in the public records of Sarasota County, Florida.

Swale. The depressed earthen sodded area immediately adjacent to the paved travel way and used for stormwater drainage purposes; usually located between a street/road and the private property line.

Undeveloped. A lot that does not have a dwelling and/or commercial structure constructed thereon but remains in its natural state.

Unoccupied. The dwelling or structure constructed upon a lot that is not inhabited.

Weeds/undergrowth brush. A rank, wild, uncultivated obnoxious growth of no value.

(Code 1990, § 110-1)

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

- (a) It shall be unlawful for any owner to permit the excessive growth of sodded or seeded grass areas in excess of 12 inches in height on an improved or developed lot.
- (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 sidewalks and/or streets.

(Code 1990, § 110-4; Ord. No. 2012-27, § 1(1.01), 2-11-2013)

Sec. 42-22. - Accumulation of debris.

- (a) It shall be unlawful for any owner of an occupied or an unoccupied lot to accumulate or permit the accumulation of, including, but not limited to, lumber or any other building materials, tires, parts of vehicles, inoperable vehicles, unusable household items, or any other items or equipment which create a breeding place for any vermin or mosquitoes, emit noxious odors or create a public nuisance or other unsanitary or unsafe conditions or create a fire and/or health hazard or, in general appearance and condition, create a slum appearance which tends to have a decreasing value effect on the neighboring property and premises.
- (b)

It shall be unlawful for any owner of an undeveloped lot to use or permit said lot to be used as a disposal area for any lumber or any building materials, tires, parts of vehicles, inoperable vehicles, unusable household items or any other type or character of material and/or equipment or any other items or equipment which have no further value.

(Code 1990, § 110-5)

Sec. 42-23. - Responsibilities with regard to property for sale or rent.

- (a) Property owners of occupied, unoccupied and/or undeveloped properties shall continue to be responsible for the proper maintenance of such properties as prescribed herein even if said properties have been listed for sale, rent or lease with any real estate agent or broker.
- (b) Where a real estate agent or broker has contractually accepted any improved occupied or unoccupied properties for maintenance or management, said real estate agent or broker shall be responsible, together with owner of such properties, for the proper maintenance of said properties as prescribed herein for the duration of such contractual agreements.
- (c) Upon failure of the owner or, where applicable, the real estate agent or broker to properly maintain said properties as prescribed herein, notice of an alleged violation of this article shall be given to both the owner and, where applicable, the real estate agent or broker of such alleged violation.

(Code 1990, § 110-6)

Sec. 42-24. - Responsibilities of property owners; penalties for offenses; other remedies.

- (a) All property owners who own lots or yards located within the corporate limits of this municipality shall be subject to and included under the provisions of this article and are hereby required to keep such lots cleared of weeds, high grass, brush, debris and any other noxious material of any kind which tend to be breeding places or havens for snakes, rats and vermin of all kinds and character or tend to be breeding places for mosquitoes or which tend to create a fire and health hazard and endanger the lives and property of the citizens of this City or which tend to create a nuisance or other unsightly or unsanitary conditions or, in general appearance and atmosphere, tend to have a decreasing value on the neighboring property and premises.
- (b) Owners of improved properties shall be responsible for maintaining stormwater drainage systems within the city's road rights-of-way. These responsibilities shall include, but shall not be limited to:

