



City of North Port

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, PROVIDING FOR THE IMPOSITION AND COLLECTION OF NON-AD VALOREM SPECIAL ASSESSMENTS TO FUND COSTS INCURRED BY THE CITY IN ABATING NUISANCE CONDITIONS OF EXCESSIVE GROWTH OF GRASS AND NUISANCE WEEDS ON DEVELOPED LOTS, AND HAZARDOUS TREES AND ACCUMULATION OF DEBRIS ON ANY LOT; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 42 – NUISANCES, ARTICLE II – LOT CLEARING, TO CREATE SECTION 42-27; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, Chapter 42, Article II of the Code of the City of North Port, Florida (the “City Code”) addresses
2 the abatement of nuisance conditions on lots to protect the health, safety, and general welfare of the
3 citizenry and to enhance the properties and premises within the City by eliminating, among other things,
4 excessive growth of grass and nuisance weeds, hazardous trees, and accumulation of debris (as such terms
5 are defined therein); and

6

7 **WHEREAS**, as further described therein, nuisance conditions create unsanitary or unsafe conditions and
8 in general appearance and condition, create a slum appearance which tends to have a decreasing value
9 effect on the neighboring property and premises; and

10

11 **WHEREAS**, City Code Section 42-26 provides that the City may cause nuisance conditions to be abated, at
12 the expense of the lot owner, if the lot owner does not abate the nuisance within a reasonable period of
13 time as set forth in the notice of public nuisance; and

14

15 **WHEREAS**, City Code Section 42-26 further provides for the billing of the City’s actual cost of abatement
16 to the property owner, and for the imposition of a special assessment lien if the bill for actual abatement
17 costs is not paid; and

18

19 **WHEREAS**, excessive growth of grass and nuisance weeds, hazardous trees, and the accumulation of
20 debris create imminent risks both for the affected property and the broader public health and in essence
21 create a burden necessitating remedial action by the City, and lot clearing and abatement services
22 provided by the City relieve the burden created by such conditions and therefore convey a special benefit
23 to the property receiving the services; and

24

25 **WHEREAS**, City-provided lot clearing and abatement services convey additional special benefits to
26 affected lots which may include, but are not limited to, preventing decline in property value, improving
27 aesthetics of property, marketability, and safety, by reducing fire hazards and improving access to the
28 property; and

29
30 **WHEREAS**, Florida Statutes Section 197.3632 authorizes the City to use a uniform method for the levy,
31 collection, and enforcement of special assessments for the collection of non-ad valorem special
32 assessments on a property-owner's annual property tax bill in the same manner as provided for ad
33 valorem taxes (the "Uniform Method"); and

34
35 **WHEREAS**, the City Commission of the City of North Port, Florida, intends to amend the City Code to
36 provide that when not timely paid, the special assessment imposed against lots for the actual cost of
37 abatement for excessive growth of grass and nuisance weeds, hazardous trees, and accumulation of
38 debris may be collected pursuant to the Uniform Method; and

39
40 **WHEREAS**, the Uniform Method with its enforcement provisions, including the use of tax certificates and
41 tax deeds for enforcing against any payment delinquencies, is less costly and more fair to property owners
42 than the traditional lien foreclosure methodology; and

43
44 **WHEREAS**, the imposition of a non-ad valorem assessment to recover the actual cost incurred by the City
45 in the abatement of excessive growth of grass and nuisance weeds, hazardous trees, and accumulation of
46 debris, together with a pro rata share of any administrative costs involved (including amounts necessary
47 to account for any statutory discount for the early payment of property taxes and non-ad valorem
48 assessments, but excluding any applicable penalty or fine) provides an equitable method of funding the
49 City-provided abatement services by fairly and reasonably allocating the cost thereof to specially
50 benefitted property; and

51
52 **WHEREAS**, the City Commission finds that this amendment serves the public health, safety, and welfare
53 of the citizens of the City of North Port, Florida.

54
55 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

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57 **SECTION 1 – FINDINGS**

58
59 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference as
60 legislative findings of the City Commission.

61
62 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business
63 impact estimate on the City's website on or before the date the newspaper published notice of
64 this ordinance's final reading.

65
66 **SECTION 2 – CREATION OF SECTION 42-27 OF THE CITY CODE**

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68 2.01 Chapter 42 of the Code of the City of North Port, Florida is hereby amended as follows:

