



MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY
NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA
April 6, 2021
7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 p.m. Those in attendance were Deputy Mayor Chopper Davis, Councilman Peter Altman, Councilman Matt Murphy and Councilman Mike Peters.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, Deputy City Clerk Joyce Haasnoot, Police Chief Kim Bogart, Finance Director Crystal Feast, Fire Chief Chris Fitch, Economic Development Director Charles Rudd, Public Works Director Robert Rivera, Library Director Andi Figart, Parks and Recreation Director Kevin Adams, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran and Assistant City Manager Rodd Hale.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of March 16, 2021 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

5. Approval of March 23, 2021 Work Session Minutes

Motion was made to approve the minutes as presented.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

6. Introduction of New Police Officers: Dominic Hand, Jacob Williams and Paul Smalley

7 Proclamation - Alcohol Awareness and PowerTalk21 Month

8 Proclamation - Donate Life Month (By Title Only)

9 Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. John Kane, 6041 Florida Ave., NPR, came forward to discuss the bike path connecting New Port Richey and Port Richey. He would like to see the City dedicate more time to the project.

Karen Rick, 6322 Old Main Street, NPR, came forward to request speed bumps be installed along Old Main Street. Ms. Rick also inquired about what the City is doing to control the vagrant population.

Chris Lineman, 6140 Indiana Ave., NPR, came forward and also requested the City work on the bike path and would like speed bumps along Indiana Avenue. Mr. Lineman discussed the speed of cars he has witnessed on his street and commented that his street, Indiana Avenue, does not have any reason to see the amount of traffic that is on his street when there are other alternatives to push the traffic elsewhere. Mr. Lineman also stated that he believed the City approved ADU's and would like to see it bought back to discussion at a future council meeting.

Mayor Marlowe asked City Manager Manns to look into the traffic situation throughout the City in regards to speeding. Mayor Marlowe asked where the City is in its approval of ADU's. City Manager Manns stated it is currently under review in planning and will go to the Land Development Board (LDRB) once planning completes their review. Councilman Altman stated that the problem with Indiana Avenue is that it is easier to turn on Indiana rather than the Madison Street corner nearby due to traffic lights and traffic patterns if vehicles are heading west. The specific intersection is in the County jurisdiction so he is not sure what the city can do. Councilman Murphy stated the Municipal Planning Organization list will be updated in June and we can request the bike path be included. Councilman Murphy stated he has heard many comments and complaints in regards to speeding through the city. Councilman Peters agreed that speeding is an issue and the city needs to work on a plan to reduce speeding. He replied to Ms. Rick's comment and stated the vagrant issue is of concern to the City, and he would like residents to let the city know when they see vagrants so that we are able to investigate. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

- a Speakers must identify themselves prior to speaking by stating their name and full address for the record. Speakers shall address the City Council as a whole and refrain from addressing individual members of the City Council or the City staff. Speakers shall afford the utmost courtesy to the City Council, to City employees, and to the public, and shall refrain at all times, from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

10 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Chopper Davis and seconded by Pete Altman. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

a Parks and Recreation Advisory Board Minutes - February 2021

b Cultural Affairs Committee Meeting Minutes February 2021

c Purchases/Payments for City Council Approval

11 Public Reading of Ordinances

a Second Reading, Ordinance No. 2021-2223: Amendments to Fire Prevention Codes Adopted

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a second and final reading of an ordinance which adopts the amended updates to Chapter 8, Section 8-1 of the City of New Port Richey Code of Ordinances, Fire Prevention and Fire Protection Codes Adopted. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Matt Murphy and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

b First Reading, Ordinance No. 2021-2227: Amendments to Chpt. 15 LDC RE: Graffiti

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an ordinance to amend Section 15.01.00, of Chapter 15, of the New Port Richey Land Development Code, pertaining to graffiti. The proposed amendment addresses definitions and the requirement to remove or obscure graffiti. Removal of graffiti can quickly improve the appearance of an area by eliminating the blight. Elimination of graffiti is best achieved through code enforcement. An ordinance giving code enforcement officers the ability to cite property owners and require graffiti removal is the best tool for achieving this goal. City Manager Manns stated that this ordinance is being presented because the City's previous ordinance was in need of amending. The amended ordinance allows for shorter time frame of notices, ability to bill property owners for any removal of graffiti done by the city to their property. The Land Development Review Board (LDRB) reviewed the ordinance and recommended approval at their March meeting.