- (1) *Open swale drainage (without sidewalk)*—From the edge of the pavement to the owner's property line (see Exhibit A).
 - a. Maintain and replace as necessary the culvert pipe beneath any driveway crossing the swale in a manner such as not to impede or interfere with the stormwater drainage function of the swale. Provided, however, that the cost of culvert replacement as a result of a drainage improvement or modification initiated by the city shall be at the city's expense.
 - b. Properly mowing the grassed area to maintain a neat appearance, including the removal of grass, weeds, bushes, sand, silt and debris at both ends of any driveway culvert pipe to effectively maintain flow of stormwater through the culvert.
 - c. Property owners shall not be responsible for regrading swales within the road rights-of-way adjacent to their properties. Upon completion of construction, all regrading of swales to design elevation within city drainage or road rights-of-way (ROW), will be the responsibility of the department of public works. (See chapter 18, B, 7 of the city's Unified Land Development Code). Exception: A property owner is responsible for repairing damage which they have caused, i.e., ruts from their vehicle traversing the swale.
- (2) *Open swale drainage (with sidewalk)*— From the edge of the pavement to the owner's property line (see exhibit B).
 - a. Maintain and replace as necessary the culvert pipe beneath any driveway crossing the swale in a manner such as not to impede or interfere with the stormwater drainage function of the swale. Provided, however, that the cost of culvert replacement as a result of a drainage improvement or modification initiated by the city shall be at the city's expense.
 - b. Properly mowing the grassed area to maintain a neat appearance, including the removal of grass, weeds, bushes, sand, silt and debris at both ends of any driveway culvert pipe to effectively maintain flow of stormwater through the culvert.
 - c. Maintain the sidewalks adjoining the property by keeping the sidewalks in a clean and sanitary condition which includes mowing and edging grass and weeds, both between the sidewalk joints and along side the edge of pavement.
 - d. Property owners shall not be responsible for regrading swales within the road rights-of-way adjacent to their properties. Upon completion of construction, all regrading of swales to design elevation within city drainage or road rights-of-way (ROW), will be the responsibility of the department of public works. (See chapter 18, B, 7 of the

city's Unified Land Development Code). Exception: A property owner is responsible for repairing damage which they have caused, i.e., ruts from their vehicle traversing the swale.

- (3) *Curb and gutter*— From the edge of the curb to the owner's property line (See exhibit C). If there is an existing sidewalk, same requirements as in [subsection] (2) Open swale drainage (with sidewalk) above. In addition, curbs, gutters and catch basins shall be kept free of litter and debris.
 - (4) *Fully piped swale*— From the edge of the pavement to the owner's property line (See exhibit D). If there is an existing sidewalk, same requirements as (2) Open swale drainage (with sidewalk) above. In addition, property owners are responsible for the maintenance, repair and replacement of all specially benefitting structures, i.e. culvert pipes, catch basins, etc. which they install in the City's road rights-of-way.
 - (5) Removing trash, debris, and litter from the swale area to prevent obstruction or partial obstruction of the driveway culvert and swale.
 - (6) Where a plastic pipe flowliner has been installed in the swale, remove silt, litter, debris, grass, and weed clippings from the liner so the flowliner remains unobstructed and allows the stormwater to freely flow downstream to the outfall.
 - (7) The tires of automobiles, trucks, boats, trailers, utility trailers, recreational vehicles and travel trailers shall not be parked directly over the plastic pipe flowliner material.
 - (8) Where a swale area has a slope greater than a two to one ratio and the property owner is unable to maintain the swale area, the property owner may make a written request to the public works director for public works department staff to maintain this swale area. The public works director or his or her designee shall conduct an on-site inspection of the subject swale area. Once there is confirmation that the swale area has a slope greater than a two to one ratio, the public works director will respond to the property owner's request in writing and also include a maintenance schedule.
- (c) In addition to the remedies set forth herein, the city shall also be entitled to file a lien against the subject property for any costs, expenses, fines and monetary damages arising out of the violation and noncompliance by any person, firm or corporation of the provisions of this article.
- (d) Any lien filed hereunder may be enforced by filing an appropriate action for foreclosure and enforcement of same in the circuit court in and for Sarasota County, Florida, in accordance with the provisions of F.S. ch. 85.

(Code 1990, § 110-7; Ord. No. 2010-09, § 1(1.01), 7-12-2010)

