



## City of North Port

### ORDINANCE NO. 2024-22

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO SOLID WASTE; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 62, SOLID WASTE, ARTICLE III. - COLLECTION AND DISPOSAL, TO CLARIFY DEFINITIONS AND UPDATE REFERENCES; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on August 6, 2024, the City Commission adopted Ordinance No. 2024-13, providing for the repeal of Unified Land Development Code, Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41, 45, 49, 53, 54, 55, 57, 58, 59, 60, and 61, and replacement of those chapters with Chapters 1 through 4 and 6, and Appendices; and

**WHEREAS**, references in Chapter 62 of the Code of the City of North Port, Florida ("City Code") are no longer accurate, as the Unified Land Development Code ("ULDC") allows multi-purpose buildings in several different zoning districts and does not define "home business"; and

**WHEREAS**, these amendments are required to achieve harmony between the City Code and the ULDC; and

**WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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

#### **SECTION 1 – FINDINGS**

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City's website on or before the date the newspaper published notice of this ordinance's final reading.

#### **SECTION 2 – ADOPTION**

- 2.01 Chapter 62 of the Code of the City of North Port, Florida is hereby amended as follows:

**"Chapter 62 – SOLID WASTE**

...

**ARTICLE III. – COLLECTION AND DISPOSAL**

...

**Sec. 62-44. – Definitions and word usage.**

...

*Commercial - multipurpose buildings.* When a building is ~~zoned commercial and is~~ devoted to mixed commercial and residential space, the solid waste collection rates are based on commercial rates for any or all units. The owner shall supply service to the commercial lessee or residential lessee in accordance with district ordinances.

...

*Home business.* Any business based at a residence which generates more solid waste than can be contained in the 95-gallon container provided for residential use ~~exclusive of definitions in zoning regulations section 53 of the North Port Land Development Code.~~

...

**Sec. 62-48 Collection containers.**

...

(h) *Service initiation fee for automated garbage container.* ~~Effective September 1, 2004, all~~ All newly constructed single and multifamily residential structures utilizing an automated garbage container shall be required to pay a service initiation fee. Such fee shall be collected ~~by the building department at such time that a certificate of occupancy is issued prior to the city's delivery of containers.~~ All containers shall remain the property of the city and shall remain at the location assigned by the solid waste ~~division~~ district.

..."

**SECTION 3 – CONFLICTS**

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

**SECTION 4 – SEVERABILITY**

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

**SECTION 5 – CODIFICATION**

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

**SECTION 6 – EFFECTIVE DATE**

6.01 This ordinance takes effect on October 28, 2024.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on July 23, 2024.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on August 6, 2024.

CITY OF NORTH PORT, FLORIDA

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ALICE WHITE  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON, B.C.S.  
CITY ATTORNEY