Upon opening the floor to public comment, Rachel Hagenbaugh, 6026 Tennessee Avenue, NPR, came forward and stated that she is concerned this amendment could affect art and artist on their own property.

Karen Rick, 6322 Old Main St., NPR came forward to inquire who will receive the bill for violations on foreclosed properties owned by real estate companies or banks and how will the City pay for this program. City Attorney Driscoll explained that this ordinance already included procedures written within the ordinance addressing this issue. This current proposed revisions to the ordinance only provide additional definitions for obscure descriptions and a mechanism for the city to address graffiti in a timely fashion. With no one else coming forward Mayor Marlowe returned the floor to Council.

Councilman Peters stated this ordinance will aid in code enforcement procedures. He stated it would be a good idea to get an email address for property owners as an additional backup for the USPS. City Attorney Driscoll stated that legally the City is required to send notices certified mail through the post office but the City can look into adding emails as an additional form of notice.

Mayor Marlowe has one concern that did not involve graffiti, but code enforcement should be aware of. Mayor Marlowe described a rental property where an eviction was in process and any notifications and correspondence regarding the eviction were received well after the property manager had the opportunity to appeal because of postal service delays. His concern is that mailing the notices through USPS is not as reliable as it has been in the past. He wants the City to be cognizant of delays sending notices through the post office.

Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

c First Reading, Ordinance No. 2021-2229: Amendments to Land Development Review Board Membership

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an ordinance to amend Section 3.06.02, of Chapter 3, of the New Port Richey Land Development Code, pertaining to appointment of members to the Land Development Review Board regular membership. The proposed amendment eliminates the requirement to fill vacancies from the alternate positions. The current ordinance requires that the City Council fill a vacant regular member position from the alternate pool. This mandate limits the ability of the City Council to appoint a candidate with desirable qualifications. The proposed ordinance will give the City Council the ability to appoint applicants city wide or from the alternate pool. The ordinance was reviewed by the City Land Development Review Board and approved by LDRB.

Upon opening the floor to public comment, John Kane, 6041 Florida Avenue, NPR came forward and stated that a member who is currently in an alternate positions should be appointed automatically unless they do not want to become a voting member. He does not agree with the council having ability to choose applicants. Karen Rick, 6322 Old Main Street, NPR, came forward and also stated she feels the alternate board members should be appointed and Council should not determine the appointee. With no one else coming forward Mayor Marlowe returned the floor to Council.

City Manager Manns clarified that this is the only board in the City with this restriction and this ordinance opens the candidate pool. The Land Development Review Board (LDRB) currently has one alternate and the council should not be restricted to only one candidate as their choice and it dilutes the power of Council.

Councilman Altman stated that in the case of the LDRB, the Board is not as qualified as they should be and he would like to see more qualified members on the board. He stated Council will appoint an applicant based on the applicants knowledge and qualifications.

Councilman Peters stated he would like to see city boards more robust and he would like to see a long list of candidates and this ordinance allows for more potential candidates to choose from.

Councilman Murphy stated an alternate member should be considered based on their knowledge and the specific job they are performing on the board. He stated that is why Council should determine from a larger pool of applicants.

Motion was made to approve the ordinance upon its first reading.

Motion made by Pete Altman and seconded by Rob Marlowe. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

12 Business Items

a Lease Extension Agreement w/Pasco County RE: Pine Hill Park

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a three month extension on the lease agreement with Pasco County for the ballfields at Pine Hill. On October 21, 1986, the City entered into a lease agreement with Pasco County regarding the ballfields at Pine Hill Park. The lease was subsequently amended over the years and is due to expire on April 26, 2021. She stated that she has been in discussions for some time now with the County Administrator regarding the City's interest in the former Health Department building located on Main Street and Bank Street. During the course of the discussions, there was a proposal made to exchange the Pine Hill Ballfields for the building. The County contacted the City on March 15, 2021 and requested an extension on the current lease regarding Pine Hill Park. Although the County requested a longer term for the extension, she feels that it is in the best interest of the City to limit the term to three months in order to move the negotiations ahead in a more expeditious manner. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Murphy stated he is excited and looks forward to seeing the swap occur. Councilman Davis stated the lease extension should be only three months. Councilman Peters and

Councilman Altman both stated that they agree with the transfer and feel it is great for the city and kids. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

b Ratification of International Association of Firefighters (IAFF), Local 1158 Contract

