

ORDINANCE NO. 2009-4167

An ordinance of the City of Sanford, Florida amending the *City Code of the City of Sanford* and pertaining to the process for the consideration and enactment of proposed ordinances; providing for legislative/administrative intent and findings; providing for procedures for consideration of proposed ordinances and enhancing the public hearing process while retaining statutory notice requirements; providing for implementing administrative actions; providing for conflicts; providing for a savings provision; providing for severability; providing for codification in the *City Code* and providing for an effective date.

Whereas, the City Commission of the City of Sanford desires to ensure that City government is effective and efficient in all respects and that the public has a significant part in the actions of the City; and

Whereas, the City Commission desires to ensure that opportunities for public participation are maximized in the legislative processes of the City; and

Whereas, Section 2.11 of the *City Charter of the City of Sanford* relates to Ordinances and resolutions and provides as follows:

“(a) All ordinances, emergency ordinances and resolutions shall be adopted as provided by general law. The enacting clause of all ordinances shall be: ‘Be it Enacted by the People of the City of Sanford, Florida.’ All ordinances and resolutions passed by the city commission shall become effective ten days from date of passage, unless otherwise provided therein.

(b) Every ordinance or resolution upon its final passage shall be recorded and properly indexed in a record-book kept for that purpose and shall be authenticated by the signature of the presiding officer and clerk of the commission.

(c) *Codification.* Within ten years after the adoption of this charter and at least every ten years thereafter, the commission shall provide for the preparation of a general codification of all city ordinances which have been specified by the commission for inclusion in the code. The general codification shall be adopted by the commission by ordinance and shall be published promptly in loose-leaf form, together with this charter and any amendments thereto. This compilation shall be known and cited officially as the Sanford City Code. Copies of the code shall be furnished to city officers and a copy kept on file at the office of the city clerk for public

reference and made available for purchase by the public at a reasonable price fixed by the commission.

(d) *Printing of ordinances and resolutions.* The commission shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the commission. Following publication of the first Sanford City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The commission shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Florida, or the codes of technical regulations and other rules and regulations included in the code.”

; and

Whereas, Section 1-10 of the *Code of Ordinances of the City of Sanford* relates to the review, revision and maintenance of the *City Code* and provides as follows:

“The City Commission hereby directs the City Clerk and the City Attorney, under the overall supervision of the City Manager, to undertake a recurring and consistent City Code review and analysis to minimize consultant costs and maximize the usability, currency and accuracy of the City Code on an ongoing basis. Further, the City Clerk, in conjunction with the City Manager and the City Attorney, is hereby delegated the authority to make purely editorial and formatting revisions to the City Code such as assignments of City Code provisions to appropriate parts, articles, sections, etc.; gender changes and neutralization; changes in format; the deletion of conflicting provisions pursuant to the provisions of ordinance enactments by the City Commission; deletion of provisions preempted by actions of the Florida Legislature or other controlling legal authority; and such other actions as may be necessary and desirable consistent with the overriding legislative authority of the City Commission with regard to the provisions of the City Code. Further, the City Clerk, in conjunction with the City Manager and the City Attorney, is hereby assigned the duty and responsibility to present City Code reviser(s) ordinances to the City Commission on a recurring basis to ensure that the City Code is maintained in an orderly and contemporaneous form, to implement an ongoing codification process, and to make such reports to the City Commission as may be necessary and desirable. Further, it is the intent of the City Commission that the City staff shall ensure that all provisions of the City Code are modified, as needed from time-to-time, to ensure sound

and functional operational effectiveness of the City Code and the maximum possible usability by citizens of the City and other users of the City Code. Further, the City Clerk, in conjunction with the City Manager and the City Attorney, is hereby authorized to delete from and insert into the City Code such editor(s) notes and comments as may be necessary and desirable. Further, the City Clerk, in conjunction with the City Manager and the City Attorney, is hereby authorized to develop the City Code into such volumes as may be necessary and desirable such as a general code of ordinance, a land development code and a document including the City's Comprehensive Plan. Further, the City Clerk, in conjunction with the City Manager and the City Attorney, is hereby authorized and directed to take all appropriate action to enhance the availability of the City Code electronically such as providing for availability on the City's web page."

; and

Whereas, accordingly, the City of Sanford has a comprehensive program of maintaining its codes and ordinances in a manner that ensures that the public has the opportunity to fully participate in the legislative processes of the City; and

Whereas, the provisions of State law provide for various requirements relative to the enactment of ordinances by the City and the legislative processes of the City with Section 166.041, *Florida Statutes*, providing for the general requirements pertaining to the enactment of ordinances by cities stating in pertinent part (Subsection 3(a)) as follows:

" . . . a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance."

; and

Whereas, Article VIII Section 2(b) of the *Constitution of the State of Florida* states that municipalities shall have the governmental powers to enable them to conduct municipal government, perform municipal functions and render municipal services and may exercise any power for municipal purposes except when expressly prohibited by law.

Now, therefore, be it enacted by the People of the City of Sanford, Florida:

Section 1. Legislative/administrative intent and findings.

The above recitals are hereby adopted by the City Commission of the City of Sanford as the intent and findings relating to this Ordinance and are hereby adopted as legislative and administrative findings.

Section 2. Procedures for enactment of ordinances – public hearings.

(a). The City Commission of the City of Sanford shall consider the enactment of proposed ordinances in accordance with the procedures required by general State law; provided, however, that the City shall also provide for additional enhanced public input in the course of the public hearing process as set forth in Subsection 2(b) of this Ordinance with regard to proposed ordinances that are subject to the statutory requirements referenced in that Subsection.

(b). In addition to the requirements of State law relating to those proposed ordinances which are required to be read by title, or in full, on at least two (2) separate days and, at least ten (10) days prior to adoption, to be noticed once in a newspaper of general circulation in the municipality; the City shall provide in all notices to the public relating to such proposed ordinances that first reading of such proposed ordinances shall also be public hearings on the proposed ordinances at which interested parties

may appear and be heard with respect to the proposed ordinance. The notice of such additional public hearing occurring at first reading of proposed ordinances shall be published together with, and within the publication time requirements required by State law, which apply to the second reading of proposed ordinances.

Section 3. Implementing Administrative Actions.

The City Clerk, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions.

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Savings.

The prior actions of the City of Sanford in terms of the enactment of ordinances and the adoption of resolutions and taking legislative actions are hereby ratified and affirmed.

Section 6. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. Codification.

This Ordinance shall be codified in the *City Code of the City of Sanford*, provided, however, that Sections 3, 4, 5, 6, 7 and 8 shall not be codified. The

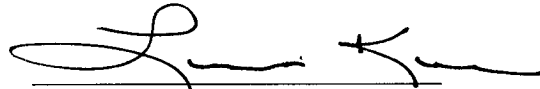
Code Codifier is granted broad and liberal authority to change section numbers in the current *City Code* and other appropriate actions as set forth in Section 1-10 of the *City Code*.

Section 8. Effective Date.


This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this 23rd day of March, 2009.

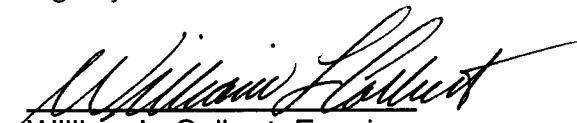
**City Commission of the City of
Sanford, Florida, Seminole
County, Florida**


Linda Kuhn, Mayor

Attest:


Janet Dougherty, City Clerk

Approved as to form and
legality:


William L. Colbert, Esquire
City Attorney