

ORDINANCE NO. 2009 - 08

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING A NEW, CODIFIED, AND REVISED PORTION OF THE TOWN'S CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO THE CHARTER, UNIFIED LAND DEVELOPMENT CODE, AND SELECTED PROVISIONS OF THE TOWN'S CODE; REPEALING ALL PRIOR ENACTMENTS WHICH THIS CODIFICATION REPLACES; ESTABLISHING THE ENACTMENT DATE; PROVIDING FOR AMENDMENT; PROVIDING FOR THE PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 29, 2005, Municipal Code Corporation (MCC) submitted a proposal related to the codification of the Town's Charter, Unified Land Development Code, and other selected Ordinances in order to compile, reference, and index the Town's Unified Land Development Code and all related ordinances of the Town in a coherent manner concurrent with governmental standards, which would be accessible by the general public; and

WHEREAS, on January 5, 2006, pursuant to Resolution No. 2006-029, the Town Council entered into an Agreement with MCC; and

WHEREAS, after an extensive review and codification process, MCC has provided the Town with a new, codified, and revised portion of the Town's Charter, Unified Land Development Code ("ULDC"), and various other provisions of the Town's Code; and

WHEREAS, since this selected codification only consists of records through May 1, 2008, all subsequent Ordinances shall be included in regular supplements; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: 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: The Town hereby adopts a new, codified, and revised portion of the Town's Code of Ordinances, including but not limited to, the Charter, Unified Land Development Code, and selected Ordinances, as published by the

Municipal Code Corporation in 2008 (hereinafter "2008 Codification"), as attached hereto in Electronic Copy as Exhibit "A", pursuant to the modifications attached hereto as Exhibit "B".

Section 3: That all prior enactments, which this 2008 Codification replaces, shall be deemed to be repealed and replaced by the 2008 Codification. As stated in Section 9.03 of the Town's Charter, in no event is this 2008 Codification intended to repeal or replace any other portion of the June 6 2000, Broward County Code of Ordinances unless previously modified or replaced by the Town's Charter, or official action of the Town Council.

Section 4: The 2008 Codification shall be deemed to be enacted upon second and final reading of this Ordinance. All Ordinances adopted after May 1, 2008, that amend or refer to Ordinances or Sections that may have been codified in the 2008 Codification shall be construed as if they amend or refer to like provisions in the 2008 version and shall be included within the first supplement.

Section 5: The 2008 Codification may be amended by subsequent Ordinance, when such amendment indicates that it shall be made a part of the Town's Code.

Section 6: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 and/or imprisonment not to exceed 60 days. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 7: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, and the same are hereby repealed to the extent of such conflict.

Section 8: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 9: Effective Date. This Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING this 15th day of January, 2009 on a motion made by Vice Mayor Breitkreuz and seconded by Council Member Aster Knight.

PASSED AND ADOPTED ON SECOND READING this 19th day of March, 2009, on a motion made by Council Member Aster Knight and seconded by Vice Mayor Steve Breitkreuz.

Nelson	<u>Y</u>	Ayes	<u>5</u>
Breitkreuz	<u>Y</u>	Nays	<u>0</u>
Fisikelli	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
McKay	<u>Y</u>		

Jeff Nelson, Mayor

ATTEST:

Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney

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