

ORDINANCE NO. 534

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY REPEALING ARTICLE II, RENTAL DWELLING UNITS, OF CHAPTER 16, BUSINESSES, CONSISTING OF SECTIONS 16-5 THROUGH 16-12, INCLUSIVE, BUT RESERVING SAID SECTIONS FOR FUTURE USE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND OTHER PURPOSES.

WHEREAS, the regulation of residential tenancies and all matters covered under Part II of Chapter 83, Florida Statutes (the "Landlord and Tenant Act") have been preempted to the State of Florida pursuant to Sec. 83.425, Fla. Stat.; and

WHEREAS, the Town has been put notified by counsel for a property owner that Article II of Chapter 16 relating to Rental Dwelling Units has been preempted by the Landlord and Tenant Act and is therefore violative of Sec. 83.425, Fla. Stat.; and

WHEREAS, the Town Council finds it prudent and reasonable to repeal Article II of Chapter 16 of the Town Code of Ordinances at this time:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Amendment to Chapter 16, Businesses: That the Code of Ordinances of the Town of Haverhill, Florida, is hereby amended by repealing in its entirety Article II, Rental Dwelling Units, Sections 16-5 through 16-12, inclusive, of Chapter 16, Businesses. Sections 16-5 through 16-12, inclusive, are hereby reserved for future use.

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida*; provided, however, that Sections 3, 4, 5, 6 and 7 of this Ordinance shall not be codified. For purposes of codification of any existing section of the Haverhill Town Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word. In addition, typographical and/or scribes' errors, which do not affect the intent of this Ordinance, may be corrected by the Town Administrator, or his or her designee, without the necessity of public hearing, or Town Council approval, by filing the corrected or re-codified copy of the same with the Town Clerk.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED ON FIRST READING this 14th day of November, 2024.

THE SECOND AND FINAL READING was held this 12th day of December, 2024. Council Member Withington offered the foregoing Ordinance and moved its adoption. The Motion was seconded by Council Member Gordon, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor	<u>Aye</u>
LAWRENCE GORDON, Vice Mayor	<u>Aye</u>
DENNIS WITHINGTON, Council Member	<u>Aye</u>
RAYMOND CARANCI, Council Member	<u>Aye</u>
DR. TERESA JOHNSON, Council Member	<u>Aye</u>

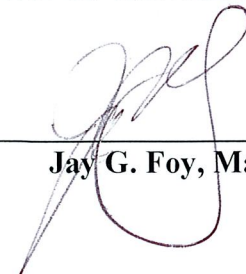
The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

ATTEST:

TOWN OF HAVERHILL, FLORIDA



Tracey L. Stevens, Town Administrator



Jay G. Foy, Mayor