

ORDINANCE NO. 2016-44

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE CITY OF ORMOND BEACH; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR VIOLATIONS THEREOF; PROVIDING THE MANNER FOR AMENDING SAID CODE; PROVIDING AN EFFECTIVE DATE FOR SAID CODE; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The city commission hereby adopts and enacts the code that is entitled “Ormond Beach, Florida, Code of Ordinances” consisting of chapters 1 through 23 inclusive, published by Municipal Code Corporation, a copy of said Code being incorporated herein by reference.

SECTION TWO. The city commission hereby repeals all ordinances of a general and permanent nature that were enacted on or before August 16, 2016 that have not been included in the Code or recognized and continued in force by reference therein.

SECTION THREE. The repeal provided in Section Two above shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION FOUR. The repeal provided in Section Two above shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed or cause of action arising under the ordinance repealed.

SECTION FIVE. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding sixty (60) days, or both such fine and imprisonment, at the discretion of the court. Each day a violation of this Code or any ordinance occurs shall constitute a separate offense. The penalty provided by this section shall, unless another penalty is expressly provided, apply to any amendment of the Code. The penalty provided herein shall not constitute the city's sole or exclusive remedy; and irrespective of the penalty provided herein, the city retains the right to pursue any and all legal or equitable remedies.

SECTION SIX. Amendments to the Code shall be deemed to be incorporated in the Code, and reference to the Code shall be deemed to include such amendments.

SECTION SEVEN. Ordinances adopted after August 16, 2016 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions in the Code.

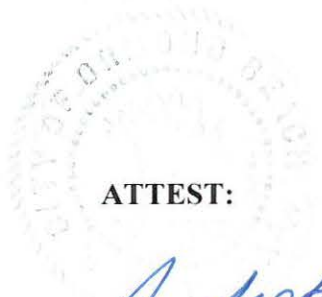
SECTION EIGHT. The sections, paragraphs, sentences, clauses and phrases of the Code are severable, and if any phrase, clause, sentence, paragraph or section of the Code shall be declared to be unconstitutional, invalid, or unenforceable by a valid judgment or decree from any court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Code.

SECTION NINE. This Ordinance and the Code shall take effect immediately upon adoption at second reading of the Ordinance.

PASSED UPON at first reading of the city commission, this 18th day of October, 2016.

PASSED UPON at second reading of the city commission, this 1st day of November,

2016.



ATTEST:


J. SCOTT McKEE
City Clerk


ED KELLEY
Mayor