

**ORDINANCE NO. 04-2015**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CERTAIN SECTIONS OF ARTICLE XVI OF THE TOWN CHARTER; PROVIDING FOR THE AMENDMENT OF SECTION 11 PERTAINING TO SPECIAL ELECTIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13 PERTAINING TO THE ANNUAL GENERAL ELECTION; PROVIDING FOR THE REPEAL OF SECTION 22, ENTITLED "FORM OF BALLOT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida is a duly constituted municipality having the power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to the operation of the Town under a Town Commission-Town Manager form of government; and

**WHEREAS**, Sections 166.021(4) and 166.031, Fla. Stat., set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which charters have not been subsequently readopted; and

**WHEREAS**, pursuant to the provisions of Section 166.021(4), Fla. Stat., amendments to municipal charter provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within any of the statutorily excluded areas which expressly require a referendum in order to adopt the proposed charter amendment; and

**WHEREAS**, the Town Commission has determined that certain sections of Article XVI of the Town Charter should be amended; and

**WHEREAS**, the proposed amendments in Article XVI do not fundamentally alter the basic organizational or administrative structure of the Town's Commission-Manager form of government as set forth in the Town Charter, or pursuant to Section 166.021(4), Fla. Stat. such that a referendum would be required.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

**Section 2.** The municipal Charter for the Town of Lake Park, Article XVI, Sections 11 and 22 are hereby amended to read as follows:

**Section 11. Special Election.**

Special elections ~~shall~~ may be held in the following cases: First, where there shall be no choice of any officer who should have been elected at a general election; second when a vacancy shall occur more than ninety (90) days before a general election is to be held; third, in any other case when it becomes necessary to give full force and effect and carry out the intents and purposes of the Charter of the Town of Lake Park.

**Section 13. Date of General Election.**

The general ~~annual~~ election of the Town of Lake Park shall be held in said Town on the second Tuesday in March of the calendar year-; or as may otherwise be specified in the published Notice of General Election posted by the Town Clerk.

**Section 3.** Article XVI, Section 22 entitled "Form of ballot" is hereby repealed.

**Section 22. Form of ballot**

~~That the official ballot (if ballot is used) to be used in all elections shall be substantially in the words, figures and form as follows; to wit:~~

~~OFFICIAL BALLOT~~

~~DATE \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_~~

~~YEAR \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_~~

~~TOWN OF LAKE PARK, FLORIDA~~

~~Mark a Cross Mark (x) before the name of the Candidate of your own choice~~

**Section 3. 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 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 15 day of April, 2015, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>Absent</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 26 DAY OF April, 2015**

Upon Second Reading this 6 day of May, 2015, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 04-2015 duly passed and adopted this 6 day of May, 2015.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois  
Mayor, James DuBois

ATTEST:

Vivian Mendez  
Town Clerk, Vivian Mendez  
(Town Seal)  
TOWN OF LAKE PARK  
SEAL  
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird