



## City of North Port

### ORDINANCE NO. 2025-23

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO CODE ENFORCEMENT FINES AND LIENS; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 2-511 TO EXPAND AND CLARIFY THE LIEN REDUCTION PROGRAM FOR CODE ENFORCEMENT FINES; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Port's existing lien reduction program is currently limited in applicability and overly restrictive, making it an ineffective tool for facilitating the rehabilitation of distressed properties; and

**WHEREAS**, amending the program to expand its scope and eligibility for both current and prospective property owners will help expedite the remediation of code violations and encourage the re-occupancy of vacant or neglected properties, thereby improving neighborhood conditions and the overall quality of life for residents; and

**WHEREAS**, requiring applicants of the lien reduction program to reimburse the City for administrative enforcement costs ensures that the financial burden is not unfairly shifted to taxpayers who were not responsible for the violations; and

**WHEREAS**, Section 162.09(3), Florida Statutes, authorizes the local governing body to release liens imposed as a result of code enforcement proceedings; and

**WHEREAS**, pursuant to Section 166.021, Florida Statutes, and Article VIII, Section 2(b) of the Florida Constitution, the City has home rule authority to exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, the City Commission desires to delegate authority to the Development Services Director to approve lien reductions under established criteria to ensure administrative efficiency and consistency;

**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**

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### **ARTICLE IX. – CODE ENFORCEMENT**

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### **Sec. 2-511. – Fines and liens.**

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- (d) *Settlement of fines and liens.* The city commission hereby establishes a code enforcement lien relief reduction program ~~which has~~ subject to the following terms and conditions.

- (1) Administrative Lien lien reduction.

- a. Pursuant to the authority granted by the City Commission, the Development Services Director is authorized to approve lien reductions, provided the conditions set forth herein are met:

- ~~1.~~ Property owners of residentially-zoned properties may apply to the code compliance office for a reduction of code enforcement liens encumbering their property. Applications submitted shall be per property, not per code enforcement case, and must be accompanied by the lien reduction application fee set forth in the city fee schedule.
- ~~b.~~ 2. The property must be in compliance comply with all city codes at the time of application.
- ~~c.~~ 3. If found compliant with this section, Liens liens will be reduced to the maximum cumulative fine adopted by subsection 2-511(b)(5) plus the amount equaling the city's actual administrative costs, contractor and/or vendor abatement fees and/or labor and supply costs incurred by the City for abatement if applicable, and recording fees associated with administrative costs incurred during enforcement.
- ~~d.~~ The application fee for the lien reduction is set forth in the city fee schedule. The application shall be per property, not per code enforcement case.
- ~~e.~~ 4. The property owner shall, within Following inspection of the property, and review of the lien reduction request for compliance with the above conditions, the

Development Services Director will approve the lien reduction request. The Development Services Department will then inform the property owner of the reduced lien amount due. Within 30 days from the date of the notification of the lien reduction amount, the property owner must make full payment of the reduced lien amount to the city. of that amount. On receipt of payment, the City Manager or designee will execute and issue a release of lien. If the property owner fails to make payment, the administrative lien reduction approval will be Failure to do so will null and void the application and a release of lien shall will not be executed.

- f. Lien relief does not apply to liens from fines imposed after October 25, 2010.

~~(2)~~ Lien release.

- a. ~~Property owners who purchase property through a foreclosure sale, clerk's sale, or other judicially imposed sale, may apply for a release of any code enforcement board liens on the property after the sale closes, except for actual abatement and administrative costs.~~
- b. ~~The property owner shall not have been the owner of the property at the time the lien was imposed.~~
- c. ~~The property must be in compliance with all city codes at the time of application.~~
- d. ~~The fee for the application for the lien release is set forth in the city fee schedule. The application shall be per property, not per code enforcement case.~~
- e. ~~The property owner shall, within 30 days from the date of the notification of the lien reduction amount, make full payment of that amount. Failure to do so will void the application and a release of lien shall not be executed.~~

~~(3)~~ (2) Alternative procedure for ~~non-owners~~ non-compliant properties. ~~In anticipation of a pending sale, persons with a bona fide purchase contract for affected properties may seek an anticipatory lien reduction provided that:~~

- a. ~~The property is residentially zoned.~~
- b. ~~The property must be in compliance with all city codes at the time of application, or must meet the requirements of subsection (f) below.~~
- e. a. Property owners or prospective buyers under contract to purchase a property may apply for a reduction of code enforcement liens encumbering a non-compliant property. The application fee for the lien reduction is set forth in the city fee schedule. The application shall Applications must be per property, not per code enforcement case, and must be authorized by the current owner of the property. shall be accompanied by the lien reduction application fee set forth in the city fee schedule. A list of abatement actions and/or repairs (scope of work) the applicant intends to complete to bring the property into compliance and a timeline for completion must be provided with the application.