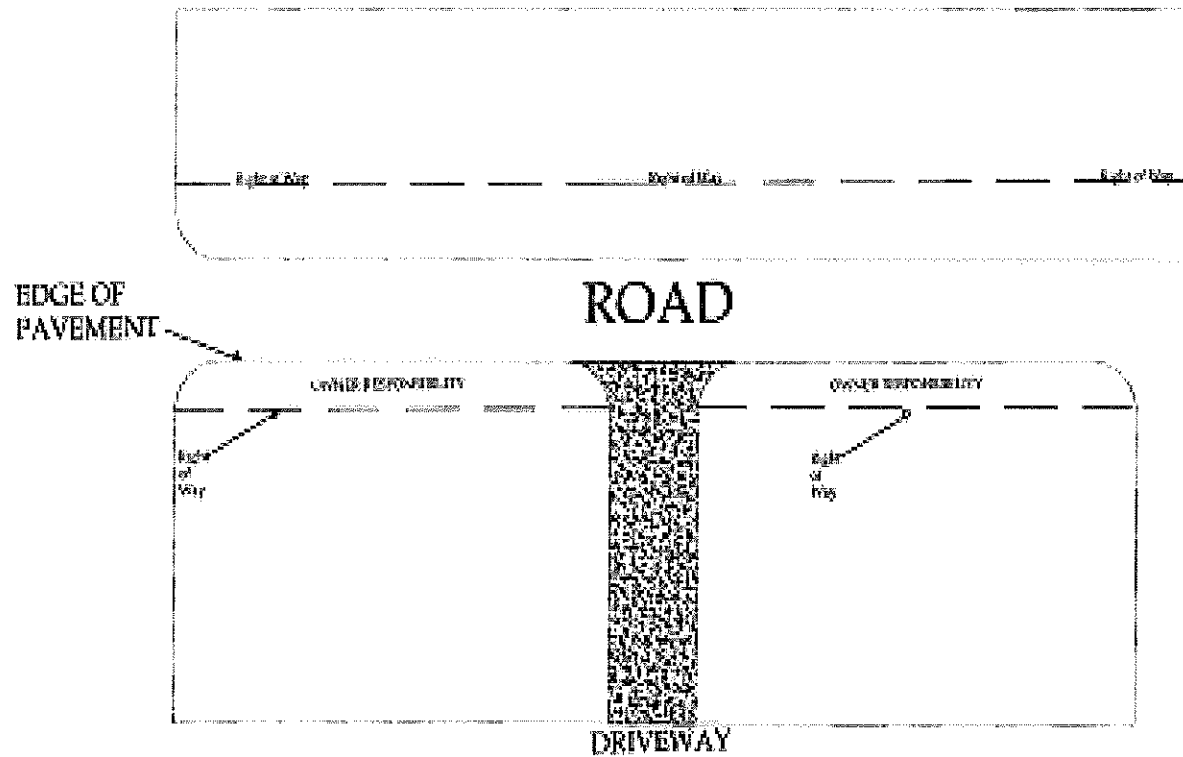



EXHIBIT A

	Open Swale (without sidewalk)			
	DATE APPROVED	File name OPEN_SWALE	DATE DRAWN 12-08-09	NTS
	CITY OF NORTH PORT PUBLIC WORKS ENGINEERING			
		Right of Way DETAIL		
		DRAWN BY: JON K.		

		STANDARD	ENGINEER:	Sheet 1 OF 4
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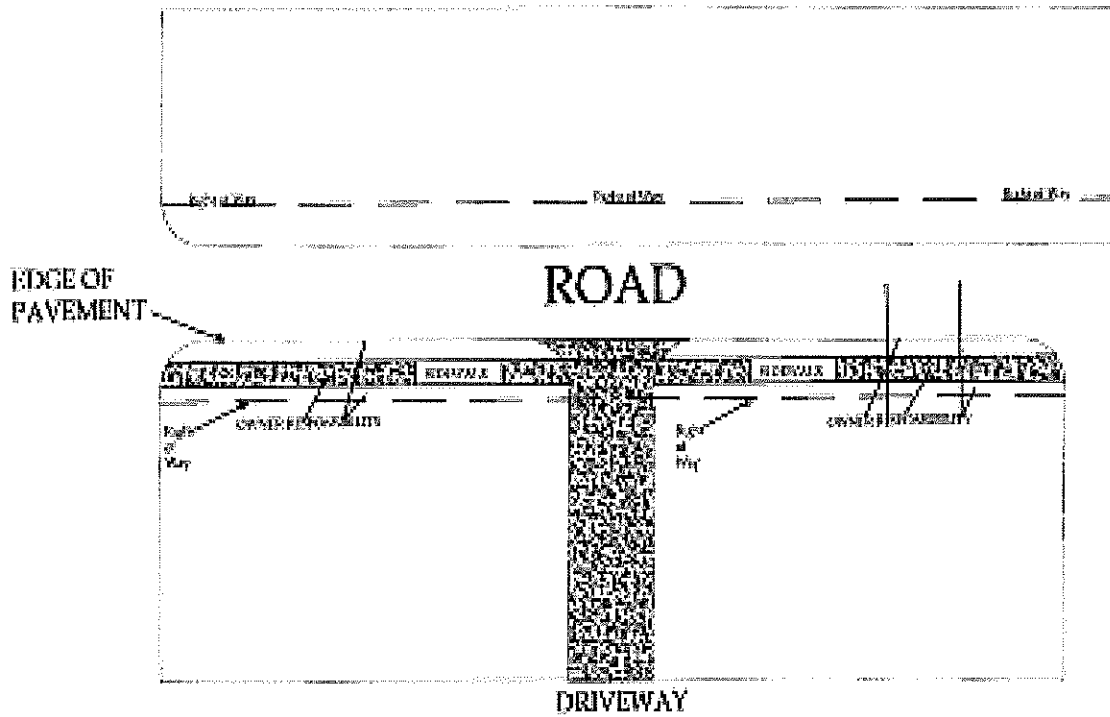



