

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 521.07

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTIONS 2-200, "TOWN ATTORNEY TO SERVE AS COUNSEL", AND 2-206, "SCHEDULING AND CONDUCT OF HEARING", OF ARTICLE VI, "CODE ENFORCEMENT", OF CHAPTER 2, "ADMINISTRATION", OF THE CODE OF ORDINANCES OF THE TOWN OF GOLDEN BEACH TO PROVIDE FOR PROSECUTION OF CERTAIN CODE ENFORCEMENT CASES BY THE TOWN ATTORNEY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council (the "Council") of the Town of Golden Beach (the "Town") desires to promote, protect and improve the health, safety and welfare of the residents of the Town by establishing a stronger and more effective code enforcement system to achieve the Council's stated goals; and

WHEREAS, the Council finds that this Ordinance is in the best interest of the Town to provide for prosecution of code compliance cases by the Town Attorney when it is needed in the discretion of the Mayor, Town Manager, or designee.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Amendment to Section 2-200 entitled "Town Attorney to serve as counsel. That new Section 2-200 entitled "Town Attorney to serve as counsel" of Article VI, entitled "Code Compliance and Enforcement", of Chapter 2, "Administration", of

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

the Code of Ordinances of the Town of Golden Beach, Florida, is hereby established, as follows:

Sec. 2-200. Town Attorney to serve as counsel.

At the request of the Mayor, Town Manager, or designee the Town Attorney shall provide legal advice to represent the Town at the hearing before the Special Magistrates. If an appeal is taken pursuant to section 2-209, the Town Attorney shall represent the Town at such proceedings.

Section 3. Amendment to Section 2-206 entitled "Scheduling and conduct of hearing. That new Section 2-206 entitled "Scheduling and conduct of hearing" of Article VI, entitled "Code Compliance and Enforcement", of Chapter 2, "Administration", of the Code of Ordinances of the Town of Golden Beach, Florida, is hereby established, as follows:

* * *

(h) Each case before a Special Magistrate shall be presented by the Town Manager or designee. At the request of the Mayor, the Town Manager, or designee, the Town Attorney shall represent the Town at the hearing before the Special Magistrate.

* * *

Section 4. Severability. That if the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach, Florida; that the sections of this Ordinance ~~may~~ shall be renumbered or

relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Conflict. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

Sponsored by Town Manager .

The Motion to adopt the foregoing Ordinance on first reading was offered by Council Member Lusskin, seconded by Council Member Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Ken Bernstein	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>

PASSED AND ADOPTED on first reading this 17th day of July, 2007.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Ken Bernstein	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>

PASSED AND ADOPTED on second reading this 21st day of August, 2007.

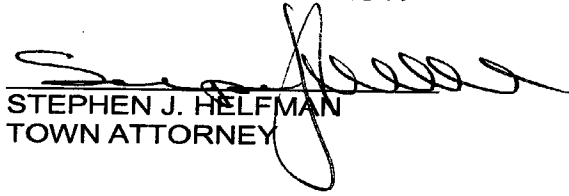


MAYOR GLENN SINGER

ATTEST:


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY