

ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, **RELATING TO VIOLATIONS AND PENALTIES**, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, AMENDING CHAPTER 21 (STORMWATER MANAGEMENT); AMENDING SECTION 21-9, PROTECTION OF PUBLIC DRAINAGE SYSTEMS; AMENDING CHAPTER 23.5 (SUPPLEMENTAL ENFORCEMENT PROCEDURES); AMENDING SECTION 23.5-5, SCHEDULE OF VIOLATIONS AND PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Tampa Stormwater Division desires to protect the City's stormwater drainage patterns and drainage systems by utilizing an effective alternative code enforcement method for violations of Sections 21-8 and 21-9; and,

**WHEREAS**, the City of Tampa Stormwater Division and Department of Neighborhood Enhancement desire to use the civil citation process as a supplemental means to secure the code compliance process in enforcement of Sections 21-8 and 21-9 of the City of Tampa Code of Ordinances; and,

**WHEREAS**, the City Council of the City of Tampa has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Tampa; and,

**WHEREAS**, duly noticed public hearings as required by law were held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF TAMPA, FLORIDA:**

**Section 1.** That "**Sec. 21-9. Protection of public drainage systems.**" is hereby amended by adding the underlined language as follows:

**"Sec. 21-9. Protection of public drainage systems.**

(a) It ~~is~~shall be unlawful for any individual to introduce any foreign matter (including, but not limited to, trash, leaves, grass clippings, debris, garbage, fill, construction materials, organic or inorganic pollutants, acids, and petroleum

products), whether by action or inaction, to any public drainage system including but not limited to streets. It is a public nuisance for any person to damage, obstruct or interfere with the operation of any public drainage system, whether by action or inaction.

- (b) Any business who has received written notice of any employee who has acted in violation of paragraph (a) shall be jointly liable for any future violations of paragraph (a) by any employee which occurs within twelve (12) months after a written notice was received.

For purposes of this section, the following definitions shall apply:

Business means any for-profit entity, partnership, or corporation.

Employee means any individual directly or indirectly, including contractors and subcontractors, hired or paid to perform a service.

Written notice means notice sent on behalf of the City of Tampa whereby reasonable efforts are made to ensure the notice is received by the business.

- (c) A violation of paragraph (a) is deemed an irreparable and irreversible violation.”

**Section 2.** That “**Sec. 23.5-5. Schedule of violations and penalties.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

**“Sec. 23.5-5. Schedule of violations and penalties.**

- (a) Violations of the following sections of the Tampa City Code are considered Class I violations and will carry a fine of:

For a first offense .....\$75.00

For a second offense .....150.00

For a third offense .....300.00

For a fourth or subsequent offense .....450.00

City Code Section:

14.150.1.2	19-76	19-23(12)	19-238
14.150.1.3(a)	19-77	19-231(13)	<u>21-9(a)</u>
16-46	19-135	19-231(15)	21-143(a)
19-26	19-136	19-231(17)	22-11
19-27	19-137	19-231(18)	27-132
19-46	19-138	19-232	27-272 (Vendor-All Types)
19-47	19-231(6)	19-233	27-283.11

19-49	19-231(9)	19-235	27-290.8
19-50	19-231(10)	19-236	
19-56	19-231(11)	19-237	

...(d) Violations of the following sections of the Tampa City Code are considered Class IV violations and will carry a fine of four hundred fifty dollars (\$450.00) [for] each and every offense.

City Code Section:

13-43	22-9	25-48(c)
13-45	22-58(a)	25-61
19-48	22-58(b)	25-63
19-53	22-58(c)	27-107
<u>21-8</u>	22-60	27-119
<u>21-9(b)</u>	22-101	27-316''
21-147(a)	22-191	
21-147(b)	22-308	
21-147(c)	22-310	
21-147(d)	25-48(a)	

**Section 3.** That should a court of competent jurisdiction declare any part of this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

**Section 4.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

1           **Section 5.**     That this ordinance shall take effect immediately upon becoming a  
2 law.  
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5           PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
6 TAMPA, FLORIDA, ON \_\_\_\_\_.  
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8  
9 ATTEST:  
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12 \_\_\_\_\_  
13 CHAIRMAN/CHAIRMAN PRO-TEM  
14 CITY COUNCIL  
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16  
17 \_\_\_\_\_  
18 CITY CLERK/DEPUTY CITY CLERK  
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21 APPROVED BY ME ON \_\_\_\_\_  
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25 \_\_\_\_\_  
26 BOB BUCKHORN, MAYOR  
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28  
29 APPROVED AS TO LEGAL  
30 SUFFICIENCY BY:  
31

32  
33 \_\_\_\_\_ E/S \_\_\_\_\_  
34 ERNEST MUELLER  
35 ASSISTANT CITY ATTORNEY  
36

37 K:/Debbie/Chapter 21\_23.5/Sec 21-9\_23.5-5\_v5  
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