EXHIBIT B

	Open Swale (with Sidewalk)	
	DATE APPROVED:	FILE NAME: DATE DRAWN: 12-08-09 NTS

	CITY OF NORTH PORT PUBLIC WORKS ENGINEERING STANDARD	Right of Way DETAIL	
		DRAWN BY: JON K. ENGINEER	Sheet 2 OF 4

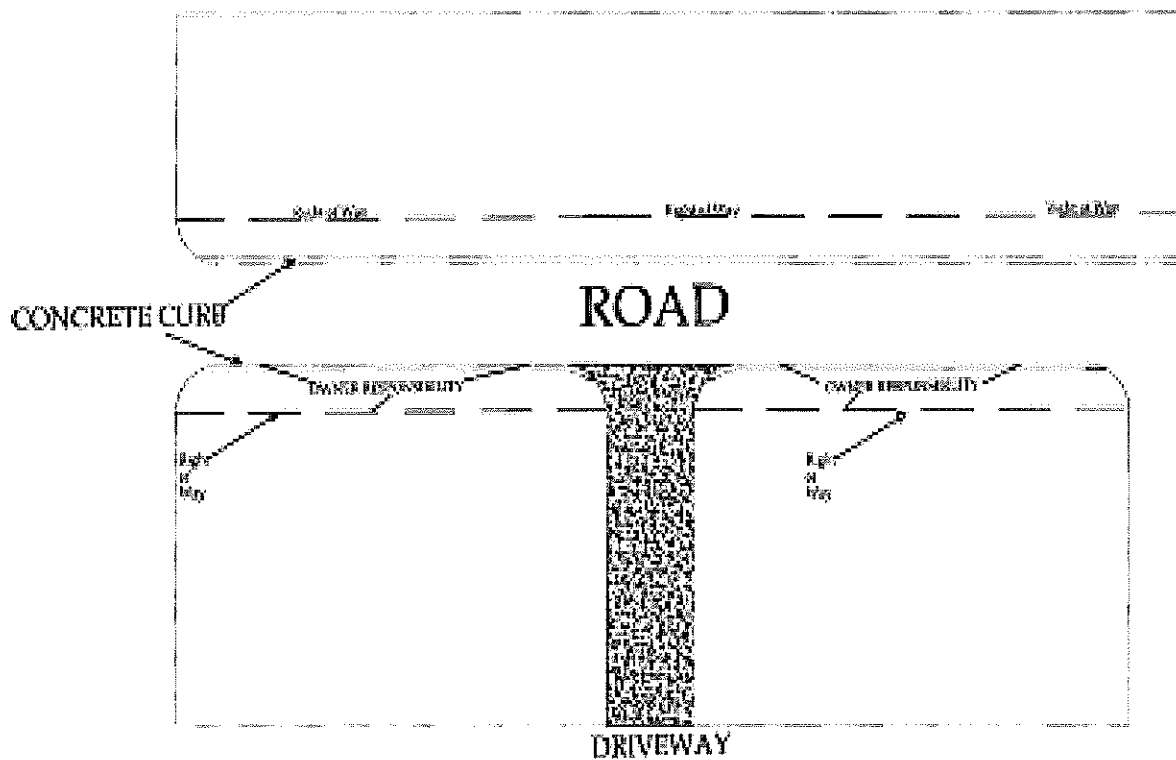

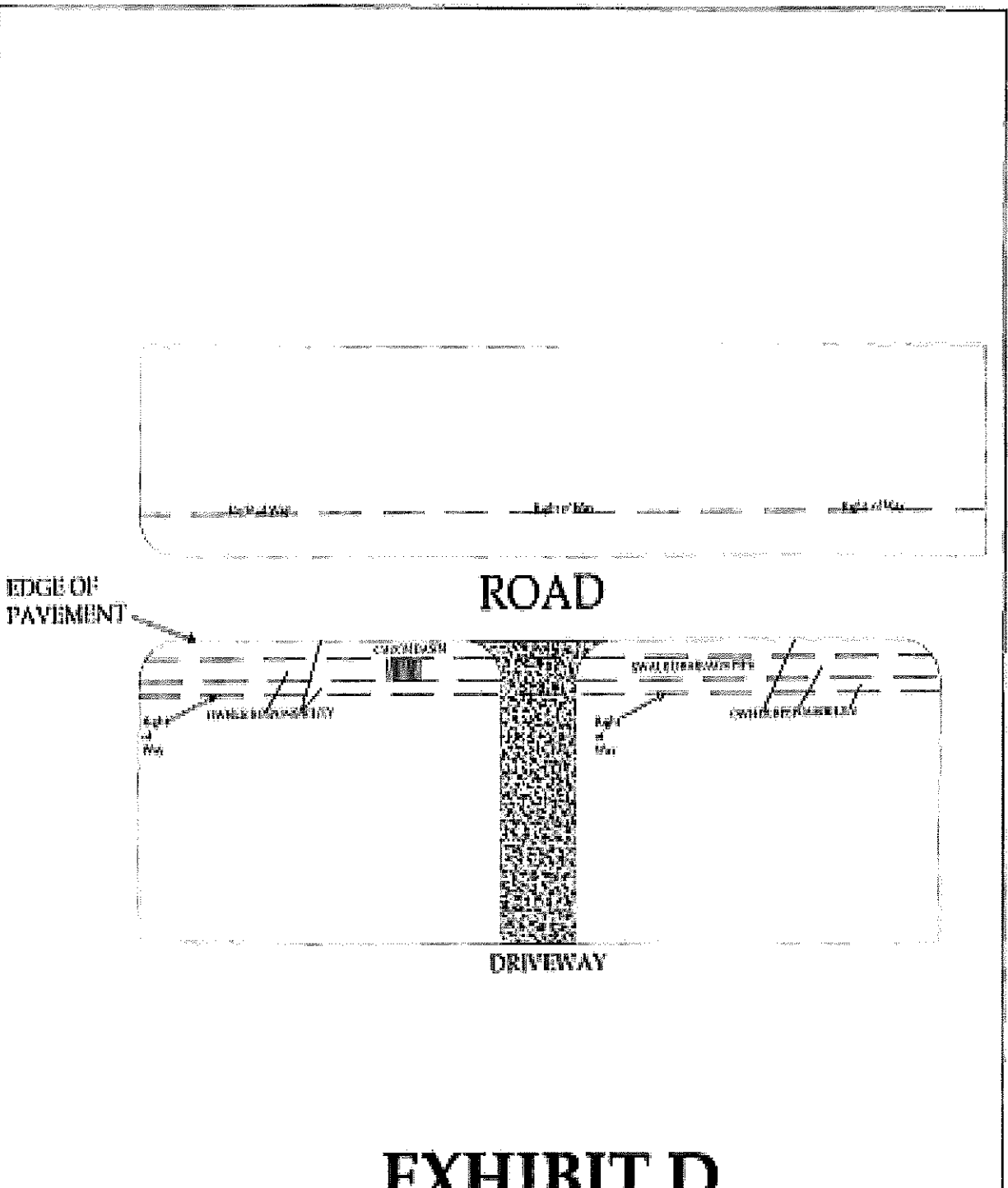



EXHIBIT C

	Curb and Gutter			
		DATE APPROVED:	File name CURB_GUTTER	DATE DRAWN: 12-08-09
	CITY OF NORTH PORT PUBLIC WORKS ENGINEERING STANDARD		Right of Way DETAIL	
	DRAWN BY: JON K. ENGINEER:			Sheet 3 OF 4



ORDINANCE					
	Fully Piped Swale				
		DATE APPROVED	File name PIPED_SWALE	DATE DRAWN 12-08-09	NTS
	CITY OF NORTH PORT PUBLIC WORKS ENGINEERING STANDARD		Right of Way DETAIL		
	DRAWN BY: JON K. ENGINEER			Sheet 4 OF 4	

Sec. 42-25. - Enforcement, notice of prohibited conditions.