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was for City Council to vote affirmatively in favor of ratifying the proposed collective bargaining agreement between the City of New Port Richey and the International Association of Firefighters (IAFF), Local 1158 for the period spanning from October 1, 2020 through September 30, 2023. Below is a summary of the terms and conditions that have been agreed upon by the union and the city's negotiating team. They are as follows:

Captain Positions:

1. Three (3) new Captain Positions will be established.
2. All candidates for promotion to Captain must have completed the Company Officer certification, State Inspection, ICS 300 and 400 as a condition of eligibility to qualify for the examination. In addition, the selected candidates must attain Incident Safety Officer certification within six (6) months of their promotion.

Wages:

Step Increases

For each year of the agreement bargaining unit members will be eligible for step increases. Each bargaining unit member is eligible for no more than one step increase per fiscal year.

1. All future step increases after the expiration of the collective bargaining agreement are subject to negotiation and agreement upon the reopening of Article (9) in a successor agreement by the parties prior to being paid.
2. The actual step construction referenced in Article (10) Section 5 and Appendix A & B shall be increased as follows:
 - a) For Fiscal Year 2020-2021, effective the beginning of the first payroll period of the fiscal year, the steps are remain as status quo as reflected in the Appendix
 - b) For Fiscal Year 2021-2022, effective with the first payroll period of the fiscal year, each step shall be increased by the percentage amount provided to the non-bargaining unit employees of the city for that fiscal year.
 - c) For Fiscal year 2022-2023, effective with the first payroll period of the fiscal year, each step shall be increased by the percentage amount provided to the non-bargaining unit employees of the city for that fiscal year.

Special Event Premium Pay:

Bargaining unit employees who are assigned to work a special event on their scheduled day off will be paid premium pay in accordance with FSLA standards.

Grievance Procedure:

The grievance procedure was modified to reflect that an employee shall be provided a period of ten (10) days to present a labor complaint if one arose rather than the current standard of five (5) days.

Overtime Selection:

Selecting employees for overtime work shall be based upon a list maintained to equalize the opportunity for overtime to the extent practicable.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

c WWTP Biosolids Hauling and Disposal Contract Extension

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to approve the second and final one year contract extension with the same terms and conditions as set forth in the current contract with Merrell Bros., Inc. for Biosolids Hauling and Disposal dated April 23, 2019. The existing cost for the disposal is \$57.91 per ton under the current contract. Should the City decide not to extend the contract and advertise for competitive bids, it is anticipated that the disposal cost would greatly increase. Merrell Bros., Inc. has performed this service to the City for 12 years. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

d Request to Purchase Police Portable Radios Using Equitable Sharing Monies

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the use of Equitable Sharing monies to purchase three (3) Harris XG-25P portable radios and accessories from Williams Communication, Inc., at a total cost of \$10,204.53. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Pete Altman. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

e ESRI Geographic Information Systems Agreement Renewal

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the renewal of our Geographic Information Systems agreement in the amount not to exceed \$82,500.00 over a three year period. Technology Solutions Director Bryan Weed explained to council how the City utilizes ESRI throughout all the departments. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

f Three Minute Report: Police Department

13 Communications

Mayor Marlowe complimented the library staff on their work performances and wished good luck to all the City Council candidates running for office.

Councilman Murphy stated that with all the various issues he has heard about recently they are primarily all in regards to speeding and vagrancy but overall people are happy and have pride in the city.

Councilman Altman stated he would like code to enforce clear vision zones. As an example, Councilman Altman described an area between Montana and Nebraska Avenues and the foliage hanging makes it difficult to see. He stated going from Craft Street to Gulf, there is a sight issue at the stop sign. Councilman Altman stated he is happy to see regular CRA meetings and would like to see the CRA utilize American Rescue Plan funds alongside with council.

Councilman Davis inquired if there was an update on the code rule that requires windows can not be covered with more than 25% of advertising. He believed that this rule is for security purposes so you

can see in a building. He has seen businesses with a lot of signage or advertisement in their windows and they additionally have windows which are placed higher on the building and you can not see inside these businesses. City Manager Manns will speak with Chief Bogart in regards to the issue.

Councilman Peters commented on the yard debris work session and his disappointment that there was no resolution. Councilman Peters thanks Dell DeChant for his assistance. Councilman Peters wanted to let the city residents know about the City of New Port Richey app which is available to report code and other issues.

