



## CODE ENFORCEMENT HEARING PROCEDURES

**You have been issued a Notice of Mandatory Hearing. At the scheduled hearing, the City's Hearing Officer will determine if you have violated one or more provisions of the Code of the City of North Port, the City's Unified Land Development Code, or the Florida Building Code as alleged. Please read the below information carefully regarding your rights under the law and the hearing procedure.**

### **I. RIGHTS/PROCEDURES**

1. On the day of the hearing you will be given the opportunity to present evidence showing why you should not be found in violation of the code provision(s) as alleged. You have the right to represent yourself at the hearing. You also have the right, at your own expense, to the following:
  - a. Have your own personal attorney represent you during the hearing by filing a Notice of Representation, signed by the attorney, with the City Clerk's Office at least five (5) days prior to the hearing date;
  - b. Have a non-attorney represent you during the hearing by completing the attached Designation of Power of Attorney form and filing a notarized copy with the City Clerk's Office at least five (5) days prior to the hearing date;
  - c. Record the hearing; and
  - d. Present and question your own witnesses and any witnesses testifying against you.
2. During the hearing, a Code Enforcement Inspector or Police Officer will present evidence of the alleged violation. You will then be given the opportunity to present your testimony, witnesses, and evidence to rebut the Code Enforcement Inspector's or Police Officer's evidence. The Hearing Officer is also permitted to ask questions of either party and/or their witnesses if desired. The hearing will be recorded, and all testimony will be taken under oath or affirmation.
3. Evidence submitted as an exhibit to your case, such as pictures and written statements, will become a permanent part of the case and made part of the record. Once part of the record, it is possible that these items will not be returned to you. Therefore, please bring copies of any evidence you will submit as an exhibit. Please be aware: electronic submittals, such as pictures on your phone, cannot be made a part of the record. All items included in the record must be in a hardcopy or printed format.
4. If you have a Code Enforcement case and the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the Code Enforcement Inspector, your case may still be presented before the Hearing Officer, even if the violation has been corrected prior to the hearing date.

## II. REHEARING/APPEAL

1. If the Hearing Officer finds a violation as alleged, you have the right to file a Motion for Reconsideration. Any such motion must be filed with the City Clerk's Office within ten (10) days of the Hearing Officer's Order. A Motion for Reconsideration must contain a statement specifying the reason(s) for your appeal and at least one (1) of the following:
  - a. A statement identifying the facts of the decision that are contrary to the evidence.
  - b. A statement identifying how the decision was based on an error of the law.
2. You have the right, at your own expense, to appeal the Hearing Officer's Order to the Circuit Court in Sarasota County. Any such appeal must be filed with the court within thirty (30) days of the date of the Hearing Officer's Order. It is your responsibility to make arrangements, at your own expense, to acquire any record of the hearing for use in your appeal.

## III. ADMINISTRATIVE FINES

Unless otherwise provided by law, the Hearing Officer may impose the following fines where a violation is found:

1. **Violation of the Code of the City of North Port** – Daily fine not to exceed \$10.00 per day; maximum cumulative fine of \$1,000. (These fines do not apply for violations of Chapter 74 – Traffic and Vehicles. See below.)
2. **Violation of the Unified Land Development Code** – Daily fine not to exceed \$25.00 per day; maximum cumulative fine of \$2,000. (These fines do not apply for violations of Chapter 45 – Tree Protection Regulations. See below.)
3. **Violation of the Florida Building Code** – Daily fine not to exceed \$50.00 per day; maximum cumulative fine of \$5,000.
4. **Violation of the Florida Building Code as it pertains to unsafe building abatement** – Daily fine not to exceed \$250.00 per day; there is no maximum fine.
5. **Repeat Violations** – Daily fine not to exceed \$500.00 per day; maximum cumulative fine of \$25,000. In addition to such fines, the hearing officer may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs of repairs taken by the City.
6. **Parking Violation, Chapter 74 – Code of the City of North Port** – \$15.00 per violation; \$100.00 per violation for illegally parking in a parking space marked for use by disabled persons. Each day a violation is permitted to continue is a separate violation.
7. **Unpermitted Tree Removal, Chapter 45 – Unified Land Development Code**
  - A. Residential Property:
    - 1) Where the number of trees removed is known – \$250.00 per tree.
    - 2) Where the number of trees removed is unknown – \$2,500.00 per each ten thousand (10,000) square feet of lot/parcel.
  - B. Non-Residential Property:
    - 1) Where the number of trees removed is unknown – \$5,000.00 per each ten thousand (10,000) square feet of lot/parcel.
    - 2) Where the number of trees removed is known – \$500.00 per tree.
    - 3) Removal of a heritage or champion tree of known size – \$5,000.00 per tree and the total of \$100.00 x the diameter of the tree at breast height (DBH).
    - 4) Removal of a heritage or champion tree of unknown size – \$10,000.00 + \$3,000.00 per tree.

Note: Daily fines can run concurrently for each violation. A fine imposed by the Hearing Officer and recorded with the Clerk of the Circuit Court, shall accrue to the maximum of each violation until the violation comes into compliance and such compliance is confirmed, or the maximum cumulative fine has been reached.

For questions concerning your hearing, please contact Code Enforcement at (941) 429-7186.

**MANDATORY HEARING  
DESIGNATION OF POWER OF ATTORNEY**

**By completing and submitting this Designation of Power of Attorney you intend to authorize a non-attorney representative to act on your behalf at a hearing before the City's Hearing Officer. Please complete this form, have it notarized, and return it to the City Clerk's Office at least five (5) days prior to your hearing date. This form can be mailed to the City Clerk at: City Clerk, City of North Port, Florida, 4970 City Hall Boulevard, North Port, Florida 34286, or by email to: htaylor@cityofnorthport.com.**

I \_\_\_\_\_ hereby designate and authorize \_\_\_\_\_

to act as my Power of Attorney and vest in this person the full power and authority to act on my behalf in the following matter (Check one):

- Respondent in Code Enforcement Case No.: \_\_\_\_\_.
- Appellant for Parking Ticket No.: \_\_\_\_\_.

\_\_\_\_\_  
Signature of Respondent/Appellant

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
*Notary Public - State of Florida*

\_\_\_ Personally Known OR \_\_\_ Produced Identification  
Type of Identification Produced \_\_\_\_\_