

ORDINANCE NO. 2024-2285

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 10 OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO SOLID WASTE COLLECTION; PROVIDING CRITERIA FOR DETERMINING THE SOLID WASTE COLLECTION FEE; PROVIDING FOR COLLECTION THEREOF; PROVIDING FOR A LIEN FOR NON-PAYMENT OF THE FEE; PROVIDING FOR ADMINISTRATION BY THE CITY MANAGER; PROVIDING MISCELLANEOUS REQUIREMENTS; PROVIDING FOR DEFINITION OF TERMS; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the city council has adopted single collector solid waste collection system within the city to replace the prior multiple collector system;

WHEREAS, the city council deems it appropriate to provide for a method of collecting the cost of solid waste collection from each property throughout the city based upon the type of property;

WHEREAS, the City Council has determined that the fees contained herein are fairly apportioned for the services provided for the benefit of all properties within the city; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION 1. Chapter 10 of the Code of Ordinances, pertaining to solid waste and providing as follows, is hereby amended as follows (strikeout text is deleted and underlined text is added):

Chapter 10 SOLID WASTE ~~GARBAGE AND REFUSE~~

ARTICLE I. IN GENERAL

Sec. 10-~~12~~. Definitions of terms ~~Depositing garbage and trash in city.~~

(a) ~~Definitions.~~ As used in this chapter, section the terms contained in this section shall have the meanings hereafter provided.:

1. City Limits shall mean the limits of the City of New Port Richey as may be amended from time to time by annexation or contraction.

2. Commercial Collection shall mean any collection of solid waste other than residential curbside solid waste collection.

3. Commercial Owner shall mean any owner of property that is not owned by a residential Owner.

4. Developed Property shall mean any property having a structure of any kind located thereon.

5. Dump shall mean to dump, throw, discard, place, deposit, distribute, attach, dispose of, or to cause to be dumped, thrown, discarded, placed, deposited, distributed, attached, or disposed of.

6. Excluded Waste shall mean radioactive, highly flammable, explosive, volatile, corrosive, biomedical, biohazardous, toxic, pathological, infectious, or hazardous waste as defined by law.

7. Level of Service shall mean the type, number and frequency of commercial collection of solid waste containers from properties within the city.

8. Motor vehicle shall mean an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other similar vehicle.

9. Person shall mean any individual, firm, entity, sole proprietorship, partnership, corporation, or unincorporated association.

10. Residential Curbside Solid Waste Collection shall mean the collection of solid waste from a residential customer, in a residential solid waste container or consisting of uncontained solid waste, recyclables and yard waste, placed at the edge of the nearest right-of-way, including a street or alley way, adjacent to real property within the city limits, only.

11. Residential Owner shall mean the owner of developed property within the city limits having fewer than six (6) residential dwelling units as defined by the city's Land Development Code.

12. Residential Solid Waste Container shall mean a solid waste container designed for and used by residents in dwellings having fewer than six (6) residential units, which may also be used by small commercial businesses or in conjunction with commercial solid waste containers by other commercial businesses or residents in multi-family dwellings having greater than five (5) residential units, having a capacity of less than fifty (50) gallons which may be manually collected for disposal into the rear of a solid waste collection vehicle, or having a capacity of less than one hundred (100) gallons collected through the use of a mechanical lifting and dumping apparatus.

13. Solid Waste Garbage, trash or other waste matter shall mean all garbage, rubbish, waste, trash, or debris of any kind. For the purposes of this section, this includes, but is not limited to: refuse, cans, bottles, boxes, containers, papers, leaflets, circulars, advertising materials, tobacco products, tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, vessels, aircrafts, farm machinery or equipment, sludge, decaying vegetative matter, exposed salvageable material or other manmade materials, refuse from residential, commercial, or industrial activities, animal waste, recyclable material, personal items, including clothing and household goods, kitchen and table food waste or other waste that is attendant with or results from the storage, preparation, cooking or handling of food material, wood scraps, yard waste, tree or landscape debris and rotting fruit, cardboard, cloth, glass, rubber, plastic, carpet, discarded vehicles, vehicle tires or other vehicle or watercraft fixtures or parts, household goods and appliances, tools and equipment that are broken, derelict, or otherwise in disrepair, or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

14. Solid Waste Collection Services Provider shall mean an entity that is in the business of, and qualified and licensed for, providing solid waste collection services pursuant to a franchise authorized by the city and designated as the city's solid waste collection services provider.

15. Solid Waste Collection Vehicle shall mean a truck designed and used for the collection and disposal of solid waste, either manually or through the use of a mechanical lifting and dumping apparatus.

16. Solid Waste Container shall mean any container or receptacle used and kept for the purpose of storing solid waste for collection and disposal by an appropriate solid waste collection services provider.

17. Special Commercial Collections shall mean commercial collections in addition to the regular level of service for any property.

18. Special Pickup Solid Waste shall mean solid waste items that are too large or heavy to be placed inside of a residential solid waste container.

19. Uncontained Solid Waste shall mean solid waste placed adjacent to a solid waste container or at the regular solid waste collection site on the property, that may include, without limitation, any bagged, boxed, or bundled solid waste other than special pickup solid waste. Bundled yard waste and Christmas trees shall be included in this definition.

20. Undeveloped shall mean having no structure of any kind thereon, which status shall continue until the issuance of a certificate of occupancy for new construction or the initiation of commercial collection, if applicable, whichever occurs earlier.

21. Vessel shall means a boat, barge, or airboat or any other vehicle used for transportation on water.

22. Yard Waste shall mean brush and plant-based debris, except fruit, including without limitation limbs, leaves, stems, and flowers that is not contained in a solid waste container.

