

ORDINANCE NO. 2024-2286

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 5-44 OF THE CITY CODE, PERTAINING TO DOCKS ATTACHED TO CITY-OWNED PROPERTY; PROVIDING FOR A CITY DOCK MAP ESTABLISHING PROPERTIES ELIGIBLE TO ASSOCIATE A DOCK ATTACHED TO CITY PROPERTY; PROVIDING FOR FLOATING DOCKS, ONLY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the city currently provides a license to property owners owning property abutting city-owned property along the Pithlachascotee River to allow the attachment of a dock to the city property;

WHEREAS, the City desires to amend the code to establish a map of properties eligible to obtain a license to attach a dock to city property along the riverfront, and to clarify existing provisions within said code; 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. Amendment. Section 5-44 of Chapter 5 of the Code of Ordinances, pertaining to docks attached to city-owned property and providing as set forth hereafter, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

Sec. 5-44. Docks attached to city-owned property or public park property.

- (a) Except as expressly set forth in this section, no person, firm or corporation shall erect or construct a dock of any type which must be affixed or located immediately adjacent to property owned by the city or other property which has been dedicated or designated for the use and benefit of the public. Except as expressly set forth in this section, any docks attached or located immediately adjacent to city-owned property or such public property as of the effective date of this article may be repaired or replaced unless fifty (50) percent or more of the structure is to be replaced or repaired, in which case the owner shall, within ninety (90) days, comply with the requirements of this section or remove the structure. The determination

of whether a proposed repair or replacement activity shall exceed fifty (50) percent or more of the structure shall be made by the city, in the reasonable exercise of its discretion.

- (b) Notwithstanding the foregoing, private docks, as defined in section 5-50 below, may be constructed along and adjacent to the ~~following~~ city-owned property depicted on the map approved from time to time by the City Council by resolution thereof, referred to as the "City Dock Map". The map shall designate the area reserved for placement of a dock and the private real property to which said dock shall be associated. ~~That certain strip of land lying between the Pithlachascotee River and Grand Boulevard, located south of Massachusetts Avenue and north of Virginia Avenue and lying west of Blocks 10, 11, 36 and 37 in accordance with plat recorded in Book 2, page 21, public records of Pasco County, Florida, and that certain strip of land lying between the Pithlachascotee River and Grand Boulevard, being located west of the intersection of Orange Grove Avenue and Grand Boulevard and lying west of Lots 1 and 2 of Block 4, Orange Grove Park and lying west of Lot 1 of Block 3, Orange Grove Park.~~
- (c) Construction of ~~such~~ private docks under this section shall be subject to the following conditions and limitations set forth in this subsection.
- (1) Only the owner of a ~~lot~~ property designated on the City Dock Map ~~fronting Grand Boulevard and lying south of Massachusetts Avenue and north of Virginia Avenue, or the owner of a lot adjacent to Lots 1 and 2 of Block 4 or Lot 1 of Block 3, Orange Grove Park,~~ shall have the right to construct docks that are adjacent and attached to the seawall located along or adjacent to the city property described above in this section, and only in the location designated on said map associated with said private property. The submerged area upon which each ~~lot~~ property owner may construct a dock shall be in the location shown on said map designated for said property, and specifically approved by the City in its sole and absolute discretion defined as set forth in section 5-52(2)(e) which area shall be determined by extending each lot owner's lot line across the Boulevard and the city property.
 - (2) All docks constructed pursuant to this section shall be limited to floating docks and comply with the general requirements of this article relating to docks constructed on or adjacent to private property along the Pithlachascotee River, subject to approval of the design, size and shape by the City in its sole and absolute discretion.
 - (3) The construction of docks pursuant to this section shall be subject to all permitting requirements set forth in this article or as may otherwise be required by any other local state or federal agency.
 - (4) All docks constructed pursuant to this section, including any existing docks located upon the property designated in the City Dock Map ~~described above~~ that are repaired or replaced, which repair or replacement involves fifty (50) percent or more of such existing structure, shall comply with the following special conditions:
 - a. No gate or other barrier to entry onto the dock shall be permitted;
 - b. Each dock shall be clearly posted with a sign that shall state: "Private Property—No Trespassing";
 - c. Each dock shall be constructed in a manner to minimize any adverse effect upon the seawall or its components. No dock shall be affixed to the seawall or to city property

without the prior written consent of the building official. To the extent that any dock is affixed to the seawall or to city property, the owner thereof shall be responsible for any damage to the seawall or city property including, but not limited to, any damage or excessive ~~wear year~~ or excessive stress resulting from the construction of said dock or attachment thereof to the seawall or to city property. The owner of each dock shall maintain said owner's dock to prevent damage to the seawall or to city property; ~~and: The city shall encourage the use of floating docks and similar structures.~~

- 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, 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 p~~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.
- (5) Prior to the construction of any dock pursuant to this section or prior to the repair or replacement of any dock located ~~adjacent to~~ on the property designated in the City Dock Map ~~described above~~, which repair or replacement involves more than fifty (50) percent of the structure, the owner of said lot shall deliver to the city: ~~A~~ a fully executed license agreement which shall include a covenant to hold the city harmless from and to indemnify the city against any damage, injury claim, demand, suit, cause of action or cost in any way arising out of or related to the construction, use or existence of such dock. ~~The form of such~~ license agreement shall be in a form acceptable to the city's attorney.
- (6) Every dock constructed or maintained pursuant to this section shall be owned by and used only by the owner of the lot to which said dock is appurtenant, and said lot owner's lessees, family and guests ~~guests~~. A lot owner shall have no right to assign, transfer or convey any right (including the right of use) or interest in said owner's dock except that said owner shall assign, transfer and convey all of said owner's right, title and interest in and to said dock to any subsequent grantee of the appurtenant private property ~~lot~~.
- (7) The existence or extension of electric, water, sewer or other utility service to any dock constructed or maintained pursuant to this section is expressly prohibited and unlawful.
- (8) As deemed necessary in the reasonable exercise of its discretion, the city may require an owner to maintain, repair or replace any dock attached or adjacent to city-owned or public property, whether such dock be existing as of the date of this article or constructed thereafter, and whether the same has been repaired or replaced to the extent of fifty (50) percent of the structure or not. ~~Should such~~ At any time the maintenance or repair of any dock exceeds fifty (50) percent of the structure, ~~then~~ the owner shall, within ninety (90) days, comply with all requirements of this section or remove the structure.

SECTION 2. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

SECTION 3. 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 4. 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 5. 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 _____, 2024, 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 _____, 2024.

ATTEST:

By: _____
Judy Meyers, MMC, City Clerk

By: _____
Alfred C. Davis, 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 CA Approved 9-5-24