

## ORDINANCE NO. 2020-08

**A CODIFICATION ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PERTAINING TO THE CODIFICATION OF THE *CODE OF ORDINANCES OF THE CITY OF WEBSTER* AND THE *LAND DEVELOPMENT CODE OF THE CITY OF WEBSTER*; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AN ONGOING CODIFICATION PROGRAM TO BE IMPLEMENTED BY THE CITY; PROVIDING FOR ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Webster desires to develop an ongoing codification program with regard to the *Code of Ordinances of the City of Webster (City Code)* and the *Land Development Code of the City of Webster (LDC)* and make the *City Code* and the *LDC* more user friendly documents that are of greater utility to the citizens of the City, those persons who use the *City Code* or *LDC* on a routine basis as well as City officials and City staff; and

**WHEREAS**, the City Council recognizes that the work of *City Code* and *LDC* codification and revision is an ongoing process that requires a continuing effort by the various City officials and City staff and it is the goal of the City Council to ensure that the *City Code* and *LDC* are kept current and of maximum use and clarity for the benefit of the citizens of the City of Webster; and

**WHEREAS**, it is the intent of the City Council of the City of Webster to take administratively prudent actions by engaging in a series of implementing steps modifying and amending the *City Code* and *LDC* as may be necessary and advisable from time-to-time; and

**WHEREAS**, additionally, the City Council of the City of Webster may act in accordance with the provisions of Article VIII, Section 2(b) of the *Constitution of the State of Florida*, which provides, in pertinent part, that “[m]unicipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law”; and

**WHEREAS**, additionally, the City Council of the City of Webster may act in accordance with the provisions of Section 166.021(1), *Florida Statutes*, which provides, in pertinent part, that “[a]s provided in S. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary 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”; and

**WHEREAS**, additionally, the City Council of the City of Webster may act in accordance with the provisions of Section 166.021(3), *Florida Statutes*, which provides, in pertinent part, that “[t]he Legislature recognizes that pursuant to the grant of power set forth in S. 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act” except for certain very

limited matters; and

**WHEREAS**, this Ordinance is enacted under the general home rule, police powers and land development regulatory powers of the City of Webster; and

**WHEREAS**, the City of Webster has complied with all requirements and procedures of Florida law in processing, noticing and advertising this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE INTENT AND FINDINGS.** The above recitals set forth in the whereas clauses of this Ordinance are hereby adopted as the legislative intent and findings for the enactment of this Ordinance. The City Council of the City of Webster hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

**SECTION 2. CODIFICATION EFFORTS.**

(a). The City Council hereby directs the Assistant City Clerk and the City Attorney, in conjunction with the City Manager, to undertake a recurring and consistent *Code of Ordinances of the City of Webster (City Code)* and the *Land Development Code of the City of Webster (LDC)* review and analysis to minimize consultant costs and maximize the usability, currency and accuracy of the *City Code* and *LDC* on an ongoing basis.

(b). The Assistant City Clerk and the City Attorney, in conjunction with the City Manager, are hereby delegated the authority to make purely editorial and formatting revisions to the *City Code* and *LDC* such as assignments of *City Code* and *LDC* 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 Council; 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 Council with regard to the provisions of the *City Code* and *LDC*.

(c). The Assistant City Clerk and the City Attorney, in conjunction with the City Manager, are hereby assigned the duty and responsibility to present *City Code* revision ordinances to the City Council on a recurring basis to ensure that the *City Code* and *LDC* are maintained in an orderly and contemporaneous form, to implement an ongoing codification process, and to make such reports to the City Council as may be necessary and desirable.

(d). It is the intent of the City Council that the Assistant City Clerk and the City Attorney, in conjunction with the City Manager, ensure that all provisions of the *City Code* and *LDC* are modified, as needed from time-to-time, to ensure sound and functional operational effectiveness of the *City Code* and *LDC* and the maximum possible usability by citizens of the City and other users of the *City Code* and *LDC*.

(e). The Assistant City Clerk and the City Attorney, in conjunction with the City Manager, are hereby authorized to delete from and insert into the *City Code* and *LDC* such editors notes and comments as may be necessary and desirable.

(f). The Assistant City Clerk and the City Attorney, in conjunction with the City Manager, are hereby authorized to develop the *City Code* and *LDC* into such volumes as may be necessary and desirable and to take all necessary and appropriate actions to enhance the availability of the *City Code* and *LDC*. A review of the method of publishing the *City of Webster Comprehensive Plan* shall occur at an appropriate future time.

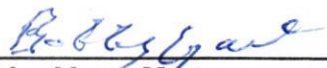
**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

**SECTION 4. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.


**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED this 19 day of November, 2020.


CITY COUNCIL OF THE CITY OF  
WEBSTER, FLORIDA

  
Bobby Yost, Mayor

ATTEST:

  
Melissa Britt  
Assistant City Clerk

Approved as to form and Legality:

  
William L. Colbert  
City Attorney