Sec. 10-21. Prohibitions ~~Burying or burning garbage, trash, vegetation.~~

- (a) Burying or burning ~~Prohibited~~. The burying or burning within the city limits of any solid waste ~~garbage, trash, trees, palmetto stumps~~ or other items of a like nature is hereby determined by the city council to be detrimental to the best interest of the general health and welfare of the city and is hereby prohibited.
- (b) Dumping prohibited. Unless otherwise authorized by law or permit, it is unlawful for any person to dump solid ~~garbage, trash, or other waste matter~~ in any manner or amount within the city limits:
 - (1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefore. When any garbage is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;
 - (2) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the county. When any garbage is dumped from a vessel, the operator or owner of the vessel, or both, shall be deemed in violation of this section; or
 - (3) In or on any private property, unless prior consent of the owner has been given, ~~and unless such solid waste litter~~ will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation, and the same is deposited in a proper solid waste container or in a manner otherwise authorized in this chapter for the disposal of solid waste.
- (c) ~~{Burden of proof.}~~ In enforcing this section, the burden of proof shall be on the person accused of violating this section to prove that he or she had authority to dump the garbage and that such dumping did not cause a public nuisance.
- (d) Enforcement of other regulations. This section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter, garbage, trash, refuse, or solid waste management.
- (e) Special requirements. Refrigerators and similar equipment which are being discarded shall have the doors removed and shall be removed ~~discarded~~ from the property within twenty-four (24) hours of being placed on the exterior of the property. ~~It shall be unlawful for any person to dump or otherwise deposit any garbage, trash or other waste matter within the incorporated territorial limits of the city other than in a private garbage can upon the premises of the person involved.~~
- (f) Excluded waste. No excluded waste shall be deposited or allowed by any property owner in or around any solid waste container of any kind within the city.

Sec. 10-3. Solid waste collection ~~Motor vehicles for the collection of garbage or trash.~~

- (a) ~~It shall be unlawful for any person to park or store a~~ Any solid waste collection motor vehicle which is designed or used for the collection of trash, refuse or garbage within this city during ~~the intervening hours between sunset and sunrise, unless such motor vehicle shall be~~

thoroughly cleaned, sanitized and deodorized of all such solid waste, shall be properly stored or parked only in a facility licensed for the same, and shall not be parked upon any public property or right-of-way garbage, trash or refuse.

- ~~(b) It shall be unlawful for any person to allow or permit any such motor vehicle as described in subsection (a) to be parked or stored on the property which is owned, possessed or controlled by such person, during the intervening hours between sunset and sunrise, unless such motor vehicle shall be thoroughly cleaned, sanitized and deodorized of all such trash, refuse or garbage; or unless the motor vehicle is disabled by a malfunction which prevents the cleaning, sanitization and deodorization thereof and the motor vehicle is parked at a garage within this city, for the express purpose of accomplishing the repair of the disability or malfunction.~~
- ~~(c) A violation of this section shall be punished in the manner provided in section 1-14 and each day that such a violation continues to exist shall be deemed to be a separate and distinct offense.~~

Sec. 10-4. Disposal of yard waste debris.

- (a) On properties receiving residential curbside solid waste collection, yard waste may be placed at the regular solid waste collection site on said property in accordance with the regular solid waste collection schedule, so long as the yard waste is placed in a solid waste container or bag, or is cut into lengths of less than four (4) feet, tied in bundles weighing less than fifty (50) pounds, and contains tree limbs no larger than six (6) inches in diameter. The solid waste collection services provider shall remove the yard waste described in this subsection in accordance with the regular solid waste collection schedule for each property receiving residential curbside solid waste collection services as part of the regular solid waste collection service provided to each such property.
- (b) Residents or private contractors employed by residents of the city shall be permitted to place ~~vegetation and vegetative~~ yard waste debris collected and removed from residential property in the public right-of-way adjacent to the residential property from which the same was collected and removed, outside the traveled portion of any street, alley or sidewalk, or in an area designated by the city as a community collection area, for collection pickup by permitted private haulers or the city public works department, as provided in this subsection. All ~~vegetation and vegetative~~ yard waste debris collected and removed from a property shall remain for pick up at its designated location. The relocation by any person of ~~vegetation or vegetative~~ yard waste debris collected and removed from a property to any public or private property, other than the public right-of-way adjacent to the property from which the same was collected and removed, or a community collection area, shall constitute illegal dumping and a violation of this section. The city manager may designate a community collection area pick up location for ~~vegetation and vegetative~~ yard waste debris as deemed in the best interest of the city. Any and all ~~vegetation or vegetative~~ yard waste debris placed in any public right-of-way shall not interfere with any sidewalks, residential property, stormwater drainage or vehicular traffic. All ~~vegetation and vegetative~~ yard waste debris placed under this subsection shall be cut into lengths of less than six (6) feet, unbundled, without containers of any kind, with no tree limbs greater than eight (8) inches in diameter. All leaves shall not be placed in plastic bags, boxes, or any other type of container. ~~(b) The placement of vegetation and vegetative yard waste debris as provided in this subsection shall only be permitted any day~~

between sunrise and sunset ~~each day, without regard to the regular solid waste collection schedule for said property.~~

- (c) The ~~vegetation or vegetative yard waste debris~~ generated from the substantial or total removal of the vegetation from trees having a trunk diameter greater than eight (8) inches diameter at breast height (dbh) shall not be placed in any right-of-way or other public or private property.
- ~~(d) It shall otherwise be unlawful for any person to place or dump, or cause to be placed or dumped, any vegetation, yard debris, garbage, trash, refuse, roofing materials, tires, or other waste materials of any kind or character whatsoever in the public right-of-way within the jurisdictional limits of the city.~~
- (de) All private contractors removing ~~vegetation and vegetative yard waste debris~~ from properties within the city limits shall be licensed, bonded, and have sufficient company identification on all vehicles and equipment used for such activity.
- (ef) All private contractors removing ~~vegetation and vegetative yard waste debris~~ from properties within the city limits shall set up proper maintenance of traffic, whether a permit is required or not, and shall not block public sidewalks when performing work within city rights-of-way.
- ~~(g) Any violation of this section shall be punished in the manner as provided in section 1-14 or otherwise in this Code. Each day the violation continues to exist shall be deemed a separate and distinct offense.~~
- (fh) Nothing contained herein shall be deemed to authorize the placement of ~~vegetation or vegetative yard waste debris~~ in or on any public or private property not specifically authorized under this section, including, without limitation, any public park, public building or undeveloped property.

Secs. 10-5. Penalty.

A violation of this chapter shall be punished in the manner provided in the Code of Ordinances for violations of the Code of Ordinances, and each day that such a violation continues to exist shall be deemed to be a separate and distinct offense.

Sec. 10-6. Administration.

The city manager shall have full authority to administer the provisions of this chapter and shall exercise all powers of the city specifically included herein not otherwise prohibited, including the power to address matters not specifically identified in this chapter but which are contemplated by the terms hereof for the successful operation of the city's solid waste collection services system, as determined by the city manager, including without limitation requiring or allowing different levels of service as necessary to provide for the safe, sufficient and aesthetic storage and removal of all solid waste in the city.

Secs. 10-7 5—10-20. Reserved.

