

ORDINANCE NO. 41

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF PORT ST. JOE, FLORIDA, ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF PORT ST. JOE, FLORIDA:

Section 1. The accompanying Code of Ordinances, consisting of Chapters 1 through 18, each inclusive, and Appendix A, is hereby adopted and enacted as the "Code of Ordinances, City of Port St. Joe, Florida," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City on or before October 15, 1968, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. All provisions of such Code shall be in full force and effect from and after the promulgation of this ordinance for thirty days in the official journal of the city; and all ordinances of a general and permanent nature of the City of Port St. Joe enacted on final passage on or before October 15, 1968, and not in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided. No resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. The repeal provided for in Section 2 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right or contract established or accruing before the effective date of this ordinance nor shall such repeal affect any of the following ordinances or resolutions:

- (a) Promising or guaranteeing the payment of money by the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (b) The administrative ordinances or resolutions of the City Commission, not in conflict or inconsistent with the provisions of such Code;
- (c) Any right of franchise granted by any ordinance or resolution of the City Commission or any preceding governing body to any person, firm or corporation;
- (d) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening or vacating any street or public way in the city;
- (e) The annual budget or appropriation ordinance or resolution;
- (f) Any ordinance establishing and prescribing the street grades of any street in the city;
- (g) Any ordinance levying taxes;
- (h) Any ordinance providing for local improvements and assessing taxes therefor;
- (i) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (j) Any ordinance or map relating to the zoning of lands for business, commercial or residence use;
- (k) Any ordinances of the city granting to railroad companies the right to construct railroad tracks in the city;
- (l) Any ordinance authorizing any encroachment on any city or public property;
- (m) Any ordinance or Code or parts thereof adopted by reference by any section of such Code and not included herein;
- (n) Any ordinance prescribing traffic regulations for specific locations, not inconsistent with such Code.

Such repeal shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. Any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the City Commission to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances, City of Port St. Joe, Florida" shall be understood and intended to include all such additions and amendments.

Section 5. A copy of such Code shall be kept on file in the office of the City Auditor and Clerk in looseleaf form. It shall be the express duty of the City Auditor and Clerk or someone

authorized by him to insert in their designated places all amendments or ordinances which indicate the intention of the City Commission to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the City Commission. This copy of such Code shall be available for all persons desiring to examine the same.

Section 6. It shall be unlawful for any person, firm, partnership, association, organization or corporation to violate or fail to comply with any provision of the Code of Ordinances, City of Port St. Joe, Florida, and where no specific penalty is provided therein, the violation of any provision of such Code shall be punished as prescribed in Section 1-8 of such Code.

Section 7. In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1-8 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 8. It shall be unlawful for any person, firm or corporation in the City to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof; or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Port St. Joe to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 1-8 of the Code of Ordinances, City of Port St. Joe, Florida.

Section 9. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. This Ordinance shall become effective thirty days after its final passage.

PASSED and ADOPTED by the City Commission this _____ day of _____, 1969.

/s/ Frank Pate
Mayor-Commissioner

ATTEST:

/s/ C. W. Brock
City Auditor and Clerk