- (a) *Enforcement.* Property standards inspectors are directed and empowered to investigate and enforce the provisions of this article. They are authorized to inspect any property where a violation of this article is alleged to exist. Property standards inspectors are responsible for providing notices of public nuisance to property owners found to be in violation of this article and for taking any other actions necessary to enforce this article. Notices of public nuisance shall provide a reasonable period of time within which violations of this article must be corrected. In determining a reasonable period of time for compliance, the property standards inspector shall consider the following: practicality and ease of correction; the owners ability to correct the violation; the severity of the violation; the nature, extent, and probability of danger to the public, and other relevant factors.
- (b) *Notice procedure.* If a property standards inspector determines that a public nuisance exists in violation of this article, the property standards inspector shall serve a notice of public nuisance by one of the following methods:
- (1) Certified mail, return receipt requested;
 - (2) By hand delivery by a North Port police officer, property standards inspector or other person authorized to serve process under F.S. ch. 48; or
 - (3) By leaving the notice at the owner's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice.

In order to ensure proper notification, notice shall also be posted on properties found to be in violation of the ordinance from which this article is derived in a conspicuous and visible location.

- (c) *Form of notice.* The notice of public nuisance provided pursuant to this section shall:
- (1) Be in writing;

- (2) Contain the name and address of the property owner;
- (3) Describe the property on which the public nuisance exists by address, parcel I.D. number, or legal description;
- (4) Contain a statement of the conditions existing on the property that constitute a public nuisance (a description of improper outdoor storage and/or excessive growth);
- (5) A statement that the conditions constitute a violation of the City of North Port environmental standards code;
- (6) Advise the property owner that if the violation is not corrected and abated within a specified reasonable period of time, the City of North Port may cause the violation to be corrected and abated, the cost of which may be imposed as a lien upon the property;
- (7) Contain a statement that within the period of time for compliance, the property owner may request a hearing to show that the condition alleged does not exist or that such a condition does not constitute a public nuisance in violation of the ordinance from which this article is derived. Failure to file a hearing request within said period of time shall constitute a waiver of hearing; and
- (8) Contain the name and business address of the property standards inspector.

(Code 1990, § 110-8)

Sec. 42-26. - Condition may be abated by the city, lien rights.

- (a) If the property owner neither abates the nuisance nor requests a hearing within a reasonable period of time set forth in the notice of public nuisance, or if a hearing has been requested, held, and concluded adverse to the property owner, the property standards division is authorized to cause the condition to be abated at the expense of the property owner.
- (b) After causing the condition to be abated, the property standards division shall submit a bill to the property owner for all expenses incurred abating the condition, and include a copy of the notice of public nuisance and a copy of the decision of the code enforcement board, when applicable. The bill shall be for actual abatement costs, including related administrative costs, or \$100.00, whichever is greater. It shall be payable within 30 days, after which a special assessment lien will be immediately made upon the property. Notice of such lien shall be filed in the office of the clerk of the circuit court and recorded in the public records of Sarasota County, Florida, and shall accrue interest at the legal rate from the time of such recording. Such liens shall be prior to all other liens except taxes and shall be of equal dignity with special assessments made for other public purposes. The owner of the assessed

property shall be personally liable for the amount of the lien and the cost of collection provided for in this article. Such lien shall be in favor of the City of North Port and may be satisfied at any time by payment thereof, including accrued interest. Upon such payment, the city shall deposit the monies in the general fund line item and prepare a satisfaction and release of lien, which shall be recorded in the public records of Sarasota County, Florida.

(Code 1990, § 110-10)

Secs. 42-27—42-55. - Reserved.