69

70 **“Chapter 42 – NUISANCES**
71 ...72 **ARTICLE II. – LOT CLEARING**
73 ...74 **Sec. 42-27. – Alternative method of collecting special assessments for abatement services.**
7576 (a) Public nuisance conditions as defined in section 42-19 of this Code and violations
77 contemplated by this chapter create imminent risks both for the affected lot and the broader
78 public health and in essence create a burden that must be remedied by the City. Abatement
79 services provided by the City relieve the burden created by such conditions and therefore
80 convey a special benefit to the lots receiving the services.81 (b) Additional special benefits conveyed by the City’s provision of public nuisance abatement
82 services may include, but are not limited to, preventing decline in property value, improving
83 aesthetics of property, marketability, and safety, by reducing fire hazards and improving
84 access to the property.85 (c) As an alternative to the recording of a special assessment lien as authorized in section 42-26
86 of this Code, and solely for costs related to nuisance abatement, the City may collect the
87 special assessment contemplated by section 42-26 pursuant to the uniform collection method
88 authorized in F.S. § 197.3632, and in accordance with this section.89 (d) The imposition and collection of a non-ad valorem special assessment to recover the actual
90 cost incurred by the City in providing abatement services, together with a pro rata share of
91 any administrative costs involved (including amounts necessary to account for any statutory
92 discount for the early payment of property taxes and non-ad valorem assessments, but
93 excluding any applicable penalty or fine) provides an equitable method of funding the
94 abatement service by fairly and reasonably allocating the cost thereof to specifically
95 benefitted property.96 (e) *Establishment of special assessment district.* The entire area of the City, as it may be expanded
97 or contracted from time to time, is hereby declared a special-assessment district for the
98 purposes of abating nuisance violations under this chapter.99 (f) *Notice.* In addition to the requirements for the notice of public nuisance violation set forth in
100 section 42-25 of this Code, notices related to violations involving nuisance abatement must
101 include a statement that if the public nuisance violation is not corrected and abated by the
102 lot owner within a specified reasonable period of time, the City may cause the violation to
103 be corrected and abated, the cost of which, if not paid when due, may be collected as a
104 non-ad valorem assessment pursuant to F.S. § 197.3632.105 (g) *Levy of non-ad valorem assessments.* The City Commission is authorized to levy from time to
106 time a non-ad valorem special assessment against each and every property in the City on
107 which there occurs or has occurred a nuisance violation abatement related to a violation of
108 this chapter, whenever the City has undertaken action to abate the violation and thereby
109 incurred costs, and the property owner, or if applicable the agent, custodian, lessee, or
110 occupant of the property has failed or refused, for whatever reason, to timely pay the amount
111 owed to the City for the costs incurred by the City in carrying out such abatement. Provided,

118 however, that the amount of the non-ad valorem assessment shall be limited to actual
119 abatement costs as determined in the sole discretion of the City together with administrative
120 and collection costs as contemplated herein.

121
122 (h) *Collection of non-ad valorem assessments.* The city commission elects to use the uniform
123 method as authorized in F.S. § 197.3632 to impose and collect non-ad valorem assessments
124 against properties on which public nuisance violations under this chapter occur or have
125 occurred. The non-ad valorem assessments collected pursuant to this section will be included
126 in the combined notice for ad valorem taxes and non-ad valorem assessments as provided in
127 F.S. § 197.3635, including provisions relating to discount for early payment, prepayment by
128 installment method, deferred payment, penalty for delinquent payment, and issuance and
129 sale of tax certificates and tax deeds for nonpayment.

130
131 (i) *Agreement to reimburse county property appraiser and county tax collector.* In order to use
132 the uniform method authorized in F.S. § 197.3632 for the levy, collection, and enforcement
133 of the non-ad valorem assessments, the City is authorized to enter into a written agreement
134 with the county property appraiser and the county tax collector providing for the
135 reimbursement of their costs incurred in the administration and collection of the non-ad
136 valorem assessments levied under this section.

137
138 (j) *Adoption of resolutions.*

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140 (1) *The city commission will consider such resolutions as may be required by F.S. § 197.3632,*
141 *pertaining to the imposition and collection of non-ad valorem assessment on the annual*
142 *property tax bill, including, but not limited to, the resolution required by F.S. §*
143 *197.3632(3), which resolution shall state the following:*

144
145 a. *The City's intent to use the uniform method of collecting non-ad valorem*
146 *assessments;*
147
148 b. *The City's need for the imposition of the non-ad valorem assessments; and*
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150 c. *A legal description of the entire area of the City.*

151
152 (2) *The City will comply with all statutory notice prerequisites set forth in F.S. § 197.3632.*

153
154 (k) *Annual non-ad valorem assessment roll.*

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156 (1) *Each year, the city commission will approve by resolution a non-ad valorem assessment*
157 *roll at a public hearing between January 1 and September 15 (or as otherwise required by*
158 *F.S. § 197.3632). The non-ad valorem assessment roll will be comprised of properties that*
159 *have had non-ad valorem assessments levied against them pursuant to this section, and*
160 *where the assessments have not otherwise been paid in full prior to certification of the*
161 *assessment roll to the county tax collector.*

162
163 (2) *The city manager or designee is authorized and directed each year to prepare the notice*
164 *that must be sent by first class United States mail, as required by F.S. § 197.3632(4)(b),*
165 *and to prepare and publish the newspaper notice required by F.S. § 197.3632(4)(b).*

(3) The notice to be sent by first class mail will be sent to the owner of record of each lot to be included on the non-ad valorem assessment roll and must include the following:

- a. The purpose of the assessment to pay the abatement costs incurred by the City;
- b. The total amount to be levied against the lot, which includes the actual abatement cost incurred by the City for the provision of abatement services on one or more occasions;
- c. A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title;
- d. A statement that all affected property owners have a right to appear at the hearing and to file written objections with the city commission within 20 days of the notice;
- e. The date, time, and place of the hearing; and
- f. A statement that the property owner may avoid collection of the abatement cost as a non-ad valorem assessment by paying the amount due by the payment date specified therein (which payment date shall be no later than September 1 of each year, and prior to certification of the assessment roll to the tax collector).

(4) The non-ad valorem assessment roll will be comprised solely of properties that have had non-ad valorem assessments levied against them pursuant to this section, and where the assessment has not otherwise been paid in full prior to approval of the roll.

(5) Any cost of abatement that exceeds \$1,000.00 may be collected by the City in two annual cycles. This shall be solely at the discretion of the city commission.

(6) Upon its approval by city commission, the non-ad valorem assessment roll will be certified to the tax collector as required by F.S. § 197.3632."

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.

210 **SECTION 5 – CODIFICATION**

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212 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any
213 additional codification information and notations appear in *italics*. These editorial notations are
214 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 January 13, 2026.

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

CITY OF NORTH PORT, FLORIDA

MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL FUINO, B.C.S.
CITY ATTORNEY