

ORDINANCE NO. 382

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE I, IN GENERAL, SECTION 2-3, CITY MANAGER-POWERS AND DUTIES, SUBSECTION (d) TO PROVIDE THAT THE CITY MANAGER SHALL ATTEND ALL MEETINGS OF THE CITY COUNCIL, AS REQUIRED BY THE CITY CHARTER; TO AMEND AND SIMPLIFY SUBSECTION (k); TO REPEAL SECTION 2-6, LIMITATION ON USE OF OR ACCESS TO FIRE STATION AREAS OF CITY HALL, IN ITS ENTIRETY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orange City desires to amend Section 2-3. City Manager-Powers and Duties, Subsection (d) to provide that the City Manager shall attend all meetings of the City Council, as required by City Charter; and

WHEREAS, Section 2-3(k) of the City of Orange City Code of Ordinances currently provides that the City Manager shall respond in writing to any member of the public coming before the Council during citizen comments within 48 hours of such inquiry and then advise the Council of the action taken at the next meeting in the Manager's report; and

WHEREAS, the City Council finds that this requirement is unnecessarily burdensome and reduces the efficiency and operation of the City of Orange City and therefore desires to amend this Section 2-3(k) the Code of Ordinances of the City of Orange City.

WHEREAS, Section 2-6 of the City of Orange City Code of Ordinances currently provides the following:

(a) No person shall use, come onto or have access to the fire station area of the City Hall, except officers of the City, personnel of the City, City Volunteer Firemen and other persons authorized by the City;

(b) The City Manager shall have constructed signs to be posted on the doors which give access to the firefighting equipment of the City Hall, which signs shall state the following: "Only Authorized Personnel Beyond This Point."; and

(c) Any person violating any of the provisions of this section shall, upon conviction thereof in a court of competent jurisdiction, be punished by a fine not to exceed \$100.00 or by imprisonment not to exceed ten days or by both such fine and imprisonment.

WHEREAS, given that the City Hall no longer contains the City's Fire Station, this Section 2-6 is no longer relevant and should be repealed; and

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances for the City of Orange City, Florida is hereby amending Section 2-3(d) within Article I of Chapter 2, to read as follows:

~~(d)~~ Attend all meetings of the Council, as required by City Charter, with ~~the right to take part in discussion, but without having a vote.~~

Section 2. Subsection (k) of Section 2-3 within Article I of Chapter 2, is hereby amended to provide as follows:

(k) Respond ~~in writing to~~ as directed by Council to any member of the public coming before the Council during citizen comments ~~within 48 hours of their inquiry and advise the Council of the action taken at the next meeting in the manager's report.~~

Section 3. Section 2-6 within Article I of Chapter 2, is hereby repealed and thereby eliminated in its entirety.

Section 4. It is the intention of the City Council of the City of Orange City, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Orange City, Florida; that the Sections of this Ordinance and the Code of Ordinances may be renumbered or relettered to accomplish such intention; that the word, "Ordinance," may be changed to "Section", "Article", or other appropriate word.

SECTION 5. Conflicts: All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 6. Severability: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 7. Effective Date: This ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida, and approval as provided by law.

ROLL CALL VOTE AS FOLLOWS:

First Reading this 14th day of April, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
R. Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ROLL CALL VOTE AS FOLLOWS:

Second Reading this 28th day of April, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
R. Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>Absent</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 28th day of April, 2009.

ATTEST:
Deborah J. Renner
Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:
Harley Strickland
Harley Strickland, Mayor

Approved as to form and legal sufficiency:
W. E. Reischmann
W. E. Reischmann, City Attorney