

## MEMORANDUM

**TO:** Mayor & Council Members  
**FROM:** Debbie Renner, City Clerk  
**DATE:** March 24, 2009  
**SUBJECT:** Amending Chapter 2 of the City Code

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### **PURPOSE**

To adopt Ordinance No. 382 amending Chapter 2, of the City Code.

### **BACKGROUND**

A discussion took place at the March 10<sup>th</sup> Council meeting during which it was noted that several sections of Chapter 2 of the City Code have become outdated or inconsistent with current practice. Consistent with your direction at that meeting, Ordinance No. 382 has been prepared to effect the following changes:

Amend Section 2-3 (d) to read "Attend all meetings of the Council, as required by City Charter." This change will make this section consistent with the current amended Charter and will serve to maintain compliance with future changes to the Charter.

Section 2-3 (k) is being eliminated in its entirety. This is the section which imposed a 48 hour requirement for a written response to public inquiries arising during the "Citizens Comments" portion of the agenda.

Section 2-6 which deals with restricted access to the Fire Department areas and equipment was implemented in 1980 when the Fire Department was located beneath Town Hall in the area which currently houses the Development Services and Building departments. Obviously, this Section does not apply since the City has provided other accommodations for the Fire Department. This section is being repealed in its entirety.

**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 ELIMINATE SUBSECTION (k) IN ITS ENTIRETY; TO ELIMINATE 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.**

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**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 their inquiry and 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 reduces the efficiency and operation of the City of Orange City and therefore determines to eliminate this Section 2-3(k) in its entirety from 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 eliminated in its entirety.

**Section 3.** Section 2-6 within Article I of Chapter 2, is hereby 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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Vacant	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ROLL CALL VOTE AS FOLLOWS:**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Vacant	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

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W. E. Reischmann, City Attorney