



# City of North Port

## ORDINANCE NO. 2019-52

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, TO PROVIDE CONSISTENCY AND TO BRING MEETING NOTICE AND ADVERTISEMENT REQUIREMENTS OF THE SOLID WASTE DISTRICT INTO CONFORMITY WITH FLORIDA STATUTES, BY AMENDING CHAPTER 66 – SPECIAL DISTRICTS, ARTICLE IV – SOLID WASTE DISTRICT, SECTION 66-86, SECTION 66-87, AND SECTION 66-94; AND BY CREATING SECTION 66-97; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

- 1 **WHEREAS**, Chapter 189, Florida Statutes, entitled the “Uniform Special District Accountability Act,”  
2 authorizes the City of North Port to create and operate Dependent Special Districts within its municipal  
3 boundary lines; and  
4
- 5 **WHEREAS**, the City Commission has utilized this authority to create the Solid Waste District; and  
6
- 7 **WHEREAS**, the Solid Waste District is provided for in Chapter 66, Article IV, of the Code of the City of North  
8 Port, Florida (the “Code”); and  
9
- 10 **WHEREAS**, Section 189.015, Florida Statutes, entitled “meetings; notice; required reports,” provides  
11 certain filing, notice, and advertisement requirements for the governing body of each special district; and  
12
- 13 **WHEREAS**, on March 12, 2007, the City Commission adopted Ordinance No. 2007-09, amending and  
14 restating Chapter 66, Solid Waste District Article IV, Sections 66-85 through 66-96, with Section 66-86  
15 providing for the district’s creation, Section 66-87 providing for a governing body of the district and  
16 meetings, and Section 66-94 providing for claims; and  
17
- 18 **WHEREAS**, the City Commission desires to remove regulations for meeting notices and advertisements  
19 from Section 66-87, and to create Section 66-97, entitled “Meetings,” in order to be consistent with  
20 Section 189.015, Florida Statutes; and  
21
- 22 **WHEREAS**, the City Commission desires to amend Sections 66-86, 66-87, and 66-94 to provide for  
23 consistency amongst the other special districts established and provided for in Chapter 66 of the Code;  
24 and  
25
- 26 **WHEREAS**, the City Commission has determined that the proposed amendments serve the public health,  
27 safety, and welfare of the citizens of the City of North Port, Florida.

28 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

29

30 **SECTION 1 – FINDINGS**

31

32 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set  
33 forth herein.

34

35 **SECTION 2 – ADOPTION**

36

37 2.01 The City Commission hereby approves and adopts the following amendments to the Code of the  
38 City of North Port, Florida:

39

40 **“Chapter 66 – SPECIAL DISTRICTS**

41

42 . . .

43 **ARTICLE IV. – SOLID WASTE DISTRICT**

44 . . .

45 **Sec. 66-86. – ~~District created~~ Establishment; boundaries.**

46

47 Pursuant to authority contained in F.S. ch. 189, the city commission hereby creates and  
48 establishes the solid waste district, wholly situated within the corporate limits of this municipality,  
49 for the purpose of providing solid waste management service to the residents of the city,  
50 including, but not limited to, the collection, transportation, storage and disposal of solid waste.  
51 The boundaries of the special district created hereby shall be the boundaries of the city as they  
now or hereafter exist.

52

53 **Sec. 66-87. – Governing body of district; meetings.**

54

55 (a) The governing body of the ~~d~~District shall be the City Commission of the City of North Port,  
56 Florida, hereinafter called the ~~board,~~ “Board,” and will ~~meet~~ which shall meet from time to time  
57 ~~as the board may determine~~ as set forth within F.S. chs. 119, 189, and 286, to conduct  
58 the business of the District.

59

60 (b) ~~The board shall govern itself wholly within the purview of the Government in the Sunshine~~  
61 ~~Act of the state.~~ The Board is hereby recognized as the legislative and governing body of the  
62 District and shall have the full authority granted by the Florida Statutes, the City of North  
63 Port Charter, this Article, and the City’s home rule authority conferred under applicable  
64 Florida law, to carry out the intent and purpose of this Article.

65

66 (c) ~~The board shall be convened in public session from time to time as the board may determine.~~  
67 ~~Special and emergency meetings may be convened in the same manner in which such~~  
68 ~~meetings are called by the city commission.~~

69

70 . . .

71

72 **Sec. 66-94. – Claims against district.**

73

74 No suit or action or proceeding shall be instituted or maintained in any court against the ~~D~~District  
75 or the governing body, or any member of the governing body, for or upon any claim, right or  
76 demand unless the claimant has complied with the provisions of the City Charter and the general  
77 laws of the sState of Florida.”

78 . . .

79  
80 **Sec. 66-97. – Meetings.**

81  
82 (a) The Board shall govern itself as set forth in F.S. chs. 119, 189 and 286.

83  
84 (b) The Board shall schedule and convene regular public meetings, in accordance with F.S. §  
85 189.015, as may be amended from time to time. The schedule of the District’s regular  
86 meetings, which shall include the date, time, and location of each scheduled meeting, shall  
87 be filed with the City Clerk and the schedule shall be published quarterly, semiannually, or  
88 annually in a newspaper of general circulation. Notice of the District’s regular meetings not  
89 annotated on the schedule, other than emergency or recessed meetings, shall be advertised  
90 at least seven days prior to such meetings in a newspaper of general circulation. Emergency  
91 meetings may be convened after reasonable notice has been given in the same manner in  
92 which such meetings are called by the City Commission.”

93  
94 **SECTION 3 – CONFLICTS**

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96 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or  
97 provisions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

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99 **SECTION 4 – SEVERABILITY**

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101 4.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason  
102 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be  
103 deemed a separate, distinct, and independent provision and such holding shall not affect the  
104 validity of the remaining portions hereof.

105  
106 **SECTION 5 – CODIFICATION**

107  
108 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any  
109 additional codification information and notations appear in *italics*. These editorial notations shall  
110 not appear in the codified text.

111  
112 **SECTION 6 – EFFECTIVE DATE**

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114 6.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of  
115 North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on the \_\_\_ day of \_\_\_\_\_ 2019.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session this \_\_\_ day of \_\_\_\_\_ 2019.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_

MAYOR

ATTEST

\_\_\_\_\_  
HEATHER TAYLOR, CMC  
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

\_\_\_\_\_  
AMBER L. SLAYTON  
CITY ATTORNEY