

**ORDINANCE NO. 2020-2190**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 13.02.00 OF CHAPTER 13 OF THE LAND DEVELOPMENT CODE, PERTAINING TO DEFINITIONS OF TERMS USED IN SAID CHAPTER PERTAINING TO SIGNS; PROVIDING FOR AMENDMENT OF THE DEFINITION OF VEHICLE SIGN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, signs placed on vehicles add to the visual clutter of signs in the City's commercial areas;

WHEREAS, signs placed on vehicles exceed the authorized signage allowed on any business premises;

WHEREAS, signs placed on vehicles lead to distraction of drivers on the public streets throughout the City;

WHEREAS, the current Land Development Code does not sufficiently define a vehicle sign;

WHEREAS, this ordinance is intended to be a content neutral lawful regulation of signs within the City consistent with the City's existing sign ordinances and codes and is adopted in accordance with the standards set forth therein;

WHEREAS, notice of this Ordinance has been provided as required by applicable law; and

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION I. Section 13.02.00, of Chapter 13, of the New Port Richey Land Development Code, pertaining to definitions of terms used in said chapter, is hereby amended to amend the definition of vehicle sign therein, as follows (strikeout text is deleted and underlined text is added):

*Vehicle sign* shall mean a sign attached to or placed on a vehicle, ~~including automobiles, trucks, boats, campers, and trailers~~ which is parked on or otherwise utilizing a public right-of-way, or public property or on private property, visible from any adjacent public ~~so as to be intended to be viewed from a vehicular right-of-way, or public or private property for the basic purposes of providing advertisement for products or services or directing people to a business or activity.~~ A vehicle sign shall not include a sign on a vehicle which is regularly and customarily used as a vehicle in conjunction with any business, which is properly parked or stored on the premises of

a business for purposes other than advertising a product, service or business. The owner, lessee or operator of a vehicle, and the owner, tenant, occupant or operator of the premises where a vehicle is located, shall have the burden of proof to rebut the rebuttable presumption that a vehicle constitutes a vehicle sign as defined herein. There shall be a rebuttable presumption that a sign shall be deemed a vehicle sign if the same is located on a vehicle that is:

- i. unregistered, or inoperable upon the public streets due to any defect therein or by reason of anything placed on or in the vehicle that would render it functionally or legally inoperable, including any obstruction of the windshield, or front passenger or driver side windows;
- ii. located within 35 feet of the nearest public right-of-way;
- iii. located substantially perpendicular to the nearest public right-of-way;
- iv. located in substantially the same location on the premises on two (2) occasions at least seven (7) days apart in any ninety (90) day period;
- v. the only vehicle of its size and type located on the premises;
- vi. not the size and type of vehicle regularly and customarily associated with and used in the business operated from the premises upon which the vehicle is located;
- vii. located on any premises in any area not designed and constructed for the parking of vehicles; or
- viii. altered by the addition of any sign, other than by application of paint directly on the vehicle or a vehicle wrap designed and installed for advertising purposes.

~~This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle, unless such vehicle is parked in such a manner that it is intended to provide advertisement of products or services or to direct people to a business or activity, or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.~~

**SECTION II.** If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

**SECTION III.** Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION IV.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this Ordinance may be renumbered to accomplish such codification, and that the word Ordinance may be changed to “section” to accomplish such codification.

**SECTION V.** This Ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 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