

ORDINANCE NO. 2017-2111

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE AMENDMENT OF SECTIONS 10-24 AND 10-25 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO DUTIES OF GARBAGE COLLECTORS AND CUSTOMERS, AND THE HOURS AND DAYS OF GARBAGE COLLECTION IN THE CITY; PROVIDING FOR REQUIRED GARBAGE COLLECTION AGREEMENTS AND REPORTING THEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, within the City limits of the City of New Port Richey, Florida is a recurring condition which has resulted in uncollected garbage;

WHEREAS, uncollected garbage is a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, it is necessary to ensure that each property owner has entered into an agreement for the disposal of the garbage from said property; 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.

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

Section 1. Section 10-24 of the Code of Ordinances, pertaining to duties of trash collectors and customers, is hereby amended as follows (strikeout text shows deleted matters, new matters are underlined):

Sec. 10-24. - Duties of collector, customer.

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

(b) Each property owner or occupant within the City shall enter into and maintain at all times an agreement with a holder of a special permit as required in section 10-41, providing for the removal and collection of all garbage, trash or refuse from said property in accordance with this chapter. Each holder of a permit required in section 10-41 shall provide a list of all customers serviced by said permit holder pursuant to this chapter to the City's public works department, which shall include the name of each property owner or occupant, the current address thereof and the address of each property serviced by said permit holder. The aforesaid list shall be updated, periodically and no less frequently than once every ninety (90) days.

Section 2. Section 10-25 of the Code of Ordinances, pertaining to collection hours and days for garbage collection, is hereby amended as follows (strikeout text shows deleted matters, new matters are underlined):

Sec. 10-25. - Collection hours, days.

Those persons or entities holding a special permit referred to in section 10-41 herein shall only be permitted to collect garbage, trash, refuse and recyclable materials 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 garbage cans for garbage, trash or refuse, or blue bags for recyclable materials, are used. No collection of 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) Independence Day,
- (5) Labor Day,
- (6) Veterans' Day,
- (7) Thanksgiving Day,
- (8) Day after Thanksgiving, or
- (9) Christmas Day.

In the event any of the above listed holidays fall on a Monday or Thursday, the holders of the aforesaid special permit referred to in section 10-41 herein shall collect such garbage, trash, refuse or recyclable materials on the holiday or on the day immediately following the holiday.

In those areas where industrial or commercial structures exist, as well as in those residential areas where multiple family structures with proper access to dumpsters exist, the collection of garbage, trash, refuse or recyclable materials may be collected by the holders of the special permit referred to in section 10-41 herein between the hours of 6:00 a.m. and 7:00 p.m. on any day of the week, except Sundays.

Section 3. 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 4. 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 5. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

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 4th day of April, 2017, 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 2nd day of May, 2017.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Rob 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:

Timothy P. Driscoll, City Attorney