

ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA AMENDING SECTION 7-1 OF THE CITY CODE AND ADOPTING THE STATE ELECTION CODE AS AMENDED BY THE LAWS OF FLORIDA, 1977, SO FAR AS SAID ELECTION CODE MAY BE APPLICABLE TO MUNICIPAL ELECTION; EXPRESSING INTENT OF SEVERABILITY; EXPRESSING INTENT THAT SAME BE INCLUDED IN THE SAID CODE; PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND EXPRESSING INTENT THAT ORDINANCE BE CERTIFIED TO THE CLERK OF THE COUNTY COURT; FINDING NECESSITY OF PASSAGE OF ORDINANCE AS EMERGENCY; AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, Section 7-1 of the West Miami City Code was originally passed as Ordinance 140 and adopted the State Election Code of 1951 pursuant to then F.S. 104.45; and

WHEREAS, Amendments to the Florida Election Code passed by the 1977 Legislature repealed F.S. 104.45 effective January 1, 1978; and

WHEREAS, some legal question has arisen as to whether or not the repeal of F.S. 104.45 has the effect of repealing the Election Code of Municipalities which had adopted the Florida Election Code pursuant to F.S. 104.45; and

WHEREAS, the City Council is desirous of the City continuing to operate under the State Election Code as applicable to Municipal Elections.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WEST MIAMI, FLORIDA:

Section 1. That Section 7-1 of the Code of the City of West Miami is amended to read as follows:

"Sec. 7-1. Adoption of State Election Code.

Those chapters of the State Election Code, applicable to municipalities, being Florida Statutes Chapters 97, 98, 99, 100, 101, 104, and 106 be, and the same are hereby adopted except where in conflict with the City and Dade County charters and ordinances insofar as the same may be made to apply to municipal elections."

Section 2. If any section or subsection of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

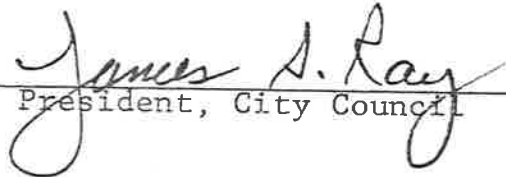
Section 3. It is the intent of the Council that the provisions of this ordinance shall be a part of the Code of the City, and the sections of this ordinance may be re-numbered to accomplish such intention.

Section 4. Any violations of the Election Code as adopted by the City of West Miami shall be punished, upon conviction, by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than sixty (60) days in the County Jail, or both, at the discretion of the County Judge. It is the intent of the City Council that this ordinance be certified to the Clerk of the Dade County Court as a Penal Ordinance of the City.

Section 5. This ordinance shall become effective January 1, 1978, and shall apply to all elections called subsequent to that date.

Section 6. In the interest of the public welfare of the residents of West Miami a second reading of this ordinance is dispensed with and waived.

PASSED AND ADOPTED, this 15th day of January, 1978.



President, City Council

Attest:



City Clerk

APPROVED:



MAYOR