

ORDINANCE NO. 2018-2144

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF ARTICLE III OF CHAPTER 10, SECTIONS 10-58 AND 10-60, OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO GARBAGE CANS AND DUMPSTERS; REVISING THE DEFINITION OF DUMPSTER; PROVIDING FOR SCREENING OF DUMPSTERS ON ALL SIDES; PROVIDING FOR REPEAL OF SECTION 10-64 PERTAINING TO NON-CONFORMING DUMPSTERS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, within the City limits of the City of New Port Richey, Florida insufficiently screened dumpsters have created visual blight and a public nuisance;

WHEREAS, insufficiently screened dumpsters are a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, the screening of dumpsters on all sides will improve the aesthetic appearance of properties within the City and provide protection from the offensive impacts of dumpsters; 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, Article III, Sections 10-58 and 10-60, of the Code of Ordinances, pertaining to garbage cans and dumpsters, are hereby amended as follows (strikeout text is deleted and underlined text is added):

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:

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

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, to a refuse truck. The term dumpster shall include, but not be limited to, compactors and containers commonly referred to as “roll-offs”~~roll-offs.~~

Dumpster pad shall mean the concrete foundation on which the screen is constructed.

Dumpster screen shall mean the enclosure of a dumpster and dumpster pad area, including the gate for access to the dumpster, as provided in this article on at least three (3) sides.

Garbage can shall mean any container, other than a dumpster, used for garbage, trash, refuse or other waste material, including recycling containers.

Temporary dumpster shall mean a dumpster used on a construction site or at a special event for a limited time period.

Sec. 10-60. – Screening of dumpsters ~~generally.~~

(a) *Dumpster.* All dumpsters located within the city shall be screened in accordance with the regulations of this section.

~~(b)(1)~~ *Screen required.* All dumpsters shall be screened on all sides, and not visible at ground level from the street or any adjacent property, with a dumpster screen gate for access to the dumpster.

~~a. Residential uses.~~ All dumpsters shall be screened on at least three (3) sides and not visible at ground level from the street or adjacent property. The unscreened side shall not face any street but may face an alley.

~~b. Commercial uses.~~ All dumpsters located within twenty five (25) feet of a public right of way, excluding alleyways, or abutting residential uses shall be screened on at least three (3) sides and not visible at ground level from the street or adjacent property. The unscreened side shall not face any street but may face an alley.

~~(c)(2)~~ *Screen design/construction.* The dumpster screen shall be constructed of masonry, solid wood, or substantially opaque fencing, designed and installed to completely screen the 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 dumpster, in either of the following ways:

~~a. Masonry or solid wood material enclosing the dumpster which are designed and constructed to match the design of the facade of the principal structure or cyclone slat fence with shrubbery. The screen shall be a minimum of five (5) feet in height and a maximum of six (6) feet in height, as measured from adjacent grade. There shall be an opening on one side of sufficient width to permit safe removal of the dumpster. A gate may be attached to the opening.~~

- ~~b. Any design or construction other than as required in subsection (2) a. above must be approved by the development review committee and must meet the general intent of this section.~~
- ~~(d)(3)~~ *Pad.* The dumpster shall sit on a reinforced concrete pad with bumper. ~~a.~~ The pad shall be made of three thousand (3,000) psi concrete with a minimum thickness of six (6) inches. ~~b.~~ The pad ~~and screen~~ shall be constructed so that there is a minimum clearance of two (2) feet on all sides.
- ~~(e)(4)~~ *Optional dumpster screen gate.* The dumpster screen gate shall be constructed of substantially opaque fencing material, designed and installed to completely screen the dumpster from view. The gate shall be construed 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 dumpster is actively being loaded or unloaded, or the dumpster or dumpster screen are being maintained.
- ~~(5)~~ *Substitute construction materials.* ~~The development services department may approve substitute construction materials that otherwise are consistent with the intent of this section.~~
- ~~(f)(6)~~ *Standard Building Code.* All construction shall be in accord with the standards required in the Standard Building Code.
- ~~(g)(7)~~ *Location.* The dumpster and dumpster screening shall be located in the off-street parking area, within the required yard setback area, ~~upon site plan review and approval by the appropriate authority.~~ Its location and shall not impede visibility or traffic flow. No dumpster shall be located within any public street, alley, right-of-way or easement. A dumpster shall be located so as to allow ease of access for collection trucks.
- ~~(h)(8)~~ *Nuisance.* No dumpster or dumpster screen shall be located so as to result in the violation of chapter 15 (Nuisance), appendix A, Land Development Code of the City of New Port Richey.

Section 2. Chapter 10, Article III, Section 10-64, of the Code of Ordinances, pertaining to non-conforming dumpsters, is hereby repealed as follows (strikeout text is deleted and underlined text is added):

~~Sec. 10-64. Nonconformities.~~

~~All dumpsters shall be located and screened to conform with the requirements of this section during the following time periods:~~

- ~~(1) Within six (6) months of the adoption of this article: Dumpsters servicing residential uses.~~
- ~~(2) Within one year of the adoption of this article: Dumpsters servicing commercial uses.~~

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 120 days after 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 ____ day of _____, 2018, 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 _____, 2018.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Robert Marlowe, Mayor

(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