ARTICLE II. SOLID WASTE COLLECTION

DIVISION 1. - GENERALLY

Sec. 10-21. Hauling of certain garbage prohibited.

It shall be unlawful for any person to haul solid waste ~~garbage or other refuse~~ of any kind ~~which has an offensive odor or which might be injurious or dangerous to the health of the inhabitants of the city~~ unless such vehicle in which the materials are being transported is covered or enclosed so as to prevent the falling off of the materials or any portion thereof and to prevent the offensive odors emitting therefrom.

Sec. 10-22. Placement of waste for collection.

The collection site for all solid waste ~~garbage, trash and refuse~~ shall be at the immediate proximity of the avenue or street side of the customer's real property estate lot and all solid waste cans, containers or packages containing solid waste ~~garbage, trash and refuse~~ shall be placed and positioned as close as possible to the surface of such avenue or street, but shall not be placed in any manner whereby the same will constitute an obstacle, impairment or interference with vehicular or pedestrian traffic; provided, however, that where the customer's real property estate lot abuts an alleyway that has been approved for collection as provided in this article, the collection site may be located as close as possible to the alleyway in such a manner that the same does not create an obstacle, impairment or interference with vehicular or pedestrian traffic along such an alleyway. All solid waste receptacles and mechanical containers shall be maintained in good condition and repair. All such receptacles shall be provided with a cover sufficiently tight to prevent flies or other insects from having access to the contents of such receptacles. Containers in which wet solid waste ~~garbage or trash matter~~ is placed shall be watertight. All solid waste ~~garbage cans and mechanical~~ containers shall be subject to inspection by the city at any time and may be rejected as appropriate. The city council may establish uniform approved solid waste containers ~~trash receptacles~~ for different types of properties as it deems necessary, and any owner or occupant of any such property so designated shall place all solid waste ~~refuse~~ in such approved container ~~receptacle~~, only, and no other solid waste containers ~~receptacles~~ shall be allowed on such property.

Sec. 10-23. Collection from alleys.

Pursuant to a written request by any customer whose real property estate lot abuts an alleyway or the solid waste collection services provider ~~any holder of the solid waste collection franchise~~ whose collection route includes real properties estate lots which abut an alleyway, the city council may adopt a resolution to establish collection sites along such alleyways subject to the following conditions:

- (1) Written notice must be provided to the solid waste collection services provider ~~franchisee~~ or customer who will be subjected to the mandate of such a resolution. The notice shall be mailed, by certified mail, return receipt requested, to such franchisee and by regular United States mail to such customer at least thirty (30) days prior to the meeting of the city council where the adoption of such a resolution will be considered by the city council, and the time, date and place of the meeting together with a statement that the franchisee or customer shall have the right to be heard at the meeting on whether the resolution should be adopted, shall be included in the notice;

- (2) All customers whose real property estate lots abut on such an alleyway shall be required to locate their ~~eans~~; solid waste containers and packages for collection, at collection sites, at the near proximity along the route of any such alleyway if the city council, after due consideration, adopts such a resolution; and
- (3) Such a resolution shall be adopted only if the alleyway has a safe road surface and is not obstructed by trees, bushes, structural improvements, power or telephone poles or any other obstruction and is sufficient to accommodate the movement of the permit holder's collection vehicles or the accommodation of the permit holder's other equipment.

Sec. 10-24. Duties of collector, property owner fees.

(a) ~~The holder of the solid waste collection services provider franchise, and any special permit holder as required in section 10-41, shall clean, sweep, collect and remove any solid waste garbage, trash, refuse or residue which may be spilled or is scattered, loose or otherwise uncovered at or within the immediate proximity of the solid waste garbage cans, trash cans or other containers or packages of uncontained solid waste, garbage, trash or refuse so that upon such collection there shall be no scattered, loose or otherwise uncovered residue of any solid waste garbage, trash or refuse at the collection site; provided, that all solid waste garbage is enclosed, by the customer, in a solid waste garbage can, receptacle, or other waterproof container, and that all or is uncontained solid waste trash is properly packaged by the customer.~~

(b) Each property owner or occupant within the city shall be charged a solid waste collection service fee, as determined from time to time by ~~resolution~~ of the city council providing for the removal and collection of all solid waste ~~garbage, trash or refuse~~ from each property owned thereby in accordance with this chapter. The solid waste collection service fee for each property shall be determined by assessing the actual cost to the city of providing the collection service to each type of property within the city, together with appropriate administrative fees, including any fee imposed by the tax collector or property appraiser for non-ad valorem assessments, or billing fees, as applicable, and the franchise fee due from the solid waste collection services provider franchisee. The fee for properties having receiving residential curbside solid waste collection dwellings of five (5) or fewer than six (6) units, including single family dwellings, hereafter referred to as "residential collections", shall be a uniform fee for each residential unit, as determined by the city council ~~by resolution~~. The fees for properties receiving commercial, industrial, government, institutional, and multi-family properties with greater than five (5) dwelling units, hereinafter referred to as "commercial collections", shall be based upon the level of service number, size and frequency of collection of the solid waste containers receptacles used on each such property. The city council shall set the rate for commercial collections for each such property annually, based upon the most recent level of service data for each such property. The city manager may adjust the rate charged for any commercial collection at a property where sufficient evidence is made available to the city that there has been an established, consistent, long-term change in the level of service to the property served, ~~through the number, size or frequency of collection of the receptacles at said property~~. For the purpose hereof, ~~"undeveloped" properties shall not be subject to a solid waste collection service fee. mean having no structure of any kind thereon, which status shall continue until the issuance of a certificate of occupancy for new construction or the initiation of commercial collection, if applicable, whichever occurs earlier.~~ In the event a property changes its collection status from residential, collection to commercial or undeveloped to another status collection, or vice-versa, the service fees shall be adjusted

accordingly upon the next billing cycle, pro rata to account for any undercharge or overcharge. The city council shall determine from time to time ~~by resolution~~ whether to bill property owners for the solid waste collection fee or whether to assess the same using the uniform non-ad valorem collection method. ~~The city council may provide for special pick-ups included within the residential collection fees.~~ The cost for special pick-ups in excess of those included in the residential curbside solid waste collection fee shall be determined by, and paid to, the solid waste collection services provider franchisee, per the franchise agreement therewith.

Sec. 10-25. Collection hours, days.