City Attorney Driscoll informed council that the current bill in the State Legislature, Senate Bill 694, if approved will go into effect July 1, 2021 and addresses the plastic bag issue. Additionally, within this bill, the City would be required to pay the solid waste haulers 18 months of receipts as part of their three year contract rather than current rule within the city that requires no payment.

14 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:25 p.m.

(signed) _____
Joyce Haasnoot, Deputy City Clerk

Approved: _____ (date)

Initialed: _____

ORDINANCE NO. 2021-2227

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTIONS 15.01.00, 15.01.01 and 15.01.02 OF CHAPTER 15 OF THE LAND DEVELOPMENT CODE, PERTAINING TO GRAFFITI; PROVIDING FOR A DEFINITION OF COMPLETELY OBSCURE; PROVIDING FOR REMOVAL OF GRAFFITI BY THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the presence of graffiti causes blight throughout the City which invites crime and further destruction of private and public property;

WHEREAS, the quick and effective removal or covering of graffiti can ameliorate the deleterious effects of graffiti on public and private property;

WHEREAS, this ordinance has been reviewed by the Land Development Review Board as required by law;

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

WHEREAS, the New Port Richey City Council finds and 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, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION 1. Section 15.01.00, of Chapter 15, of the New Port Richey Land Development Code, pertaining to the definition of graffiti, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

15.01.00. – Graffiti; Definitions.

Graffiti shall mean any mark, inscription, writing, drawing, painting, scribbling, engraving or other defacement of any type that is written, marked, etched, sprayed, inscribed, drawn, engraved, painted, applied or otherwise affixed directly to the surface of any structure or other property, real or personal, located within the city. The term shall not include signs, other than Free Expression Signs, permitted or allowed under the City's sign regulations as set forth in Chapter 13 of the Land Development Code or murals permitted under Chapter 7 of the Land Development Code.

Completely Obscure shall mean to cover graffiti with paint or other substances sufficient to match the surrounding area of the structure, and the area of the graffiti prior to the application of the

graffiti, in such a manner so as to not allow any part of the graffiti to be observed by the naked eye.

SECTION 2. Section 15.01.01, of Chapter 15, of the New Port Richey Land Development Code, pertaining to the prohibition of graffiti, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

15.01.01. – Graffiti Prohibited; penalties.

- (a) *Violation.* No person shall write, mark, etch, spray, inscribe, draw, engrave, paint, apply or otherwise affix graffiti to any structure or other real or personal property located within the city ~~without the consent of the owner of said property.~~
- (b) *Fines, imprisonment.* Any person violating subsection (a) hereinabove may be punished by a fine of up to two hundred fifty dollars (\$250.00) for the first offense, up to five hundred dollars (\$500.00) for the second offense, and imprisonment in the county jail for a term not to exceed sixty (60) days and a fine of up to five hundred dollars (\$500.00) for the third offense.
- (c) *Restitution.* In addition to any fine, imprisonment and/or community service described herein, the court may order any violator to make restitution, in an amount or manner determined by the court, to the owner of the property for damages or loss caused directly or indirectly by the violator's offense.
- (d) *Community service.* In addition to any fines, imprisonment and/or restitution listed hereinabove, the court may order a violator to perform monitored community service of up to forty (40) hours per offense.
- (e) *Violation by minor.* In the event the violator is a minor, the parent(s) or legal guardian of the minor shall be jointly and severally liable with the minor for payment of any and all fines and restitution ordered to be paid by the court.

SECTION 3. Section 15.01.01, of Chapter 15, of the New Port Richey Land Development Code, pertaining to the removal of graffiti, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

15.01.02. - Removal of graffiti.

- (a) It shall be unlawful for the owner of any structure or other property, real or personal, to permit graffiti to be applied to or remain on any such structure or property located within the city. The owner of any structure or other property located within the city shall be responsible for keeping said property free of graffiti at all times. The owner of the property on which ~~has~~ graffiti has been applied shall immediately remove or completely obscure said graffiti ~~upon being applied on such property.~~ Governmental entities owning property within the city shall be exempt from the provisions contained in this subsection.
- (b) In the event a code enforcement officer of the city finds graffiti on any property located within the city not owned by a governmental entity, ~~said code enforcement officer shall use the normal~~ code enforcement procedures contained in chapter 23 ~~of Appendix A~~ of the City of

