

ORDINANCE NO. 2016-2084

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING CHAPTER 15, PUBLIC NUISANCE, SECTION 15.00.00 GENERAL STORAGE, UNSANITARY CONDITIONS AND GENERAL PUBLIC NUISANCES; DELETING SECTION 11-16, 11-17 and 11-18 OF CHAPTER 11, ART. II; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the New Port Richey Code of Ordinances has been amended from time to time, as necessary, to serve the needs of the citizens of New Port Richey, Florida; and

WHEREAS, it is in the interest of public safety and welfare that New Port Richey, amend and delete Sections 11-16, 11-17 and 11-18 addressing Excessive growth, accumulations, and incorporate the those regulations within Section 11-16 into Chapter 15.00.00 to provide for more efficient enforcement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, that:

SECTION 1. Deleting Section 11-16, Excessive growth, accumulations, Section 11-17, and 11-18 of Chapter 11, Art. II, in its entirety, of the Code of the City of New Port Richey, Florida be, and the same is hereby, amended to read as follows:

~~Sec. 11-16. -- Excessive growth, accumulations.~~

~~(a) It shall be unlawful for any lot, tract, parcel of real property, structure, building or premise located within the incorporated boundaries of the city, whether improved or unimproved, to contain or maintain the existence of:~~

~~(1) Weeds, grass, undergrowth or other vegetation (other than living trees, shrubs or other vegetation protected by state or local law), whether living or dead, at a height exceeding six (6) inches;~~

~~(2) Plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or which are otherwise dangerous to other plant material, and plant materials that are not maintained, trimmed, or which evidence signs of neglect;~~

~~(3) Any accumulation of: debris, garbage, rubbish, junk, broken glass, or furniture; appliances including without limitation a refrigerator, stove, washer, dryer, television or other~~

~~household item; an automobile, boat, truck, trailer, camper, watercraft and/or other vehicle, or any part thereof, whether motorized or non-motorized, that is unlicensed, unregistered, or that is inoperable, is in a state of major disassembly, disrepair, or is in the process of being stripped or dismantled, including painting of vehicles except and unless the disassembly, repair, stripping, or dismantling occurs inside a facility authorized for such use; or construction materials unless occurring pursuant to a valid construction permit; or~~

~~(4) Any trash in any building, structure or premises so that the same may afford food or harborage for rodents, rats, vermin, snakes, pests or other animal that may be hazardous to the public health, safety or welfare.~~

~~(b) All tenants or occupants of any real property abutting any local street or alley within the city, or if no tenant or occupant then the owner thereof, shall be required to keep that part of the street or alley between the property lines and the curb, including gutters, or up to the median point of an alley, improved or unimproved, in a safe and sanitary condition at all times. Said area shall be kept free from trash of all kinds except household waste that is being properly disposed. Sidewalks shall be kept free from debris, sand, leaves, algae growth, vegetation and slippery conditions.~~

~~Sec. 11-17. -- Order to remove.~~

~~When, in the opinion of the building official or his designee, the public health is impaired by the excessive growth of any thicket, weeds, shrubs, brush or other growth or by accumulation of trash or other material liable to be a source of danger to the public health or safety on any lot, tract or parcel of land within the city, the building official or his designee shall notify the city council of the same at any regular meeting, either in writing or orally. If, after due consideration, the city council shall endorse the recommendation of the building official or his designee, it shall, by resolution, order the owner of the land or lot to clear off, remove or destroy such growth or accumulation of trash, garbage, rubbish, junk, furniture; refrigerators, stoves and other appliances; inoperative and derelict automobiles, boats, trucks and vehicles of like nature within a period of ten (10) days after serving notice of such resolution, which notice shall be deemed served when mailed by certified United States mail, return receipt requested, to the owner's last known address as shown on the latest tax roll and when the resolution is published in any newspaper in the city. Any owner or owners named in the resolution may request a public hearing to be held not more than twenty (20) days subsequent to the date of passage of the resolution on the question as to whether the public health or safety is impaired by the condition of the lot, tract, or parcel of land as described in the resolution.~~

