

ORDINANCE 21- 16

AN ORDINANCE OF THE COUNTY OF PINELLAS,
PROVIDING THAT THE PINELLAS COUNTY CODE BE
AMENDED BY REPEALING CHAPTER 126 SECTION 1;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS
EMBRACED; PROVIDING FOR INCLUSION IN THE CODE;
AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1978, due to the state and process of land development to date at that time, conditions in Pinellas County were such that the Florida legislature passed a special law pertaining to Pinellas County, Laws of Fla. Ch. 78-603, the stated purpose of which was to resolve disputes over specified improvements; and

WHEREAS, this special law was converted to an ordinance of Pinellas County pursuant to the Pinellas County Charter, as ratified by the Florida legislature in Laws of Florida 80-590, and was codified as Chapter 126 Section 1 (Sec. 126-1); and

WHEREAS, section 5.02 of the Pinellas County Charter is addressed to the topic of Special Laws relating to Pinellas County, and establishes the authority of the Board of County Commissioners to repeal a special law such as 78-603, once it has been converted to an ordinance; and

WHEREAS, in the intervening decades, any remedial effect of the law as intended at the time it was passed has taken effect, and as Pinellas has grown, and available land for development has become substantially built-out, conditions within Pinellas County are no longer substantially similar to those at the time the law was passed; and

WHEREAS, going forward, the matters addressed in what is now codified as Sec. 126-1 of the Pinellas County Code are better addressed on a proactive basis, including through processes such as those set out in what is presently Section 154-231 of the Pinellas County Code, and other applicable laws and policies governing the pertinent types of improvements; and

WHEREAS, furthermore, repealing this section will provide greater clarity regarding the ability of municipalities within Pinellas County to regulate the topics addressed in Sec. 126-1 as desired, within their municipal powers under state law and the Pinellas County Charter.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. That the provisions of law currently codified in Pinellas County Code Chapter 126 Section 1 (Ch. 126-1) are hereby repealed in their entirety, pursuant to Section 5.02 of the Pinellas County Charter, and the section of the code presently designated as Ch. 126-2 is to be renumbered as 126-1 by the codifier, and the remaining section added to the Reserved sections of that Article.

SECTION 2. Severability. If any Section, Subsection, sentence, clause, phrase, or provision

of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Areas Embraced. This Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 4. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

Commissioner _____ Long _____ offered the foregoing Ordinance and moved its adoption, which was seconded by Commissioner _____ Flowers _____, and upon roll call the vote was:

AYES: Eggers, Justice, Flowers, Gerard, and Long.

NAYS: None.

ABSENT AND NOT VOTING: Peters and Seel.

APPROVED AS TO FORM
By: Miles Belknap
Office of the County Attorney