~~Those~~ The solid waste collection services provider franchisee shall only be permitted to collect solid waste garbage, trash, refuse and recyclable materials between the hours of 6:00 a.m. and 7:00 p.m. on Mondays and Thursdays ~~for within those residential~~ curbside solid waste collection areas of the city where single or multiple family structures exist, and garbage cans for garbage, trash or refuse, or blue bags for recyclable materials, are used. No collection of solid waste garbage, trash, refuse or recyclable materials within said residential areas of the city shall be permitted on any other day of the week, except in the event the following holidays fall on a Monday or Thursday:

- (1) New Year's Day,
- (2) Dr. Martin Luther King, Jr. Birthday
- (3) Memorial Day,
- (4) Juneteenth,
- (5) Independence Day,
- (6) Labor Day,
- (7) Veterans' Day,
- (8) Thanksgiving Day,
- (9) Day after Thanksgiving, or
- (10) Christmas Day.

In the event any of the above listed holidays fall on a Monday or Thursday, the franchisee shall collect such solid waste garbage, trash, refuse or recyclable materials on the holiday or on the day immediately following the holiday.

Notwithstanding the foregoing, commercial collections may be made between the hours of 6:00 a.m. and 7:00 p.m. on any day of the week, except Sundays.

Sec. 10-26. Solid waste collection charges. Penalty.

~~Any person who violates any of the provisions of this article shall be subject to a penalty as prescribed by section 1-14.~~

(a) Service generally. Each owner of property within the city limits shall have solid waste collection services provided by the city's solid waste collection services provider, pursuant to this chapter. Residential owners shall be provided continuous residential curbside solid waste collection services for each dwelling unit on any developed property without any further action or

agreement of the owner for the collection of solid waste from said owners' property. Commercial owners shall be required to order the necessary level of service for the continuous collection of solid waste from said owners' property directly from the solid waste collection services provider.

(b) *Billing.* Each property owner in the city shall be billed by the city on a periodic basis for solid waste collection services on the billing cycle set by the city. All charges billed shall be due and owing within fifteen (15) days of the date billed. Residential curbside collection services shall be billed in advance and all other accounts shall be billed in arrears. Credit card payments may be accepted, subject to imposition of any processing fees incurred by the city as set forth in the city's fee schedule. Any unpaid charges shall be subject to the filing of a lien against the property for which said charges were billed if the same are overdue for at least thirty (30) days. Annually, the city council may approve a non-ad valorem assessment against any property having unpaid solid waste collection service charges as set forth herein. The assessment roll shall be approved by the city council and provided to the Pasco County Property Appraiser and Pasco County Tax Collector within the time provided by law for the placement of said unpaid charges on the tax bill for the subject property. All unpaid and overdue charges shall be subject to interest at the rate of ten percent (10%) per annum. By further action of the city council, all solid waste collection, or any portion thereof, may be assessed as a non-ad valorem assessment for each property, in lieu of the billing method set forth herein.

(c) *Residential collection.* Each residential owner in the city shall be billed the solid waste collection fee imposed by the city periodically for each dwelling unit on said owner's developed property within the city regardless of the use of said collection services, as provided in subsection (b) hereof. If the property of any residential owner is located within a community association area, and said association has entered into an agreement with the city to be responsible for and pay all solid waste collection fees for each of the properties within said subdivision on a form provided by the city, all billing for the properties identified in the agreement shall be submitted to the responsible community association. The city reserves the right to bill each residential owner if the community association fails to pay the solid waste collection fees subject to said agreement when the same are due, or collect the fees through the non-ad valorem assessment method if approved by city council.

(d) *Commercial collection.* Each commercial owner in the city shall be billed the solid waste collection fees imposed by the city for the level of service provided. Each commercial owner shall have the right to change the level of service for said owner's property no more often than once each ninety (90) days, which change shall become effective on the next billing cycle at least fifteen (15) days after the city is notified of the change in level of service for said commercial owner by the solid waste collection services provider. Notwithstanding the foregoing, special commercial collections may be provided to each commercial customer at the rates approved by the city council for each collection of each type of container, and may include temporary solid waste containers. Each commercial owner's account may be adjusted periodically to address changes in level of service upon submittal of sufficient information to the city to justify said adjustment at the city's discretion, or if the city determines an adjustment is otherwise necessary for any reason.

(e) *Special pickup.* Each residential customer receiving and entitled to residential curbside solid waste collection shall be entitled to receive up to two (2) collections annually of special pickup solid waste without charge. Collection of special pickup solid waste shall be arranged by said customer with the solid waste collection services provider. Said customer shall pay the solid waste collection services provider, directly, for any special pickup solid waste collections in excess of the annual number provided herein, upon being billed by the provider for the same at the rates approved by the city council from time to time. Each special pickup solid waste collection shall be limited to special pickup solid waste items weighing no more than 100 pounds each and no larger than three (3) cubic yards in size. By January 31 of each year, the solid waste collection services provider shall provide the city an accounting of special pickup collections billed in the prior calendar year and the city shall deduct the ten percent (10%) franchise fee applicable to said collections from any sums due and owing to said provider. The city may conduct an audit of the solid waste collections services provider's records from time to time to verify the accuracy of the reporting made of the special pickup collections for any time period.

(f) *Service interruption.* Each solid waste customer may request discontinuance of solid waste collection services for a period of no less than three (3) consecutive months, so long as the water account is in the name of said owner, the water service is discontinued for the same duration as the solid waste services, and both the solid waste and water account are current. The owner shall pay a service interruption fee and a resumption of service fee in the amount determined by city council.

DIVISION 2. – SOLID WASTE COLLECTION FRANCHISE, SPECIAL PERMITS

Sec. 10-41. Required.

It shall be unlawful for any person to engage in the business enterprise of collecting, transporting or disposing of ~~solid waste garbage, trash or refuse~~ within ~~this~~ the city limits or to use the streets, alleys or rights-of-way of this city for such purpose, regardless of whether such person is required by law to hold a local business tax receipt issued by this city, without first being issued a solid waste collection franchise or special permit by the city council and entering into a franchise agreement with the city, the form of which shall be approved by the city council. ~~For purposes of this chapter of the New Port Richey City Code and all sections hereof, "solid waste" shall mean and include all garbage, trash or refuse, roll-off services of construction and demolition debris (hereinafter "C&D"), special waste, and special pickups of seasonal trash and debris, but does not include the collection of "recovered materials" as defined in F.S. § 403.703, as regulated pursuant to F.S. ch. 403.~~ The city council shall from time to time award a solid waste collection franchise to a single solid waste collector for all properties within the city for such term as the city council may authorize for the collection of all solid waste within the city other than C&D. In addition, the city council may issue annual special permits for collectors of C&D, only, to such collectors in the business of providing such services. The solid waste collection franchisee shall also obtain an annual special permit in accordance with this article in order to collect C&D.

