

ORDINANCE NO. 159

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, PREEMPTING APPLICATION OF COUNTY ORDINANCES WITHIN THE INCORPORATED LIMITS OF THE TOWN OF SEWALL'S POINT; PROVIDING FOR INSERTION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Sewall's Point has reviewed and considered the legal opinions stated in AGO 85-48 issued June 14, 1985, by the Attorney General of the State of Florida to the effect that a county ordinance may be enforced throughout the county, in municipalities as well as the unincorporated areas, if it is not in conflict with an ordinance of the municipalities and deals with a matter that is susceptible to county-wide regulation; and

WHEREAS, the Town Commission has determined that a broad construction of this Attorney General's Opinion would have the following consequences:

(a) The difficulty of determining whether a given county ordinance "deals with a matter that is susceptible to county-wide regulation" would create confusion and uncertainty; and

(b) The necessity for the officers and employees of the Town of Sewall's Point to maintain constant familiarity with new county ordinances and the existing county code would result in administrative hardship; and

(c) The potential for inconsistent interpretations and enforcement of the same county ordinance within the unincorporated areas of the county and the Town of Sewall's Point would be undesirable.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, that no future ordinance, rule, regulation or other enactment of Martin County shall apply within or be enforced within the incorporated limits of the Town of Sewall's Point, Florida, unless such application and enforcement is expressly required under general or special

law or expressly approved by the Town Commission through a duly enacted ordinance or duly executed interlocal agreement.

SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

REPEAL.

Town ordinances and Town resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the 9th day of October, 1985.

Passed second reading at the regular meeting of the Town Commission held on the 13th day of November, 1985.

John C. Guenther

JOHN C. GUENTHER, Mayor - Commissioner

ATTEST:

John Barrow
JOHN BARROW, Town Clerk

Gilbert C. Strubell

GILBERT C. STRUBELL, Vice-Mayor
Commissioner

Approved as to form and
correctness:

M. Lanning Fox
M. LANNING FOX

Robert A. Aune
ROBERT A. AUNE, Commissioner

Clifford B. Drake
CLIFFORD B. DRAKE, Commissioner

Dorothy D. Roche
DOROTHY D. ROCHE, Commissioner