~~New Port Richey Land Development Code of Ordinances shall be used in enforcing the provisions of subsection (a) contained hereinabove, including without limitation the providing of a proper notice of violation, a reasonable amount of time to cure any such violation, and a proper notice of a code enforcement board hearing at which such matter shall be scheduled to be heard.~~

- (c) In the event a property owner fails to remove or completely obscure graffiti in accordance with the a-time period set forth in a notice an order to remove from the any city's code enforcement officer board, the city may have the graffiti removed or completely obscured as a public nuisance in accordance with the procedures set forth in Section 15.00.01 of the Land Development Code addition to any fines or fees levied by the city's code enforcement board, a city code enforcement officer shall post said property with a notice to remove, provide a copy of said notice to the city manager, and send a copy of said notice to the last known owner of the property, as stated in the current ad valorem tax records maintained by the Pasco County Tax Collector or the current records maintained by the Pasco County Property Appraiser.
- (d) ~~The aforesaid notice to remove shall contain the following information:~~
- (i) ~~The date of the posting of the notice on the property;~~
 - (ii) ~~The name of the owner of the property containing the graffiti;~~
 - (iii) ~~A legal description of the property containing the graffiti, sufficient to identify said property;~~
 - (iv) ~~A brief statement of the location on the property where the graffiti exists and a concise description of the graffiti;~~
 - (v) ~~A statement that, unless the graffiti is removed prior to the date of a regularly scheduled city council meeting, the owner shall appear before the city council at a regularly scheduled meeting for a hearing before the city council to determine if the owner is in violation of subsection (a) hereinabove, and if found to be in violation, the need for the owner to remove, or cause to be removed, the graffiti within an amount of time to be set by the city council at said hearing;~~
 - (vi) ~~The date, time and place of the regularly scheduled city council meeting at which the hearing will be held;~~
 - (vii) ~~The name, address, telephone number, title and signature of the code enforcement officer providing the notice.~~
- (e) ~~Upon receipt of any notice to remove, the city manager shall place, or caused to be placed on the agenda for a regularly scheduled meeting of the city council, the matter of whether the owner of the cited property is in violation of subsection (a) hereinabove. The city council shall hold a public meeting on the matter and shall provide the owner of the property or the owner's representative with an opportunity to present its case to the city council. Notwithstanding the foregoing, the hearing before the city council shall not operate as an appeal of the decision of the city's code enforcement board. Any fines or fees levied by the city's code enforcement board shall not be eliminated, absolved or excused by a decision of the city council to provide more time for removal of any graffiti.~~

- ~~(f) — If the city council finds the owner to be in violation of subsection (a) hereinabove, then said owner shall remove, or have removed, the graffiti from the property within the time period set by the city council, of which shall be at least three (3) days from the date of the hearing.~~
- ~~(g) — After the date set for removal has elapsed, a city code enforcement officer shall inspect the property found to be in violation to determine whether the graffiti has been removed. If the owner fails to remove the graffiti in accordance with the city council's order to remove, then the city code enforcement officer shall notify the city manager, who shall then instruct the city attorney to immediately begin a lawsuit to petition the Sixth Judicial Circuit Court, Pasco County to order the owner to remove the graffiti from the property. Said lawsuit shall also petition the court to permit the city to enter onto the owner's property to remove, or cause to be removed, the graffiti from the property, if the graffiti is not removed within five (5) days from the court's order, and assess the costs of such removal to the owner of the property.~~
- ~~(h) — The city is entitled to recover all costs that it incurs in the bringing of a lawsuit to enforce the provisions of this section and to remove any graffiti from a property, including, but not limited the following reasonable attorney's fees, service of process, costs of publication of notice or service, costs of supplies and labor in removing the graffiti, and any other amount expended in bringing the violation into compliance.~~
- ~~(i) — If the city removes the graffiti, or causes the graffiti to be removed, it shall send an invoice to the owner of the property for all amounts expended by the city. If said invoice is not paid within thirty (30) days of the date of said invoice, the city may place a lien against the property, and interest shall accrue on said lien at a rate of eight (8) percent per annum.~~
- ~~(j) — Nothing contained herein shall prevent the city from enforcing any judgment or court order in any other manner permitted by law.~~

SECTION 4. 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 5. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. 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 7. 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 _____, 2021.

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 _____, 2021.

ATTEST:

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney
CA Approved 3-30-21