

ORDINANCE NO. 2019-2173

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 10-4 OF ARTICLE I OF CHAPTER 10 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO YARD DEBRIS; PROVIDING FOR CLARIFICATION OF PROVISIONS; PROVIDING FOR THE PROHIBITION OF THE RELOCATION OF YARD DEBRIS; PROVIDING FOR LIMITATION ON PLACEMENT OF YARD DEBRIS FOR COLLECTION FROM SUNRISE TO SUNSET; PROVIDING FOR LIMITATION ON PLACEMENT OF YARD DEBRIS FROM TREES HAVING TRUNKS LARGER THAN EIGHT (8) INCHES IN DIAMETER; PROVIDING REQUIRMENTS FOR CONTRACTORS; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the City of New Port Richey desires to promote, enhance and protect the aesthetic appearance of its public property by preventing dumping of yard debris and other trash on the public right of way and other public areas of the City;

WHEREAS, the City of New Port Richey desires to promote and protect the aesthetic appearance of its public property by permitting its residents to place vegetation and yard debris collected from residential properties as a result of normal maintenance activities in the public right of way adjacent to such properties for pickup by private haulers or the City Public Works Department; 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 I, Section 10-4 of the Code of Ordinances, pertaining to yard debris, is hereby amended as follows (strikeout text is deleted and underlined text is added):**

**Sec. 10-4. Disposal of Yard Debris.**

(a) Residents or private contractors employed by residents of the City shall be permitted to place vegetation and ~~other~~ vegetative yard debris collected and removed from ~~their~~ residential property in the public right of way adjacent to the residential property from which the same was collected and removed, ~~their respective residences~~ or in an area designated by the City

for pickup by permitted private haulers or the City Public Works Department, as provided in this Section. All vegetation and vegetative yard debris collected and removed from a property shall remain for pick up at its designated location. The relocation by any person of vegetation or vegetative yard debris collected and removed from a property to any public or private property, other than the public right of way adjacent to the property from which the same was collected and removed, shall constitute illegal dumping and a violation of this Section. The City Manager may designate a community pick up location for vegetation and vegetative yard debris as deemed in the best interest of the City. Any and all vegetation or vegetative yard debris placed in any public right of way shall not interfere with any access to sidewalks, residential property, stormwater drainage or interfere with vehicular traffic. All vegetation and vegetative yard debris shall be cut into lengths of less than six (6) feet. All leaves shall not be placed in plastic bags, boxes, or any other type of container.

(b) The placement of vegetation and vegetative yard debris as provided in this Section shall only be permitted between sunrise and sunset each day.

(c) The vegetation or vegetative yard debris generated from the substantial or total removal of the vegetation from trees having a trunk diameter greater than eight (8) inches diameter at breast height (dbh) shall not be placed in any right of way or other public or private property.

~~(b-d)~~ It shall otherwise be unlawful for any person to place or dump, or cause to be placed or dumped, any vegetation, yard debris, garbage, trash, refuse, roofing materials, tires, or other waste materials of any kind or character whatsoever in the public right-of-way within the jurisdictional limits of the City.

~~(e) The City Manager is authorized to pay to any person who provides the City with information which leads to the conviction of any person of a violation of this section an incentive award not to exceed the sum of \$100.00.~~

(e) All private contractors removing vegetation and vegetative yard debris from properties within the City limits shall be licensed, bonded, and have sufficient company identification on all vehicles and equipment used for such activity.

(f) All private contractors removing vegetation and vegetative yard debris from properties within the City limits shall set up proper maintenance of traffic, whether a permit is required or not, and shall not block public sidewalks when performing work within City rights of way.

~~(d-g)~~ Any violation of this Section shall be punished in the manner as provided in Section 1-14 or otherwise in this Code. Each day the violation continues to exist shall be deemed a separate and distinct offense. ~~Each violation of this Section shall constitute a Class I violation as specified in Paseo County Administrative Order Number 00-05, or any amendment thereto.~~

(h) Nothing contained herein shall be deemed to authorize the placement of vegetation or vegetative yard debris in or on any public property not specifically authorized

under this Section, including without limitation any public park, public building or undeveloped property.

**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