~~Sec. 11-18. -- Removal by city; assessment; lien.~~

~~(a) If any property owner shall fail to comply with the conditions of the resolution required by section 11-17, the city council shall have the growth or accumulation of trash, garbage, rubbish, junk, furniture; refrigerators, stoves and other appliances; inoperative and derelict automobiles, boats, trucks, and vehicles of like nature removed and assess the cost of such removal against the subject real property including the cost of publication of service of process. All such assessments shall be accomplished by resolution of the city council which shall determine the cost mentioned in this section.~~

~~(b) In addition to the assessments for removal, a service fee in the amount of one hundred dollars (\$100.00) per lot or two hundred fifty dollars (\$250.00) per acre shall be imposed against the property owner.~~

~~(c) The property owner shall be notified by certified United States mail, return receipt requested, of the cost of the assessment for removal and of the service charge. If the assessed cost and/or service charge is not paid by the property owner within fifteen (15) days from the date of mailing of notice thereof, the city council shall adopt a resolution imposing the assessment cost and/or service charge as a lien against the subject property. The lien shall have the same priority as tax liens do upon real property.~~

~~(d) A copy of the resolution provided for in subsection (c) certified to by the city clerk shall be by him filed in a lien book to be kept for that purpose and a copy of such resolution certified by the city clerk shall also be filed and recorded in the office of the clerk of the circuit court of the county. A copy of such resolution shall be mailed by regular United States mail to the owner at his last known residence.~~

~~(e) Any such lien shall date from the date of filing and shall accrue interest at the rate then prescribed for judgments in accordance with F.S. chapter 55. The lien may be enforced in the manner prescribed by F.S. chapter 162.~~

SECTION 2. Amending Section 15.00.00, General storage, unsanitary conditions and general public nuisances, of the Code of the City of New Port Richey, Florida be, and the same is hereby, amended to read as follows:

Section 15.00.00, ~~General Storage, unsanitary conditions and G~~general public nuisances.

General public nuisances.

a) Debris shall mean nonhazardous material generally considered not to be water soluble, including, but not limited to steel, concrete, glass, brick, asphalt, roofing material, scrap building materials and lumber, and materials of a similar kind or character.

Garbage shall mean all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food.

Junk shall mean old, used, or discarded materials or manufactured products which may or may not be reusable or saleable, such as inoperative refrigerators, stoves, or similar appliances, inoperative and derelict automobiles, boats, trucks and similar vehicles, and household articles such as furniture or home furnishings which are in such a state of disrepair as to preclude their effective use for their original intended purposes.

Refuse shall mean materials that are unburnable at ordinary incinerator temperatures (800 to 1,800 degrees Fahrenheit), such as metals, mineral matter, large quantities

of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to the operation of stores or offices.

Rubbish shall mean vegetative matter resulting from landscaping maintenance or land-clearing operations, and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, tree limbs and stumps.

Trash shall mean combinations of rubbish, garbage, refuse, and debris and/or other debris such as paper, cardboard, cloth, glass, white goods, street sweepings, tires, and other like material.

Vehicle shall mean every device capable of being moved or towed upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway, including any watercraft, boat, ship, vessel, barge or other floating craft.

b) No lot, tract, parcel of real property, yard area, carport, or porch shall be used as a collection or storage area for debris, trash, refuse, garbage, rubbish, junk, broken glass, or furniture; appliances including without limitation a refrigerator, stove, washer, dryer, television or other household item; construction materials unless collection is maintained pursuant to a valid construction permit; dead, diseased or hazardous trees, lumber, vegetation, branches or sticks; trash not within an approved receptacle in any structure, building or premise or on any lot, tract or parcel of property; or storage or collection of other public nuisance items, unless otherwise specified and/or permitted in this Code.

