

ORDINANCE 2010-04

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE II "TOWN COMMISSION" AND CHAPTER 7 "ELECTIONS" OF THE TOWN CODE OF ORDINANCES, IN ORDER TO ADDRESS CONFLICTS WITH THE TOWN CHARTER AND WITHIN THE CODE REGARDING ELECTION PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea recognizes it is in the Town's best interest to amend the general administrative Town Code provisions so as to provide for continued updating, remove obsolete provisions, and comply with recent case law, legislative changes and custom and usage within the Town; and

WHEREAS, the Town Commission finds that this Ordinance shall accomplish such purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing "Whereas" clauses are ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

SECTION 2. Amendment. Article II "Town Commission" of Chapter 2 "Administration" is hereby amended<sup>1</sup> as follows:

\* \* \* \* \*

Sec. 2-17. Meeting to seat new members.

On the ~~Friday~~ Monday following the regular election at which a Town Commissioner shall be elected in accordance with Section 6.1 of the Town Charter, the Town Commission shall meet at the usual place for holding meetings of the legislative body of the Town, at which time the newly elected Town Commissioner(s) shall assume the duties of his or her office.

\* \* \* \* \*

<sup>1</sup> Words in ~~strike through~~ type are deletions; words in underlined type are additions.

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37           **SECTION 3. Amendment.** Chapter 7 “Elections” is hereby amended as follows:

38   **Sec. 7-1. Qualification fees.**

39  
40 Candidates for any municipal office in the Town shall file such papers as set out in the Charter  
41 and pay a filing fee of \$25.00 with the Town Auditor-Clerk not earlier than noon on the seventy-  
42 fifth (75<sup>th</sup>) day prior to the date of the election first workday in January, nor later than noon on  
43 the 14th sixty-first (61<sup>st</sup>) day prior to the date of the election following the first workday in  
44 January.

45  
46   **Sec. 7-2. No primary elections.**

47  
48 There shall be no primary election in races for municipal office in the Town.

49  
50   **Sec. 7-3. Election dates; forfeiture, vacancies, qualifications for and terms of elected**  
51 **municipal office.**

52  
53 ~~(a) — The date of elections, forfeiture of office, method of filling vacancies, qualifications for~~  
54 ~~candidates, and elections in the Town shall be held on the second Tuesday in March.~~

55 ~~(b) — The terms of all elected municipal officers shall be as provided in the Town Charter~~  
56 ~~correspond to the dates provided in this chapter and Laws of Florida, Chapter 75-350, as~~  
57 ~~amended.~~

58  
59   **Sec. 7-4. Manner of election ~~and taking office.~~**

60  
61 ~~(a) — The candidate or candidates, depending upon the number to be elected, receiving the highest~~  
62 ~~number of votes in the election, shall be the winner or winners.~~

63 ~~(b) — Such duly elected municipal officers shall take office within 14 days after the election, the~~  
64 ~~specific day to be decided by ordinance.~~

65  
66   **Sec. 7-5. Canvassing of votes.**

67  
68 All municipal elections shall be canvassed by the county canvassing board with the board  
69 certifying the results to the Town Auditor-Clerk within five days after the election.

70  
71           **SECTION 4. Codification.**

72           This Ordinance shall be codified in accordance with the foregoing. It is the intention of the  
73 Town Commission that the provisions of this Ordinance shall become and be made a part of the  
74 Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be  
75 renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such  
76 other appropriate word or phrase in order to accomplish such intentions.

77           **SECTION 5. Severability.**