

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ESTABLISHING ELECTION PROCEDURES; PROVIDING FOR MODIFICATION OF THE QUALIFYING PERIOD; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Village Charter of the Village of Palmetto Bay provides for the date of election, terms of office and general information regarding qualification of a candidate for a municipal election of the Village Council; and

WHEREAS, as the November 2012 Election includes the election for the President of the United States, Federal, State, and County offices, and 14 municipalities, the Miami-Dade County Elections Department has requested revision of our qualifying period to set the ending date prior to August 17, 2012 in order to allow for sufficient time to prepare the ballots; and

WHEREAS, in order to insure that the ballots are timely received, it is necessary to modify the qualifying date previously adopted by ordinance.

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 5, Section 5.8 of the Code of Ordinances of the Village of Palmetto Bay, entitled "Elections" is modified to read as follows:

Chapter 5
Elections

5.8 *Qualifying and Qualifying Period.*

(a) Candidates for Mayor, Vice-Mayor or Council members shall qualify for election by the filing of a written notice with the Village Clerk no earlier than noon on the first Monday of August and shall continue for a period of ten consecutive days, during the hours of 8:30 a.m. to 5:00 p.m. ending at noon on the Friday of the specified period in every year a municipal election is held and in the method provided for in the Charter and under the rules of elections prescribed in the Florida Statutes. ~~eighty-eighth (88th) day and no later than noon on the seventy-fourth (74th) day prior to the date of the election at which he or she is a candidate.~~ The Village Clerk shall collect a filing fee in the amount of \$100.00 during that time.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ELIMINATING RULE 20-63 FROM THE VILLAGE'S PARK RULES; BY REPEALING RULE 20-63 PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, the Village of Palmetto Bay adopted Miami-Dade County's Park Rules and Regulations as its own; and,

WHEREAS, it is in the best interest of the Village and its residents' safety, life, property, public peace and general welfare to repeal Rule 20-63 from the Village's Park Rules

WHEREAS, Miami-Dade County, via administrative authorization of the County Attorney's office repealed their version of Park Rule 20-63; and,

WHEREAS, the Florida Legislature during the 2011 Session enacted a law precluding certain actions by local government as it relates to gun regulations, and gun sales; and,

WHEREAS, the state regulation addresses local government efforts to regulate firearms and ammunition and can be found at Section 790.33, Florida Statutes; the state legislation imposes a financial penalty on governments, elected officials or staff that adopt policies or take enforcement action that violates the existing state law preemption of firearm and ammunition regulation.

WHEREAS, under the enacted statutes, local government officials or employees who are found to have willfully and knowingly violated the preemption would be personally liable for a fine of no more than \$5,000 and not more than \$100,000 if a court determines the violation was knowing and willful; and,

WHEREAS, a government entity could be liable for actual damages up to \$100,000 and for the plaintiff's attorney's fees; and,

WHEREAS, for example, under the law, an elected municipal official passing or a municipal employee enforcing an ordinance prohibiting guns in parks, discharging guns within municipal limits, or otherwise restricting guns could be personally liable as provided in the statute; and, .

WHEREAS, the law authorizes a person or organization whose membership is adversely affected by an ordinance, regulation, measure, directive, rule, enactment, order or policy promulgated or enforced in violation of the statute to file suit for declaratory and injunctive relief and for all actual and consequential damages attributable to the violation; and,

WHEREAS, the law becomes effective October 1st, 2011; and,

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PASSED AND ENACTED this [] day of January, 2012.

First Reading: December 19, 2011
Second Reading: January 9, 2012

Attest: _____
Meighan Alexander
Village Clerk
Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:
Council Member Patrick Fiore _____
Council Member Howard Tendrich _____
Council Member Joan Lindsay _____
Vice-Mayor Brian W. Pariser _____
Mayor Shelley Stanczyk _____