

ORDINANCE NO. 2021 - 012

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ESTABLISHING A PERMANENT RESIDENCY REQUIREMENT TO BE APPOINTED TO SERVE AS A VOTING MEMBER ON A TOWN BOARD; CREATING SECTION 2-95 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "PERMANENT RESIDENCY REQUIREMENT"; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.05 of the Town's Charter provides that due to the Town's unique Charter, Comprehensive Land Use Plan, rural lifestyle, topography, traffic, and drainage issues that only residents of the Town can serve on the Town Council; and

WHEREAS, the Town Council believes that its appointed volunteer boards should have a similar permanent residency requirement; and

WHEREAS, in order to preserve and to protect the Town's rural character, the Town Council believes that it is in the best interest of the health, safety, and welfare of its residents to require all appointed voting members on all Town Boards to be a permanent resident of the Town of Southwest Ranches;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, THAT:

SECTION 1: The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and are incorporated as if fully set forth in this section.

SECTION 2: The Code of Ordinances of the Town of Southwest Ranches shall be amended to include Section 2-95, entitled "Board Permanent Residency Requirement", which shall provide as follows:

2-95

Permanent Residency Requirement

Unless there is a unanimous vote of the entire Town Council (5-0) to the contrary, all appointed voting members of Town Boards shall be permanent residents of the Town at the time of such appointment. Permanent residency shall have the same meaning as provided in Section 196.012, Florida Statutes, as may be amended from time to time.

At the time of this Ordinance, Section 196.012, Florida Statutes defines a permanent residence as that place where a person has his or her true, fixed, and permanent home and principal establishment to which, whenever absent, he or she has the intention of returning.

SECTION 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4: Severability. If any portion of this ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, or any portions hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

SECTION 5: Inclusion in Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made part of the Town of Southwest Ranches' Code of Ordinances; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6: Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED ON FIRST READING this 26th day of August, 2021 on a motion made by Council Member Kuczenski and seconded by Council Member Jablonski.

PASSED AND ADOPTED ON SECOND READING this 13th day of September 2021, on a motion made by Council Member Kuczenski and seconded by Council Member Jablonski.

Breitkreuz	<u>Yes</u>	Ayes	<u>5</u>
Hartmann	<u>Yes</u>	Nays	<u>0</u>
Allbritton	<u>Yes</u>	Absent	<u>0</u>
Jablonski	<u>Yes</u>	Abstaining	<u>0</u>
Kuczenski	<u>Yes</u>		



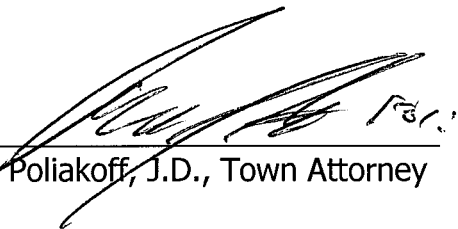
Steve Breitkreuz, Mayor

Attest:



Russell Muñiz, Assistant Town Administrator, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
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