



City of North Port

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATED TO ALTERNATIVE PICKUP LOCATIONS FOR THE COLLECTION OF SOLID WASTE FROM RESIDENTIAL PROPERTIES; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 62-50; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 62-50 of the Code of the City of North Port, Florida requires residents to place their solid waste, recycling, and yard waste containers in designated pickup locations at the beginning of each collection day; and

WHEREAS, the City Commission desires to allow residents to request an alternative pickup location for their solid waste, recycling, and yard waste containers under certain conditions; 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.

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. 62-50. – Placement of containers.

...

(i) Notwithstanding the provisions of subsection (a), residents who are unable to place their solid waste, recycling, and/or yard waste containers at the required location due to a physical disability ~~disabilities~~ must submit a completed special collection service request form to

~~request an alternative location for apply for an exemption from the requirements of subsection (a) and obtain special solid waste collection services from the North Port Solid Waste District. Special collection services shall not apply to bulk waste pickup. Each special collection service request form must include the following:~~

- ~~(1) A copy of the resident's valid State of Florida issued disabled parking permit; or~~
 - ~~(2) Certification by a licensed medical professional that the resident submitting the form possesses or qualifies for the issuance of a disabled parking permit pursuant to the requirements identified in F.S. § 320.0848 or other physical disability that prevents the resident from complying with subsection (a); and~~
 - ~~(3) Identification of the alternative location where the resident's solid waste, recycling, and/or yard waste containers shall be ready, easily accessible, and available for collection prior to the beginning of each collection day; and~~
 - ~~(4) Applicant's acknowledgement and express authorization to allow city staff or contractors to enter the applicant's property solely for the purpose of solid waste collection.~~
- ~~(j) Persons with physical disabilities who seek an exemption from the requirements of subsection (a) shall present to the city public works department a certification by a physician licensed to practice medicine within the state that the applicant has one of the physical disabilities identified in F.S. § 320.0848(1)(a) or such other physical disability that would necessitate the provision of special solid waste collection service.~~
- ~~(k) The city public works department shall prepare an application form to be used by residents seeking an exemption from the requirements of subsection (a). The application form shall require the applicant to identify the alternate location for the solid waste containers. As part of the application the applicant shall expressly authorize the city to enter the applicant's property for the purpose of solid waste collection. The applicant shall also be required to sign an indemnification and hold harmless agreement, the form of which shall be approved by the city attorney agreeing to indemnify and hold the city harmless for any damages or injuries that result from the provision of special solid waste collection services."~~

(Remainder of this section to be renumbered.)

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 ~~striketrough~~. 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 immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on _____, 2023.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on _____, 2023.

COMMISSION

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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