

ORDINANCE NO. 16-5175

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE CITY CODE OF THE CITY OF SARASOTA CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 5, CODE COMPLIANCE SYSTEM, SECTION 2-321, SCHEDULE OF CIVIL PENALTIES, BY ADDING THERETO A PENALTY FOR FAILURE TO POST A TREE REMOVAL PERMIT AND FOR FAILURE TO PROVIDE TREE PROTECTION BARRIERS; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Code provides a Schedule of Civil Penalties for violations of provisions of the City Code and Zoning Code; and

WHEREAS, the Director of Neighborhood and Development Services has requested that the Schedule of Civil Penalties be modified to add thereto a penalty for failure to post a tree removal permit and for failure to provide tree protection barriers; and

WHEREAS, the City Commission hereby finds that it is in furtherance of the public health, safety and welfare to amend the City Code so as to include such a penalty.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Sarasota City Code, Chapter 2, Administration, Article V, Boards, Commissions and Committees, Division 5, Code Compliance System, Section 2-321, Schedule of Civil Penalties, is hereby amended so as to add thereto a penalty for failure to post a tree removal permit, and for failure to provide tree protection barriers. As amended, said Section 2-321 shall provide as follows:

Sec. 2-321. - Schedule of civil penalties.

(a)

Upon the issuance of a citation, the provisions of this code and the fines payable for the initial violation and continuing violations, until the administrative hearing thereon, in each instance are as set forth opposite each listed violation:

Section	Subject	Fine per day
Sec. 8-2 thru 8-4, inclusive, Sec. 8-8 and Sec. 8-27	Animals	\$50.00
Chap. 11	Building codes:	
	Administrative	50.00
	Technical	50.00
Chap. 14	Fire prevention and protection	
	Administrative	50.00
	Technical	50.00
	Licensing	100.00
Chap. 15	Fortune tellers, clairvoyants, etc.	25.00
Chap. 16	Recycling and solid waste	100.00
Sec. 16-34	Trash can placement at curb	25.00
Chap. 17	Health and sanitation	100.00
Chap. 19	Licenses	100.00

Chap. 20	Noise	50.00
Sec. 21-4	Wells of test holes	50.00
Sec. 21-43	Removing dirt, sand or shell	25.00
Sec. 21-45	Removal of graffiti *The per diem fine for violations of section 21-45 shall be doubled in the event that the chief of police or the director of code compliance has certified that the violation presents a serious threat to the public health, safety, or welfare.	25.00/50.00*
Sec. 21-126	Discarded refrigerators	250.00
Sec. 21-201	Off-street parking/litter receptacles	250.00
Sec. 21-202	Construction site containers	100.00
Chap. 23	Peddlers and solicitors	20.00
Chap. 27	Pollution	50.00
Chap. 28	Garage sales	50.00
Chap. 30	Streets, sidewalks and other public places	50.00
Chap. 31	Subdivisions	25.00
Sec. 33-119(b)	Parking spaces—Disabled persons	50.00

Chap. 34	Trailers, tents	25.00
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Zoning code, Art. VII, Div. 3.1, tree protection: \$250.00 for failure to post a tree removal permit as required by Section VII-310, \$250.00 for the initial penalty plus \$100.00 for the daily penalty for failure to provide tree protection barriers as required by Section VII-312 and otherwise \$100.00 and other penalties as provided by the zoning code

Section	Subject	Fine per day
Chap. <u>37</u>	Water and sewer	50.00
Chap. <u>38</u>	Zoning	50.00
	All other violations	100.00

(b)

For a repeat violation, the fines payable for violations as set forth in subsection (a) herein shall be five hundred dollars (\$500.00) per day.

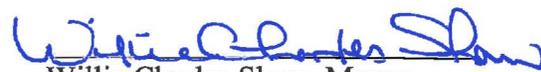
[Modifications are shown in “black line” format by which deletions from existing text are shown by ~~stike through~~ and additions to existing text are shown by underline.]

Section 2. Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 3. Effective Date: This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 6th day of June, 2016.

PASSED on second reading and finally adopted this 5th day of July, 2016.


Willie Charles Shaw, Mayor

ATTEST:


Pamela M. Nadalini, MBA, CMC
City Auditor and Clerk

Yes Mayor Willie Charles Shaw
Yes Vice Mayor Shelli Freeland Eddie
Yes Commissioner Liz Alpert
Yes Commissioner Suzanne Atwell
Yes Commissioner Susan Chapman