

SUMTER COUNTY ORDINANCE 2010-__

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT AND UPDATE OF CHAPTERS 2, 3, 13, 16 AND 18 OF THE SUMTER COUNTY CODE, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as a result of attorney and staff review, it has been determined that specific portions of the Sumter County Code need to be updated in order to ensure consistency with state and federal law or to increase practical enforcement.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION 1. This ordinance shall be known as the 2010 Sumter County Code Update Ordinance, and is intended to amend and update portions of Chapters 2, 3, 13, 16, and 18 of the Sumter County Code.

SECTION 2. Section 2-2(6)a of the Sumter County is hereby stricken in its entirety and replaced with the following language:

a. In a quasi judicial proceeding concerning local government land use matters, a person who appears before the decision making body who is not a party or party intervenor shall be allowed to testify before the decision making body, subject to the control of the decision making body, and may be requested to respond to questions by the decision making body, and therefore must take the oath outlined in Section 2-31 b (2) of the Sumter County Code, but such oath shall not constitute the person being sworn as a witness, and the person is not required to be subject to cross examination, and is not required to be qualified as an expert witness. The decision making body shall assign weight and creditability to such testimony as it deems appropriate. A party or party intervenor in a quasi judicial proceeding on local government land use matters, upon request by another party or party intervenor, shall be sworn as a witness, shall be subject to cross examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

SECTION 3. The current language of Section 2-2(6)b shall be recodified as Section 2-2 (6)c. Section 2-2(6)b shall hereafter read as follows:

b. Attorneys shall not be required to swear an oath during quasi judicial proceedings so long as their presentation is confined to legal argument, facts already of record or facts properly introduced into the record through a properly sworn party representative, witness or authenticated exhibit. Attorneys may not testify as to facts not already of record unless they are willing to be sworn as a witness.

SECTION 4. The current language of Section 2-28 of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

- (a) A majority of the members of the board of county commissioners shall constitute a quorum. No resolution, legally binding document or motion shall be adopted by the board of county commissioners without the affirmative vote of the majority of all members physically present.

SECTION 5. Section 2-31 b (2) of the Sumter County Code is hereby amended in the following manner:

The language: "and not inconsistent or contradictory with other statements made by me under oath" is hereby stricken in its entirety.

SECTION 6. Section 2-33 of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

Each action of the board of county commissioners shall be taken by resolution, ordinance or legally binding document as appropriate under local, state or federal law, approved as to form by the County Attorney, except that approval of administrative matters may be by motion adopted and recorded in the minutes.

SECTION 7. Section 2-34 of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

A motion to adjourn shall always be in order and decided without debate, and the meeting shall be adjourned by the Chairman of the Board of County Commissioners unless a board member objects or requests additional discussion after the motion to adjourn has been made.

SECTION 8. Section 16-1(a)(1) of the Sumter County Code is amended as follows:

The language "and unprotected from the elements and" is hereby stricken in its entirety.

SECTION 9. Section 16-1(a)(2) of the Sumter County Code is amended as follows:

The phrase "code enforcement officer" shall be inserted after "law enforcement officer" with an intervening comma.

SECTION 10: Section 16-38(b) of the Sumter County Code shall be stricken in its entirety and replaced with the following language:

"Person means a human being aged five (5) years or older."

SECTION 11: The definition of "County Parks" in Section 18-16 of the Sumter County Code is hereby stricken in its entirety and replaced

with the following language:

"County parks means and includes all property owned or acquired by the county and specifically designated by the Board of County Commissioners, via resolution, as being acquired for park and recreational purposes."

SECTION 12: Section 18-19(b)(1) of the Sumter County Code is amended as follows:

The word "embellish" is stricken and replaced with the word "enhanced".

SECTION 13: Section 18-19 of the Sumter County Code is amended as follows:

Throughout the section, the term "center" or "centers" shall be replaced with the term "area" or "areas" as grammatically appropriate.

SECTION 14: Section 18-31 of the Sumter County Code is amended as follows:

Throughout the section, the term "center" or "centers" shall be replaced with the term "area" or "areas" as grammatically appropriate.

SECTION 15: Section 18-32 of the Sumter County Code is amended as follows:

The phrase "owned and operated by the county" is hereby replaced with the phrase "owned and/or operated by the county".

SECTION 16: Section 18-33 (b) of the Sumter County Code is amended as follows:

The phrase "in any park or recreation area owned, controlled or operated by the county" shall be added to the conclusion of the existing language of Section 18-33(b).

SECTION 17: Section 18-37 of the Sumter County Code is amended as follows:

The following sentence shall be added at the conclusion of the section: "Sale of alcoholic beverages in parks owned or controlled by Sumter County must conform with all applicable provisions of the Sumter County Code, including but not limited to Chapter 3 of the same."

SECTION 18: Section 3-1 (d) of the Sumter County Code is amended as follows:

The language "of not less than one thousand dollars (\$1,000.00)" is hereby stricken and replaced with the following language: "set via resolution by the board of county commissioners at its sole

discretion".

SECTION 19: Section 13-104(b)(3) of the Sumter County Code is amended as follows:

Section 13-104(b)(3) of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

(3) Application fees shall be set by the board of county commissioners.

SECTION 20. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 21. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the Ordinance which can be given the effect without the invalid provision or application, and to this end, the provision of this act are declared severable.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect upon recording with the Secretary of State by the Sumter County Clerk, on a date no later than _____, 2010.

DONE AND ORDAINED this ____ day of _____ 2010, in regular session by the Sumter County Board of County Commissioners in Bushnell, Florida.

ATTEST: GLORIA HAYWARD
CLERK OF CIRCUIT COURT

SUMTER COUNTY, FLORIDA

Deputy Clerk

(SEAL)

By: Doug Gilpin
Chairman

Approved as to Legal Form:

County Attorney