

First Draft
July 30, 1984

EMERGENCY ORDINANCE NO. 153

AN EMERGENCY ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, REPEALING SECTION 4, APPENDIX A - SUBDIVISION REGULATIONS, CODE OF ORDINANCES, ELIMINATING MINIMUM EIGHT FOOT ELEVATION FOR HABITABLE SPACE IN HOUSES; 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, Section 4 of Appendix A - Subdivision Regulations, Code of Ordinances, Town of Sewall's Point, Florida, adopted on November 9, 1977, provides standards for minimum elevations of habitable space in a house within the Town; and

WHEREAS, Chapter 6.1 of the Code of Ordinances, entitled Flood Damage Prevention, enacted June 14, 1978, also provides minimum elevations for habitable space in a house within the Town; and

WHEREAS, the foregoing ordinances provide different standards for such elevations, which has lead and threatens to lead in the future to confusion, unnecessary expense and inconvenience to the Town and its citizens; and

WHEREAS, the Town Commission has determined that the existing and threatened confusion, expense and inconvenience creates an emergency situation and wishes to immediately repeal Section 4 of Appendix A of the Code of Ordinances to clarify the situation.

NOW, THEREFORE, BE IT UNANIMOUSLY ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, that Section 4 of Appendix A - Subdivision Regulations of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby repealed.

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 at the regular meeting of the Town Commission held on the 24th day of July, 1984.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

Approved as to form and
correctness:

M. Lanning Fox
M. LANNING FOX, Town
Attorney

John C. Guenther
JOHN C. GUENTHER, Mayor -
Commissioner

Gilbert C. Strubell
GILBERT C. STRUBELL, Vice-Mayor -
Commissioner

Robert R. Aune
ROBERT R. AUNE, Commissioner

Clifford B. Drake
CLIFFORD B. DRAKE, Commissioner

Helena B. Towl
HELENA B. TOWL, Commissioner