

ORDINANCE NO. 2016-2063

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY,
FLORIDA, CREATING SECTION 13.32.00 ROADWAY
MEMORIAL MARKERS TO CHAPTER 13, ARTICLE 1,
SIGNS; ESTABLISHING A ROADSIDE MEMORIAL
MARKER PROGRAM IN THE PUBLIC RIGHT OF WAY,
PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE
DATE.**

WHEREAS, the City of New Port Richey, Florida desires to increase public awareness of highway safety; and

WHEREAS, the City of New Port Richey, Florida further desires to allow for the temporary placement of memorial markers within the City's rights of way to memorialize those who have died as a result of a vehicle related crash; and

WHEREAS, the City Council of the City of New Port Richey finds that this ordinance promotes the general welfare of the citizens of the City of New Port Richey.

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

SECTION 1. Chapter 13, Article I, is hereby amended to create a new Section 13.32.00 within the Land Development Code as follows:

Sec. 13.32.00 Roadside Memorial Markers

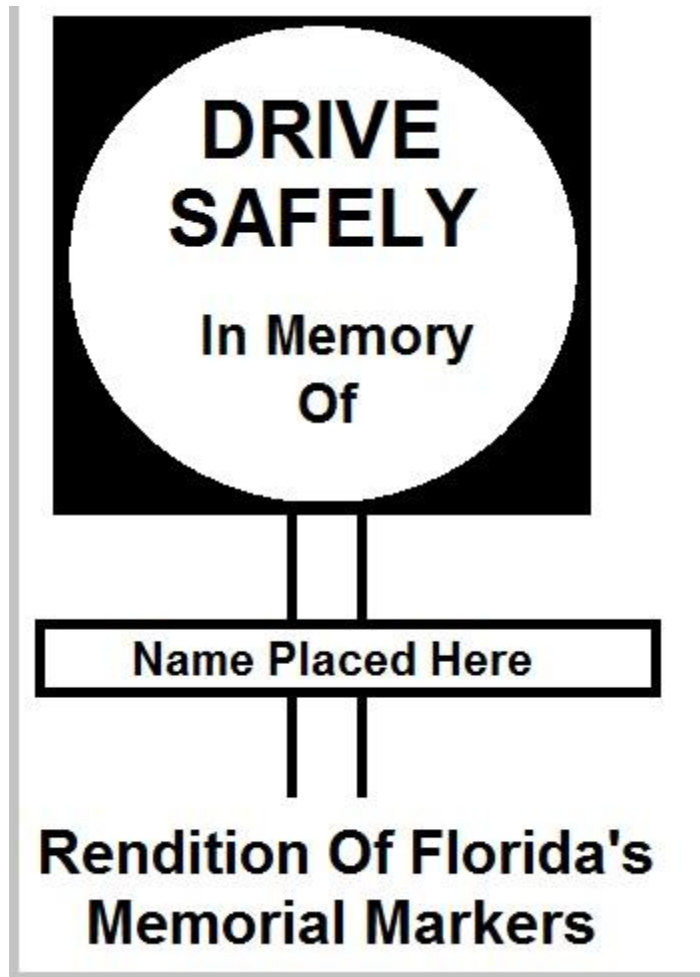
A. Definitions.

- a. The "deceased" is any person who was fatally injured in an accident involving a vehicle regardless of fault or intoxication, and for whom an applicant seeks the erection of a memorial sign.
- b. An "immediate family member" means a spouse, child, stepchild, brother, sister, stepbrother, stepsister, mother, stepmother, father, stepfather, grandparent or step-grandparents of the deceased.

B. Design of Roadside Memorial Markers.

The memorial marker shall be a 15" diameter aluminum sign with a white background and black letters. The marker will state "Drive Safely – In memory", and the family will have the option of adding the deceased's name to the sign. No more than three plaques may appear on a marker.

Ex.



The post for installing a memorial marker shall be a standard five (5) foot metal delineator post. The marker will be mounted at a height of 42” from the ground to the top of the marker. Supplemental decorations or ornaments will not be permitted. Unauthorized items will be discarded by the City, and may result in removal of the marker.

C. Duration of Roadside Memorial Marker.

Roadside Memorial Markers will be permitted for a period of one year from the date of installation, unless earlier removal is necessitated in the sole discretion of the City. After one year, or earlier if necessary, the marker shall be removed by the City.

D. Location of Roadside Memorial Marker

The marker may not be placed at the exact location requested due to restricted right of way, complaints from adjacent property owners or other constraints. The

maker's location will be determined at the discretion of the City. There shall be no activities while the marker is in place that pose a safety hazard to the public or that violate(s) any provision of Chapter 316, Florida Statutes concerning stopping, standing, parking, or obstruction of traffic on public roads.

Memorial markers will only be installed in residential areas where fatalities occurred with the written permission of the resident whose property is abutting the residential right of way where the memorial is to be placed.

E. Cost and Effective Date

The applicant will incur the cost of design, construction, installation, maintenance, and removal of the memorial marker. The cost is \$50.00. Upon request the sign shall become the property of the applicant. Only those fatalities occurring after the effective date of this ordinance shall be eligible to apply for a memorial marker.

F. Request for Memorial Marker

Requests for a memorial marker shall be submitted in writing to the Department of Public Works by completing a Memorial Marker Request Form. The City shall prepare a request form with spaces for the following information: Name, address, and contact information of the immediate family member requesting; Relationship to the deceased; Deceased's name and date of accident; and proposed location of marker.

SECTION 2. INCLUSION INTO CODE.

This Ordinance shall be incorporated into the City of New Port Richey Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alternations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reasons, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption by the City Council of the City of New Port Richey, Florida.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 20th day of October, 2015 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 4th day of November, 2015.

ATTEST:

By: _____
Doreen M. Summers CAP-OM, CMC
City Clerk

By: _____
Robert Marlowe
Mayor-Council Member

(Seal)

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

City Attorney, Joseph A. Poblick