Sec. 10-42. Qualification.

In order for any person or entity to qualify for the solid waste collection franchise or a special permit as required by this division, the city council shall determine by competent, substantial

evidence that such person or entity has complied with the following criteria. Such person or entity shall:

- (1) Own, possess, lease or otherwise maintain or control the necessary equipment of a type, design and specification which is generally manufactured for the collection of solid waste ~~garbage, trash and refuse~~ in sufficient quantity to assure the prompt, sanitary and efficient collection, transportation and disposition of the solid waste ~~garbage, trash and refuse~~ which is to be collected by such person or entity within this city in the performance of such a business; provided, however, that the body of all solid waste ~~garbage~~ collection vehicles used by such person or entity shall be watertight to the extent that it shall be impossible for water or other liquids to escape prior to the unloading of the contents thereof at the disposal area and all packer vehicles so listed shall have an enclosed cab, well located handrails, adequate door fastenings, hydraulic unloading capabilities, and ample racks or supports for tools, containers and other equipment and all such vehicles shall have adequate cover to prevent the contents thereof from falling, spilling or being blown from any such vehicle while in transit and all such vehicles shall be adequate in number and type to perform, satisfactorily, the duties prescribed for the same and shall be maintained in good mechanical condition; provided, however, that all such vehicles or other equipment shall also conform to any requirements as prescribed by the laws of the state or the rules and regulations of the state department of health and rehabilitative services, the state department of pollution control and any other governmental agency having jurisdiction to prescribe the type, standards or specifications of any such vehicles or equipment;
- (2) Employ, supervise, manage and control a required number of qualified employees who are necessary in order to operate and maintain such equipment so that the use thereof will conform with the requirements of this chapter ~~article~~ and all other laws, rules or ordinances;
- (3) ~~If the solid waste collection services provider,~~ Own, possess, lease or otherwise maintain or control the necessary collection equipment and employ, supervise, manage and control the required number of competent employees to ensure that the residential, commercial and industrial solid waste customers of such applicant will receive collection service at a frequency of not less than two (2) times per week, between the hours of 6:00 a.m. and 7:00 p.m. on Mondays and Thursdays within those residential areas of the city where single or multiple family structures exist, and solid waste containers ~~garbage cans for solid waste~~ garbage, trash or refuse, including or blue bags for recyclable materials, are used, at intervals of not less than three (3) calendar days between collections during such a workweek except during weeks which contain legal holidays in which event the applicant shall possess the necessary equipment and employ the necessary personnel to ensure that there will be a collection of solid waste ~~garbage, trash and refuse~~ from those customers receiving such service on the day immediately following the holiday, if the holiday occurred on the day which was scheduled for collection, and recycling collection services of not less than one (1) time per week;
- (4) Be insured by a comprehensive liability insurance policy in an amount not less than one million dollars (\$1,000,000.00) per person bodily injury, two million dollars (\$2,000,000.00) per occurrence, and one hundred thousand dollars (\$100,000.00) property damage per occurrence, and that the employees of such person are properly

insured as required by F.S. ch. 440, and that the insurance shall be evidenced by delivering a certificate of such insurance with the application for such the solid waste collection franchise or a special permit;

- (5) Indemnify and hold the city harmless against any and all losses, claims, damages, suits or actions for personal injury or property damage arising from the collection of solid waste by the permit holder or franchisee, including all attorneys' fees incurred by the city in any legal or administrative proceeding and all appeals thereof;
- (6) If the solid waste collection franchisee, maintain an office within the city limits of New Port Richey, Florida, sufficiently staffed and open from 9:00 a.m. to 4:00 p.m. Monday through Friday, except on legal holidays, to field customer inquiries and complaints;
- (7) Have installed and functioning on all trucks a global positioning system monitor and cameras providing digital video images emanating from all four (4) sides of each truck; and
- (8) Have the capacity and willingness to comply with all applicable local, state, and federal laws, rules, and regulations.

Sec. 10-43. Application.

The application for the solid waste collection services provider shall be in the form approved by the city as a request for proposals from time to time as needed to award a contract to such provider. The application for a special permit as required by this division shall be on a form provided by the city, by May 1 of each year for the following calendar year, which shall list the following information:

- (1) The name, street address and mailing address of the principal place of business and branch locations of the person or persons to be granted such a special permit or if the applicant is a partnership, corporation, joint venture or other business entity, the application shall set forth the name or names, street addresses, and mailing addresses of the principal officers thereof, the name or names, street addresses and mailing addresses of the person or persons who are to be the manager, supervisor or executive employee of such entity as well as the street address and mailing address and location of the principal place of business and any branch offices of such partnership, corporation, joint venture or other business entity;
- (2) A full description of all of the equipment owned, possessed, leased or otherwise maintained or controlled by the applicant which will be used in the collection, transportation and disposition of such garbage, trash and refuse and the exact location and method where the same will be disposed of; provided, however, that if the location of the disposal site is outside of the city, the applicant shall produce, in writing, from the officials of the county or municipality in which such location exists that the disposal site has been approved by the governing body of such county or municipality and any condition pertaining to such approval shall also be set forth in the application;
- (3) A complete list of the names, ages and addresses of all employees who will be employed by the applicant by the business enterprise within this city and the exact duties which will be performed by any such employee; provided, however, that if the applicant is issued such a special permit and subsequent thereto there is a change in the list of

employees, the applicant shall, within seventy-two (72) hours from the date of such change, notify the city clerk, in writing, by providing the city clerk with a current, corrected list of all such employees;

- (4) The number of commercial collection accounts, which shall be itemized with the number, size and frequency of collection for each receptacle at each commercial collection property served, along with the date and nature of any change in service during the prior year;
- (5) A complete rate schedule of the respective rates that such applicant intends to charge for ~~residential and commercial~~ C&D collections for the upcoming calendar year if a special permit is issued to the applicant by the city council;
- (6) ~~A statement by the applicant that collection of garbage, trash and refuse shall be available for each such account at a frequency of no less than two (2) times per week at intervals of not less than three (3) calendar days between collections for the solid waste collection franchisee, or at such other frequencies and intervals of time as the applicant and the customers shall agree upon for C&D;~~
- (7) A statement by the applicant that all collection equipment shall be of a type as generally manufactured for the collection of refuse and a listing of all such equipment shall be included as provided in this section. A service fee in an amount determined by ~~resolution~~ of the city council and payable to the city shall accompany the application.