c) Unless contained in a completely enclosed garage, no lot, tract, parcel of real property, yard area, carport, or porch shall be used for the storage, stripping, dismantling, disassembly, repair, or painting of an automobile, boat, truck, trailer, camper, watercraft and/or other vehicle, or any part thereof, whether motorized or non-motorized, without a current, valid license plate or other registration certificate thereon, or that is inoperable, or in a state of major disassembly, disrepair, or is in the process of being stripped or dismantled, including painting of vehicles, except and unless the disassembly, repair, stripping, or dismantling occurs inside a facility authorized for use.

d) No lot, tract, parcel of real property, yard area, carport, or porch shall be used as a garbage dump or a dead animal rendering plant, nor may manure, rubbish, or public nuisance refuse be stored in the open within any district where the same may be construed as a menace to the public health, safety or welfare.

e) No lot, tract, or parcel of real property shall contain a pool that contains unsanitary water or other conditions detrimental to the public health, safety and welfare.

f) No lot, tract, or parcel of real property, or any portion thereof shall contain or maintain the existence of weeds, grass, undergrowth or other vegetation (other than living trees, shrubs, or other vegetation protected by state or local law), whether living, decaying, or dead, at a height exceeding six (6) inches. Plant materials, especially trees and shrubs, afflicted with

decay, disease, insect infestation, or which are otherwise dangerous to other plant material, and plant materials that are not maintained, trimmed, or which evidence signs of neglect.

g) All tenants or occupants of any real property abutting any local street or alley within the city, or if no tenant or occupant then the owner thereof, shall be required to keep that part of the street or alley between the property lines and the curb, including gutters, or up to the median point of an alley, improved or unimproved, in a safe and sanitary condition at all times. Said area shall be kept free from trash of all kinds except household waste that is being properly disposed. Sidewalks shall be kept free from debris, sand, leaves, algae growth, vegetation and slippery conditions.

h) It shall be a violation of this section to permit any trash in any building, structure or premises so that the same may afford food or harborage for rodents, rats, vermin, snakes, pests or other animal that may be hazardous to the public health, safety or welfare.

i) Any public nuisance prohibited by F.S., chapter 823 shall also be prohibited within the boundaries of the city.

j) It shall be considered a nuisance and violation of this section to have, own, keep or maintain a rooster or roosters within the City.

Sec. 15.00.01. - Removal by city; assessment; lien.

(a) If any property owner shall fail to comply with the conditions of the resolution required by section 15.00.00(f), the city may have the growth or accumulation of trash, garbage, rubbish, junk, furniture; refrigerators, stoves and other appliances; inoperative and derelict automobiles, boats, trucks, and vehicles of like nature removed and assess the cost of such removal against the subject real property.

(b) In addition to the assessments for removal, an administrative fee in the amount of one hundred fifty dollars (\$150.00) shall be imposed against the property owner.

(c) The property owner shall be notified by certified United States mail, return receipt requested, of the cost of the assessment for removal and of the administrative fee. If the assessed cost and/or service charge is not paid by the property owner within fifteen (15) days from the date of mailing of notice thereof, the city may file a lien against the subject property. The lien shall have the same priority as tax liens do upon real property.

(d) Any such lien shall date from the date of filing and shall accrue interest at the rate then prescribed for judgments in accordance with F.S. chapter 55. The lien may be enforced in the manner prescribed by F.S. chapter 162.

Sec. 15.00.02 - Repeat violations.

(a) In the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation was found to have occurred by the code enforcement officer, or police officer the repeat violator shall be fined in a minimum of \$100 per day, and may be fined up to \$500.00 per day.

SECTION 3. CONFLICTS.

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION 4. SEVERABILITY.

The provisions of this ordinance are severable, and it is the intention of the City Council of the City of New Port Richey, Florida to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 5. INCLUSION IN CODE.

It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of New Port Richey Code; and that the sections of this ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. 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 7th day of

June, 2016 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 21st day of June, 2016.

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 SOLE USE AND RELIANCE OF THE
CITY OF NEW PORT RICHEY, FLORIDA:

City Attorney, Joseph A. Poblick