- b. The Development Services Department will review the proposed scope of work the applicant intends to complete compared to the code violation record to ensure the adequacy of the proposal to remediate the violation(s) and consider the reasonableness of the proposed timeframe for completion. In determining the reasonableness of the timeframe, Development Services will consider the following:
  - 1. Whether, according to the Florida Building Code, a licensed contractor must be retained to complete the work, and if so, whether the applicant already has a contract with a licensed contractor; and
  - 2. The scope and magnitude of the abatement necessary to remedy the violation(s); and

If Development Services finds the scope of work inadequate or the timeframe unreasonable, they will communicate with the applicant to negotiate terms for which the department could make a recommendation for approval. The applicant may decline to negotiate, in which case the request will proceed to draft memorandum of agreement (MOU) and City Commission without a staff recommendation for approval.

- c. Upon finding the request meets the conditions herein, the scope of work is adequate to remedy the violation, and the timeframe is reasonable, or if the applicant declines to modify their proposed scope of work or timeline, the Development Services Department will draft a memorandum of agreement (MOA) including the scope of work and timeline in which the work must be completed and specifying the reduced lien amount (amount equaling the city's administrative costs, contractor or vendor abatement fees and/or labor and supply costs incurred by the City for abatement, if applicable, and recording fees associated with enforcement) to be paid upon remediation of the violation for City Commission approval.
- d. Liens will be reduced to the maximum cumulative fine adopted by subsection 2-511(b)(5) plus the city's actual abatement and administrative costs incurred during enforcement. For purposes of this section, MOAs are ministerial in nature and therefore may be placed on the City Commission consent agenda. City Commission approval of an MOA shall include authorizing the City Manager to sign the MOA and authorizing the City Manager or designee to approve a release of lien after completion of the scope of work and receiving payment of the reduced lien amount.
- e. The property owner or applicant shall, within 30 days from the date of the notification of the lien reduction amount, make full payment of that amount. Failure to do so will void the application and a release of lien shall not be executed. After City Commission approval of the MOA, and completion of the scope of work, the applicant must schedule a Development Services Department inspection whereby the city may determine that that the property complies with all city codes.
- f. In the event the property is not in compliance at the time of application, the applicant must, in addition to prepaying the reduced lien amount, enter into an agreement with the city giving the applicant 90 days from closing to bring the

~~property into compliance with any existing code enforcement orders. Failure to bring the property into compliance within the 90-day period shall result in the reinstatement of the previous fine amounts and code enforcement proceedings. After inspection of the property and confirmation of the property's compliance with city codes, the Development Services Department will notify the applicant that payment of the reduced lien amount per the MOA is due. Within 30 days of the notification, the applicant must make full payment to the city. On receipt of payment, the City Manager or designee will execute and issue a release of lien. If the applicant fails to make payment a release of lien will not be executed.~~

- ~~g. Lien relief does not apply to liens from fines imposed after October 25, 2010. In the event the property is found not in compliance when inspected per paragraph e. above, provided the timeframe for completion per the MOA has not expired, the Development Services Department will provide the applicant with a list of deficiencies to correct after which the applicant will repeat the inspection process. If in compliance on repeat inspection(s) within the MOA specified timeframe, the city will proceed notification of reduced lien amount due and release of lien per paragraph f. above.~~

- ~~(4) Authority. The city manager or designee shall develop the application for use with the lien relief program. The city manager is authorized to approve the applications seeking the lien reduction or lien releases and to sign the satisfaction and release of liens necessary to execute the relief program. The city manager or designee is hereby authorized in consultation with the city attorney to enter into and enforce agreements with current and potential property owners to ensure compliance with this program.~~

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### 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 ~~strikethrough~~. 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 September 9, 2025.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on September 23, 2025.

CITY OF NORTH PORT, FLORIDA

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PHIL STOKES  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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MICHAEL GOLEN, CPM  
INTERIM CITY ATTORNEY