Sec. 10-44. Public notice of hearing ~~on application.~~

A public notice of the hearing on the award of the solid waste collection franchise or application for the issuance of a special permit as required by this division shall be published in a newspaper which is published in the city at least ten (10) days prior to the date of the hearing at which the application will be considered by the city council and the notice of hearing shall be in the following form:

Notice of Public Hearing

Please take notice that an application for a ~~special permit~~ or franchise to collect, transport and dispose of garbage, trash and refuse has been made to the city council of New Port Richey, Florida by _____ of _____, and that a hearing on said application will be held in the city council chambers at the Municipal Building, 5919 Main Street, New Port Richey, Florida, commencing at the hour of 7:00 o'clock p.m. or as soon thereafter as the matter may be heard, on the _____ day of _____, ____.

All persons who are residents of said city or otherwise have valid evidence pertaining to said application are invited to attend said hearing and to be heard by said city council pertaining thereto.

City Clerk

Sec. 10-45. Criteria for issuance.

- (a) After reviewing the application for a special permit or the solid waste collection services franchise as required by this division at a duly convened meeting of the city council, written notice of which shall be provided to the applicant, by certified mail at least ten (10) days prior to the meeting, the city council shall ascertain and determine that the:

- (1) Equipment listed by the applicant is of such a nature that the same will meet the specifications as required in this article;
 - (2) Applicant owns or possesses sufficient equipment and employs a sufficient number of employees to provide service to the number of customers listed on the application in accordance with the frequency and intervals of collection that is required in order to ensure that solid waste ~~garbage, trash and refuse~~ is collected, transported and disposed of, as required in this chapter article;
 - (3) Applicant is duly qualified to perform the solid waste collection for which the permit or franchise is awarded; and
 - (4) Applicant is insured by a comprehensive liability insurance coverage in an amount not less than one million dollars (\$1,000,000.00) per person, bodily injury; two million dollars (\$2,000,000.00) per occurrence; and one hundred thousand dollars (\$100,000.00) property damage per occurrence.
- (b) If the city council shall determine that the applicant complies with the requirements of this article, the city council may issue a special permit or franchise providing therein such terms and conditions as the city council shall determine to be necessary in order to ensure that the applicant shall comply with the provisions of this chapter article. The granting of such a special permit shall not be construed as the grant of a franchise or of a vested right nor shall such special permit become coupled with an interest and such permit may be revoked or suspended by the city council upon the showing of good cause. The solid waste collection services franchise may be revoked upon good cause and shall not create a vested right or a permit coupled with an interest.

Sec. 10-46. Non-transferability.

The special permit or solid waste collection services franchise authorized by this article shall be nontransferable so that any person or entity that intends to succeed to the business interests of a permit or franchise holder shall file an application for such special permit or franchise and comply with the other procedural and substantive requirements of this article in order to qualify for the issuance of such a special permit or franchise.

Sec. 10-47. Revocation or suspension.

- (a) The city council may revoke or suspend any special permit or franchise if the city council shall determine that the permit or franchise holder has failed to:
 - (1) Provide adequate and satisfactory service as required by the special permit or franchise;
 - (2) Maintain proper equipment and personnel for the collection and disposal of solid waste ~~garbage, trash and refuse~~ as required by the special permit or franchise;
 - (3) For a solid waste collection services provider, mMaintain a timely schedule of pickups within the frequency and duration of time for such pickups as prescribed in this chapter article;
 - (4) Dispose of solid waste ~~garbage, trash or refuse~~ in a manner prescribed by the state department of health and rehabilitative services or in an approved sanitary landfill; or
 - (5) Maintain comprehensive liability insurance coverage as required by this article.

- (b) If a complaint is filed with the city council and the city council deems it advisable to inquire into the matter of such complaint, and if the complaint is of such a nature that the special permit or franchise can be suspended or revoked, the city council shall adopt a resolution directed to the permit or franchise holder which shall specify therein the exact nature of the charges or complaints which have been filed against the same permit holder, the name and residence address of the person or persons making such complaint, a list of the names and addresses of all material witnesses who are available to testify in regard to the complaint, and a notice of hearing which shall be held no less than ten (10) days nor more than thirty (30) days after a copy of the resolution has been served upon the permit or franchise holder in accordance with the provisions of F.S. chapter 48, which pertains to service of process. The resolution shall also specify the time, date and place where the hearing will be held on such complaint and shall advise the permit or franchise holder that he is entitled to be represented by counsel at the hearing. Upon the hearing of testimony and the receipt of evidence, if the city council shall, by competent and substantial evidence, determine that the charge or complaint against the permit or franchise holder is true and correct, the city council may then revoke or suspend the special permit or franchise, or if the charge or complaint is not established by substantial, competent evidence, then such charges shall be dismissed. If the city council, by substantial, competent evidence, does not find the misconduct on the part of the permit or franchise holder to warrant a revocation or suspension, but that the same does warrant a citation or the imposition of additional conditions on the special permit or franchise of the permit or franchise holder, the city council shall so stipulate in writing.

Sec. 10-48. Renewal.

All special permits as authorized in this article shall be renewable from year to year and shall be effective between January first and December thirty-first of each such year or that portion thereof from the date of issuance until the next succeeding thirty-first day of December. The renewal of special permits as required in this article shall be subject to the same application and hearing requirements as specified in sections 10-43 through 10-45 and the hearing for the annual renewal thereof shall be held no later than November fifteenth of each such year. The city council, after considering the renewal application and after hearing all relevant evidence pertaining thereto, may approve the renewal of such permit for the ensuing year if the applicant shall establish, by competent substantial evidence, that such a renewal is consistent with the health, safety, welfare and hygiene of the residents of the city.

Sec. 10-49. Franchise agreement.

- (a) The franchise agreement required by section 10-41 shall be in addition to all other provisions of this division, including the required special permit. No person shall utilize public rights-of-way, alleys, streets, and other public infrastructure within the city for the purpose of engaging in the business enterprise of collecting, transporting or disposing of solid waste ~~garbage, trash or refuse~~ within this city without first entering into a franchise agreement with the city, the form and terms of which shall be set by ~~resolution~~ of the city council.
- (b) A person may not execute a franchise agreement with the city unless and until they have met all requirements contained in this article and obtained a special permit pursuant to this division and which is valid and in good standing.

