

ORDINANCE NO. 2020-032

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY REPEALING SECTION 1-14, "EFFECT OF COUNTY ORDINANCES," IN ITS ENTIRETY TO REMOVE OBSOLETE PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Ordinance No. 210 was adopted in 1976, and later codified in Section 1-14 as an administrative ordinance, under the chapter for general provisions within the City's first Code of Ordinances compiled in 1980; and

WHEREAS, the Section shows its age by its reference to the City Commission as the "City Council;" and

WHEREAS, the Section purports to exclude application of all ordinances of the Broward County Commission except those specifically adopted by the City Commission; and

WHEREAS, the Section is obsolete, does not adequately contemplate the current Florida Constitutional provisions concerning home rule powers, and may arguably impose an additional burden upon the City to adopt County ordinances in a certain and specific manner not required under general or local laws; and

WHEREAS, the City, through Charter Section 201, "Powers of the City," reserves all power of local self-government unto itself and does not need Section 1-14 to establish itself as a separate and distinct jurisdiction; and

WHEREAS, the existence of this outdated and obsolete language may create other unintended consequences for the City in its incorporation and adoption of the County's local amendments to the Florida Building Code and Florida Fire Prevention

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Code, as well as its ordinances on platting, stormwater management, and water and wastewater management; and

WHEREAS, to the extent that the City Commission seeks to adopt certain ordinances of the Broward County Commission to be applicable within the City of Coconut Creek, it may do so in whatever manner it deems appropriate without the need to use exclusive phrases or vehicles to achieve that purpose; and

WHEREAS, the City Commission finds and determines that Section 1-14 of the City's Code of Ordinances is outdated and obsolete, and repealing same is in the best interest of the residents of Coconut Creek.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by repealing Section 1-14, "Effect of county ordinances," in its entirety to read as follows:

~~Sec. 1-14. – Reserved. Effect of county ordinances.~~

~~All ordinances of the county which have been or may be adopted by the board of commissioners are hereby declared to be of no force and effect in the city unless specifically adopted by the city council.~~

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 8TH DAY OF OCTOBER, 2020.

PASSED SECOND READING THIS 22ND DAY OF OCTOBER, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Absent</u>
Welch	<u>Aye</u>	<u>Aye</u>

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EML
9/21/2020

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