

# ORDINANCE 2013-40

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA,  
CONCERNING THE CITY CHARTER; REPEALING ARTICLE  
VI (INCLUDING SECTIONS 6.01 THROUGH 6.10) OF THE  
CITY CHARTER CONCERNING FINANCIAL PROCEDURES;  
PROVIDING FOR SEVERABILITY; AND PROVIDING AN  
EFFECTIVE DATE.

## WHEREAS:

- A. The Charter of the City of Ocala, Florida (the "City Charter") was adopted by Chapter 67-1782, Laws of Florida, and was thereafter amended.
- B. Under the Florida Constitution (including Article VIII, Section 2(b)), and Florida Statutes (including Section 166.021), Florida municipalities such as the City have certain powers (the "Home Rule Powers") as set forth therein.
- C. Pursuant to Section 166.021, Florida Statutes, on July 1, 1973: the City Charter was no longer considered to be a grant of power, but rather became a limitation on the exercise of the Home Rule Powers; and certain provisions of the Charter were converted to ordinances subject to modification or repeal as other ordinances, except for certain matters specified in subsection 166.021(4).
- D. The provisions of the City Charter set forth below are subject to modification or repeal as other ordinances pursuant to Section 166.021(5), Florida Statutes.
- E. The City Council has determined to amend the City Charter by repealing Article VI.
- F. The City Council believes such amendment is appropriate because:
  - 1). Florida law and the City Code, adequately governs the subject matter of Article VI of the City Charter (i.e., financial procedures).
  - 2). Therefore, it is not necessary for the City Charter to include such provisions.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

**Section 1.** The foregoing Whereas clauses are confirmed as being true and correct, and are a specific part of this ordinance upon adoption.

**Section 2.** The City Charter is hereby amended by repealing Article VI of the Charter including all Sections thereof (being Sections 6.01 through 6.10).

**Section 3.** This Amendment shall be incorporated into the City Charter and the City Clerk shall file the revised Charter with the Florida Department of State.

**Section 4.** Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 5.** This ordinance amends the City Charter only. Nothing set forth in this ordinance shall repeal any provisions of the Code of Ordinances of the City of Ocala dealing with the subject matter hereof.

**Section 6.** This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

**ATTEST:**

By: Angel B. Jacobs  
Angel B. Jacobs  
City Clerk

**CITY OF OCALA**

By: Mary S. Rich  
Mary S. Rich  
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 7/2, 2013.

By: Reuben Kent Guinn  
Reuben Kent Guinn  
Mayor

Approved as to form and legality:

By: W. James Gooding III  
~~Patrick G. Gilligan~~ W. James Gooding III  
~~City Attorney~~ Assistant City Attorney

Ordinance No: 2013-40

Introduced: 6/18/2013

Adopted: 7/2/2013

Legal Ad No: A000791638 - 6/21/13