

ORDINANCE NO. 2019-2162

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SUB-PARAGRAPH d OF PARAGRAPH (4) OF SUBSECTION (c) OF SECTION 5-44 OF CHAPTER 5 OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO ACCESSORIES ON DOCKS LOCATED ON CITY PROPERTY; PROVIDING FOR ALLOWANCE OF FLOATING DOCKS APPROVED BY THE CITY MANAGER; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, davits, boat lifts and similar devices are prohibited on docks located on City property;

WHEREAS, the addition of floating docks on City property, subject to City Manager approval, will allow vessel owners to protect their vessels from the deterioration caused by storage in the water; 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 powers over public property.

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

Section 1. Sub-paragraph d of Paragraph (4) of Subsection (c) of Section 5-44 of Chapter 5 of the Code of Ordinances, pertaining to davits and boat lifts on docks located on city property, is hereby amended as follows (strikeout text is deleted and underlined text is added):

- d. Owners of docks constructed pursuant to this section shall not place or maintain personal property on the seawall or on city property including, but not limited to, ~~davits, boat lifts or similar devices~~, cabanas, shelters, picnic tables or furniture, whether affixed to said seawall or free-standing. In addition, owners of docks constructed pursuant to this section shall not place or maintain davits, boat lifts or similar devices on the seawall, the dock itself, or any city property. Notwithstanding the foregoing, floating docks may be allowed with a permit and approval of the City Manager. Such permits shall only be issued if the floating dock is designed, constructed, installed and used in such a manner as to allow the docking of watercraft in a manner which does not obstruct any waterway or public property, or significantly obstruct the public view of any waterway.

Section 2. 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 3. 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 4. 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 ____ day of _____, 2019, 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 _____, 2019.

ATTEST:

By: _____
Judy Meyers, 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:

Timothy P. Driscoll, City Attorney