- (c) Upon execution of the franchise agreement, the person shall be considered a "franchisee" with all benefits and privileges set forth in the franchise agreement and must at all times comply with all requirements set forth in this ~~chapter article~~, the franchise agreement, as well as any and all laws, rules, regulations, ordinances, and orders of regulatory bodies applicable to the business enterprise of collecting and transporting or disposing of solid waste ~~garbage, trash or refuse~~ within this city. Failure of the city or any governmental agency to take action on any violation shall not relieve the franchisee of compliance nor be deemed a waiver of franchisee's obligation to comply with all such requirements and laws.
- (d) Franchise fees:
- (1) Each franchise agreement shall provide for payment of franchise fees from the franchisee to the city as compensation for the rights and benefits granted hereunder, including but not limited to, the right to engage in the business enterprise of collecting, transporting or disposing of solid waste ~~garbage, trash or refuse~~ within this city and the right to utilize public rights-of-way, alleys, streets, and other public infrastructure within the city and all benefits associated therewith.
 - (2) The franchise fee shall be based on the collected revenues of the franchisee, or the city as to the solid waste collection services provider, and shall be in the form of a percentage set by ~~resolution of~~ the city council. Use of a billing method that has the ~~effect~~ of reducing or avoiding the payment of franchise fees under the franchise agreement shall be cause for immediate termination and revocation of the franchise agreement, without prejudice as to any additional penalties for such actions.
 - (3) For C&D permit holders, franchise fees shall be paid monthly and must be accompanied by a statement of the franchisee's collected revenues in a form prescribed by the city's finance department. Failure to remit the franchise fees and documentation required herein shall be grounds for termination and revocation of the franchise agreement. For the solid waste collection services provider ~~franchise holder~~, franchise fees shall be deducted from any payment remitted to the franchisee by the city.
- (e) The city reserves its right to enter into franchise agreements and grant other similar rights to more than one (1) person, business, or entity. The franchise agreement is not an exclusive right to provide the services described herein within the city, unless provided otherwise in said agreement. The city further reserves its right to provide its services, including but not limited to, the solid waste collection services described herein, to any person. The execution of the franchise agreement, and any renewal thereof, shall not be construed as creating any vested rights. Each franchise agreement shall be terminable and revocable in accordance with its terms and the terms of this article.

Secs. 10-50—10-57. Reserved.

ARTICLE III. SOLID WASTE CONTAINERS ~~GARBAGE CANS AND DUMPSTERS~~

Sec. 10-58. Definitions.

The ~~following~~ words, terms and phrases, ~~when~~ used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.:

1. Bumper shall mean a post, curb, or other structure that keeps the dumpster located on the pad when servicing.

2. Commercial Solid Waste Container shall mean a solid waste container designed for and used by commercial businesses and residents in multi-family dwellings, typically collected for disposal through the use of a mechanical lifting and dumping apparatus, and commonly referred to as dumpster, available in various sizes ~~Dumpster shall mean a garbage, trash or other waste material container that is designed and constructed to be mechanically lifted for placement on, or dumping into, a refuse truck. The term dumpster shall include, but not be limited to, compactors and containers commonly referred to as "roll-offs."~~

3. Commercial Solid Waste Container Dumpster Pad shall mean the concrete foundation on which the screen is constructed.

4. Commercial Solid Waste Container Dumpster Screen shall mean the enclosure of a ~~commercial solid waste container dumpster and dumpster~~ pad area, including the gate for access to the ~~container dumpster~~, as provided in this article.

5. Residential Solid Waste Container shall mean a solid waste container designed for and used by residents in dwellings having fewer than six (6) residential units, which may also be used by small commercial businesses or in conjunction with commercial solid waste containers by other commercial businesses or residents in multi-family dwellings having greater than five (5) residential units, having a capacity of less than fifty (50) gallons which may be manually collected for disposal into the rear of a solid waste collection vehicle, or having a capacity of less than one hundred (100) gallons collected through the use of a mechanical lifting and dumping apparatus ~~Garbage can shall mean any container, other than a dumpster, used for garbage, trash, refuse or other waste material, including recycling containers.~~

6. Temporary commercial solid waste container dumpster shall mean a ~~container dumpster~~ used on a construction site or at a special event for a limited, defined time period.

Sec. 10-59. Storage generally.

(a) Residential solid waste containers ~~Single-family residential and duplex dwellings~~ shall be stored ~~garbage cans~~ within the side or rear yard on each property, out of view of public streets.

(b) Commercial solid waste containers, ~~including multifamily, garbage can and recycling containers. In all zoning districts, garbage cans and recycling containers shall be stored as far from public streets and adjacent property as is practicable. When stored, all garbage cans and recycling containers shall be screened from public and from adjacent property view at ground level as much as is practicable.~~

(c) Screening for residential solid waste containers used by small commercial businesses by wall, fence, landscape or hedge shall be required as provided in this section permitted. ~~Garbage can and recycling container storage location and screening shall be approved by the development services department. If landscape or hedge is used as screening, it shall be maintained in a condition to present a living, healthy, neat and orderly appearance, and in a manner consistent with the intent of creating a visual barrier. The screen shall be sufficient to block the view of the solid waste container from adjacent properties and rights-of-way.~~

(d) Residential solid waste containers shall only be placed at curbside for collection after four (4:00) p.m. on the day before the scheduled collection day and shall be removed from the curbside collection area by the end of the scheduled collection day.

Sec. 10-60. Screening of commercial solid waste containers ~~dumpsters~~.

(a) Commercial solid waste containers~~Dumpster~~. All commercial solid waste containers ~~dumpsters~~ located within the city shall be screened in accordance with the regulations of this section.

(b) *Screen required.* All commercial solid waste containers ~~dumpsters~~ shall be screened on all sides, and not visible at ground level from the right-of-way ~~street~~ or any adjacent property, with a dumpster screen gate for access to the dumpster.

(c) *Screen design/construction.* The commercial solid waste container ~~dumpster~~ screen shall be constructed of masonry, solid wood, or substantially opaque fencing, designed and installed to completely screen the container ~~dumpster~~ from view. The ~~dumpster~~ screen and gate shall be a minimum of five (5) feet in height, and no more than six (6) feet in height, as measured from grade. There shall be a minimum of two (2) feet of clearance on all sides of the container ~~dumpster~~.

(d) *Pad.* The commercial solid waste container ~~dumpster~~ shall sit on a reinforced concrete pad with bumper. The pad shall be made of three thousand (3,000) psi concrete with a minimum thickness of six (6) inches. The pad shall be constructed so that there is a minimum clearance of two (2) feet on all sides.

