

**ORDINANCE NO. 2020-2178**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 1-14 OF CHAPTER 1 OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO PENALTIES FOR VIOLATIONS OF THE CITY CODE; PROVIDING FOR AMENDMENT OF SECTION 2-30 OF ARTICLE VIII OF CHAPTER 2 OF THE CODE OF ORDINANCES, PERTAINING TO DEFINITIONS IN CHAPTER 2 OF THE CITY CODE; PROVIDING FOR AMENDMENT OF SECTION 2-240 OF ARTICLE VIII OF CHAPTER 2 OF THE CODE OF ORDINANCES, PERTAINING TO THE UNIFORM FINE SCHEDULE; PROVIDING FOR AN AMENDED UNIFORM FINE SCHEDULE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, within the City limits of the City of New Port Richey, Florida it is imperative that the City Code is enforced for the protection of all residents, citizens, business owners, property owners and visitors;

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

WHEREAS, the fines imposed for City Code violations must be updated from time to time to achieve the desired result of eliminating or discouraging violations of the code;

WHEREAS, the City Council has found it necessary to amend the uniform fine schedule of the City; 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. Section 1-14 of Chapter 1 of the Code of Ordinances of the City of New Port Richey, pertaining to penalties for violation of the City Code, is hereby amended as follows (strikeout text is deleted and underlined text is added):**

Sec. 1-14. - General penalty; continuing violations.

It shall be unlawful for any person to violate or fail to comply with any provision of this Code and, where no specific penalty is provided therefor, the violation of any provisions of this Code shall be punished by:

- (1) A fine pursuant to the uniform fine schedule adopted by the City Council from time to time ~~prescribed in Pasco County Administrative Order Number 00-05, or any amendment thereto,~~ or
- (2) Imprisonment for a term not exceeding sixty (60) days, or
- (3) Both such fine and imprisonment.

In the event the uniform fine schedule, as amended from time to time ~~Pasco County Administrative Order Number 00-05, or any amendment thereto,~~ fails to prescribe a penalty for violation of a specific provision herein, the violation of any such provision shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment.

Notwithstanding the foregoing, each day that a violation of any provision of this Code continues shall constitute a separate and distinct offense for the purpose of this section.

**Section 2. Section 2-30 of Article VIII of Chapter 2 of the Code of Ordinances of the City of New Port Richey, pertaining to definitions of terms used in said chapter, is hereby amended as follows** (strikeout text is deleted and underlined text is added):

Sec. 2-230. - Definitions.

~~Administrative order shall mean Administrative Order No. 2003-027 PA/CTY, as amended by Administrative Order No. 2005-036 PA/CTY, as amended from time to time.~~

*City Code* shall mean all ordinances duly enacted by the City of New Port Richey including, without limitation, those ordinances codified in the New Port Richey Code of Ordinances, the Minimum Housing Code and the Land Development Code.

*Code inspector* shall mean all code enforcement officers, code enforcement inspectors, sworn law enforcement officers, building code and fire inspectors.

*Uniform fine schedule* shall mean the violation classification and the corresponding schedule of fines associated with each classification, as adopted by the City Council and ~~prescribed pursuant to Administrative Order No. 2005-036 PA-CTY, as said Administrative Order is amended from time to time.~~ The Uniform Fine Schedule shall be based upon violations of the New Port Richey City Code.

*Violations of the City Code* means any of the following:

- (i) Doing an act that is prohibited or made or declared unlawful, or an offense by ordinance or by rule or regulation authorized by ordinance.
  - (ii) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
  - (iii) Failure to perform an act if the failure is declared to be an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
- A. The phrase "violation of the City Code" does not include the failure of a city officer or city employee to perform an official duty unless the context requires otherwise.

**Section 3.** **Section 2-240 of Article VIII of Chapter 2 of the Code of Ordinances of the City of New Port Richey, pertaining to the uniform fine schedule, is hereby amended as follows (strikeout text is deleted and underlined text is added):**

Sec. 2-240. - Schedule of violations and penalties.

~~(a) The city specifically adopts the schedule of fines and penalties of Pasco County Administrative Order No. 2005-036 as amended from time to time to be charged for violations of the City Code.~~

(b) The uniform fine schedule which provides violations of City Codes and Ordinances and their corresponding penalty class shall be established and amended from time to time by the city. The same shall supersede all ordinances that set forth fines in conflict therewith.

**Section 4.** The uniform fine schedule attached hereto and made a part hereof is hereby adopted by the City Council of the City of New Port Richey, Florida to be imposed for violations of the City Code as provided in the Code of Ordinances.

**Section 5. 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 6. 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 7. 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 17<sup>th</sup> day of December, 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 7<sup>th</sup> day of January, 2020.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, 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:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney