

**ORDINANCE NO. 1456-23**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA CREATING A NEW SECTION TO CHAPTER 93 OF THE CITY OF ZEPHYRHILLS CODE OF ORDINANCES, SECTION 93.03 ESTABLISHING REQUIREMENTS FOR THE PROPER DISPOSAL OF PET WASTE; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Florida Constitution of 1968, and Chapter 166, Florida Statutes, the City of Zephyrhills has broad home rule powers to carry out city government, including the power to adopt ordinances to provide for the public health and safety; and

**WHEREAS**, the FDEP has mandated total maximum daily loads for “impaired” water bodies in Pasco County and has adopted Basin Management Action Plans (BMAP), within the Springs Coast and Tampa Bay watersheds; and

**WHEREAS**, this ordinance is part of the strategies implemented by the City of Zephyrhills to achieve the required pollutant load reductions to meet these total maximum daily loads and reduce nutrient and bacteria loading into surface waters, springs, the Gulf of Mexico, and Tampa Bay; and

**WHEREAS**, implementation of a pet waste ordinance is an approved stormwater best management practice component of the BMAP and a requirement of Pasco County’s Municipal Separate Storm Sewer System Permit; and

**WHEREAS**, pet waste contains nutrients that can promote the growth of algae in stormwater and drainage conveyances and natural water bodies; and

**WHEREAS**, pet waste contains bacteria and parasites that can make surface waters unsafe for fishing, wading and swimming; and

**WHEREAS**, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing

**WHEREAS**, the City Council has conducted duly noticed public hearings as required by law, at which hearings all parties in interest and citizens were afforded notice and the opportunity to be heard; and

**WHEREAS**, the City Council hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public

purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Zephyrhills, Florida, that the following addition to the City of Zephyrhills Code of Ordinance shall be referred to as the “Pet Waste Ordinance,” as follows:

**SECTION 1. Authority.**

This ordinance is enacted pursuant to Chapter 166, Florida Statutes (2022), and under the home rule powers of the City.

**SECTION 2. Legislative Findings of Fact.**

The foregoing Whereas clauses are hereby adopted as legislative finds of the City Council of the City of Zephyrhills and are ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption.

**SECTION 3. Purpose and Intent.**

This ordinance establishes requirements for the proper disposal of pet waste in Pasco County, Florida, to protect public health, safety and welfare, and increase public awareness.

**SECTION 4. Definitions.**

For this section, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

“Owner/Keeper” – any person who shall possess, maintain, house, or harbor any pet or otherwise has physical custody or control of any pet.

“Person” – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“Pet” - a domesticated animal.

“Pet waste” – waste matter, excrement expelled from the bowels of a pet.

“Proper disposal” – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the county or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**SECTION 5. Requirement for Disposal.**

All pet owners and keepers are required to immediately collect their pet's waste when deposited on any property, public or private, not owned or possessed by that person and to properly dispose of the pet waste.

**SECTION 6. Exemptions.**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose. Further, this section does not apply to the accumulation of animal waste as part of a bona-fide agricultural activity.

**SECTION 7. Repealer.**

All ordinances and resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**SECTION 8. Severability.**

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

**SECTION 9. Inclusion in Code.**

It is the intent of the City Council of the City of Zephyrhills, Florida, that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 10. Effective Date.**

This ordinance shall be transmitted to the Department of State by the Clerk to the Board by

electronic mail within ten (10) days of the adoption of this ordinance, and this ordinance shall take effect upon filing with the Department of State.

The Ordinance 1456-23 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 13<sup>th</sup> day of March 2023.

Attest:

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Lori L. Hillman, City Clerk

Jodi Wilkeson, Council President

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The foregoing Ordinance 1456-23 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 27<sup>th</sup> day of March, 2023.

Attest:

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Lori L. Hillman, City Clerk

Jodi Wilkeson, Council President

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The foregoing Ordinance 1456-23 was approved by me this 27<sup>th</sup> day of March 2023.

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Gene Whitfield, Mayor

Approved as to legal form and legal content

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Matthew E. Maggard, City Attorney