

## **ORDINANCE NO. 2016-2063**

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

**WHEREAS**, the City of New Port Richey, Florida desires to regulate roadside memorials in an effort to combat visual blight within the City; 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:**

**Sec. 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 Regulation of Roadside Memorial Markers**

It shall be unlawful to place a roadside memorial along a public sidewalk, roadway or right-of-way owned or maintained by the City. Upon discovery of a roadside memorial, the City, through the Police Department or Code Enforcement may remove the roadside memorial, and store for up to a period of 14 days. If the roadside memorial is not claimed after such 14 day period, the City may dispose of said roadside memorial materials.

A roadside memorial for purposes of this Chapter will be the placement of materials along a public sidewalk, roadway or right-of-way owned or maintained by the City, as a tribute to a person or event. Any person found in violation of this section shall be cited for as a Class V violation.

**Sec. 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.

**Sec. 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.

**Sec. 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 19<sup>th</sup> day of January, 2016 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 \_\_\_\_\_, 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