(e) Commercial solid waste container ~~Dumpster~~ *screen gate.* The commercial solid waste container ~~dumpster~~ screen gate shall be constructed of substantially opaque fencing material, designed and installed to completely screen the container ~~dumpster~~ from view. The gate shall be constructed of suitable heavy gauge materials, secured with sturdy hinges or slides, and latches with the ability to be locked open for windy conditions. The gate shall be kept closed except when the container ~~dumpster~~ is actively being loaded or unloaded, or the container ~~dumpster~~ or ~~dumpster~~ screen are being maintained.

(f) *Florida Standard Building Code.* All construction shall be in accord with the standards required in the Florida Standard ~~Standard~~ Building Code.

(g) *Location.* The commercial solid waste container ~~dumpster~~ and ~~dumpster~~ screen shall be located in the off-street parking area, within the required yard setback area, and shall not impede visibility or traffic flow. No container ~~dumpster~~ shall be located within any public street, alley, right-of-way or easement. A container and screen ~~dumpster~~ shall be located so as to allow ease of access for collection trucks.

(h) *Nuisance.* No commercial solid waste container dumpster or dumpster screen shall be located, maintained, or allowed so as to result in the violation of chapter 15 (Nuisance), appendix A, Land Development Code of the City of New Port Richey.

Sec. 10-61. Number, size and type.

The following standards ~~are to~~ set forth the minimum size and type of solid waste container ~~garbage can and/or dumpster~~ required for a specific use:

- (a) Single-family uses and duplexes shall be limited to use of residential solid waste containers ~~garbage cans~~ only. Each unit shall provide refuse containers for a minimum equivalent volume of two (2) 30-gallon solid waste ~~refuse~~ containers per unit. No commercial solid waste containers ~~dumpsters~~ shall be allowed except as regulated under temporary dumpsters, section 10-~~65~~2.
- (b) Multifamily uses with ~~three (3) or more~~ than two (2), but fewer than six (6) residential units, shall provide volume for a minimum equivalency of at least two (2) 30-gallon solid waste ~~refuse~~ containers per unit or a properly screened commercial solid waste container located outside the front yard of the property ~~at least one 1.5 cubic yard bin for each five (5) units.~~
- (c) Commercial and industrial uses shall provide commercial solid waste ~~refuse~~ containers in a number and size so as to adequately contain the solid waste ~~refuse~~ generated by the use. Waste in excess of one 4-cubic yard container requires portable or stationary compactor service, or additional or larger containers ~~bins, or larger bins.~~
- (d) Restaurant uses shall provide commercial solid waste ~~refuse~~ containers in a number and size so as to adequately contain the solid waste ~~refuse~~ generated by the use, and in no case less than ~~however~~ a minimum 3-cubic-yard container ~~must be provided.~~ Waste in excess of one 4-cubic-yard container requires portable or stationary compactor service, or additional or larger containers ~~bins, or larger bins.~~
- (e) Hazardous or noxious wastes must be contained in a safe and sanitary manner in accordance with applicable regulations.
- (f) The following tables shall be utilized to determine the size and type of solid waste ~~refuse~~ container necessary:

TABLE 1
DIMENSIONS OF SOLID WASTE ~~REFUSE~~-CONTAINERS

Standard 30-gallon can	20.5" diameter x 27" high		
	High	Deep	Wide
1.5 cubic yard bin	43"	36"	80"
2.0 cubic yard bin	47"	39"	80"
3.0 cubic yard bin	58"	48.5"	80"
4.0 cubic yard bin	64"	53.5"	80"

TABLE 2
EQUIVALENCY TABLE

Bin size	Equivalent # cans
1.5 cubic yard bin	10 30-gallon cans
2.0 cubic yard bin	14 30-gallon cans
3.0 cubic yard bin	21 30-gallon cans
4.0 cubic yard bin	28 30-gallon cans

These are typical dimensions and may differ on the service provider. Larger ~~containers bins~~ and/or compactors may be used as space, location, and screening provisions allow.

Sec. 10-62. Temporary dumpsters.

Temporary dumpsters shall be exempt from the location and screening requirements of this article and shall be removed as soon as the construction activity or event is completed. They shall be placed in a manner so as to minimize any ~~effects~~ on neighboring properties and may not be placed on public rights-of-ways unless specifically authorized through the issuance of a right-of-way use permit.

Sec. 10-63. Compliance.

- (a) Before locating or constructing any ~~solid waste container garbage can or dumpster~~ screen, approval shall be obtained from the development services department in accord with this section. In the event an application is submitted for a permit or development order relating to commercial or multifamily development, including a permit request for remodeling, repair, renovation, etc., the accompanying submittal will include a plan for solid waste container ~~garbage can and/or dumpster~~ location and screening that complies with the requirements of this ~~article section~~.
- (b) Any screen constructed in accordance with this article shall be maintained in such a manner as to ~~ensure~~ that it is a safe structure, and complies with all applicable life safety regulations and construction standards.
- (c) The failure to construct and thereafter, to maintain any screen as required in this section, or to comply with any order of the development services department with regard to the administration of this section, shall be punishable in accordance with the general penal provision of the New Port Richey City Code.

Sec. 10-64. ~~Reserved.~~ Variances.

The application of this ~~article section~~ may result in practical difficulties and unnecessary hardship in isolated cases. Therefore, where enforcement of the provisions of this article would result in unnecessary or undue hardship, this article may be varied in accord with the requirements set forth in chapter 5, section 5.03.00, Land Development Code, Appendix A (Zoning Code), New Port Richey City Code. Any variance should be such that it does not deter the principal intent of this section which is to provide for screening of solid waste containers ~~garbage facilities~~ in accord with the prescribed standards.

Sec. 10-65. Reserved.

SECTION 2. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

SECTION 3. Solid Waste Fees. The solid waste fees set forth in Exhibit “A” attached hereto shall be the fees to be collected for the solid waste collection services provided in this ordinance, which may be amended from time to time by the city council by resolution as provided by law.

SECTION 4. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

SECTION 5. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law. The initial imposition of the solid waste collection service fee on each property within the city and the commencement of the collection operations of the initial solid waste collection service provider, as provided herein, shall be for solid waste collection services commencing on or after March 2, 2024.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this ____ day of _____, 2024, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this ____ day of _____, 2024.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Alfred C. Davis, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR
THE SOLE USE AND RELIANCE OF THE CITY
OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney CA Approved 2-1-24