

ORDINANCE 452

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE CODE OF ORDINANCES, "ELECTIONS", ARTICLE IV, SECTION 4.03 "SUBJECT TO LOCAL ACT RELATING TO MUNICIPAL ELECTIONS" TO REFLECT EXEMPTIONS FROM SECTIONS 2 AND 5 OF CHAPTER 83-498 LAWS OF FLORIDA (UNIFORM MUNICIPAL ELECTION ACT) AND REGARDING CANDIDATE QUALIFYING PERIODS PROVIDING FOR CONFLICTS, SEVERABILITY, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Town of Haverhill, Florida, is a duly constitutes municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, chapter 83-498, laws of Florida (Uniform Municipal Election Act) (the "Act") provides for uniform filing dates (candidate qualifying dates) and uniform election dates for municipal elections held in Palm Beach County; and

WHEREAS, the Act, at Section 8, allows municipality to adopt an Ordinance to exempt the municipality from the provisions of the Act; and

WHEREAS, the Town Council, through the adoption of Ordinance No. 452 will exempt the Town of Haverhill from Section 2 (candidate qualifying dates) and Section 5 (term commencement dates); and

WHEREAS, Article IV, ELECTIONS, of the Town of Haverhill Charter, sets out the terms of municipal elections including the terms of office, schedule and elections as well as qualifying; and

WHEREAS, Section 4.03 of Article IV requires a revision to reflect the change in qualifying periods and that these amendments are in the best interest of the health, safety and welfare of the citizens of the Town of Haverhill.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL THAT:

Section 1: The foregoing recitals are hereby fully incorporated by reference as legislative finding

of the Town Council of the Town of Haverhill.

Section 2. The Town of Haverhill hereby adopts Ordinance No. 452 that will exempt the Town from the provisions of chapter 83-498, Laws of Florida, Section 2 and Section 5 and that the Town of Haverhill Town Charter, at Article IV, ELECTIONS, is hereby amended to read as follows:

(a) **Section 4.03 Qualifying:** Candidates for the office of the Town Council shall qualify by filing a written notice of candidacy with the Town Clerk ~~at such a time and in such a manner as may be prescribed by the Town.~~ no sooner than noon on the first Tuesday in December and no later than noon on the third Tuesday in December in the year preceding the calendar year in which the election is to be held. All notices of candidacy for the Office of Town Council shall specifically indicate the Council Seat Number for which a candidate is seeking to qualify to run. No Town Council candidate may qualify for more than one (1) Council seat.

(b) **Section 4.05. Schedule and elections.** The regular election of the Town Council shall be held on the second Tuesday in March by Town-wide vote of the Town electors. The Town Council candidate receiving a majority of the votes cast for the seat for which he or she qualified shall be elected. If in any election, no candidate receives this majority vote, a second election, limited to the two (2) candidates receiving respectfully the highest and the next highest number of votes in the first election, shall be held on the fourteenth (14) day after the first election, and the candidate receiving the highest number of votes in the second election shall be declared elected. Unopposed candidates, and those candidates declared elected shall be sworn into office at the next regularly scheduled meeting of the Haverhill Town Council occurring after the date of the election.

Section 3. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4. Should any section or provision of the Ordinance of any portion thereof, any

paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance,

Section 6. Specific authority to codify this Ordinance.

Section 7. This Ordinance shall take effect immediately upon passage.

PASSED AND APPROVED ON FIRST READING this 21 day of September, 2017.

THE SECOND AND FINAL READING was held this 12th day of October 2017. Council member Uptegraph offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member Gordon, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor	<u>AYE</u>
LAWRENCE GORDON, Vice Mayor	<u>AYE</u>
MARK C. UPTEGRAPH, Council Member	<u>AYE</u>
JO H. PLYLER, Council Member	<u>AYE</u>
REMAR HARVIN, Council Member	<u>AYE</u>

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA

Janice C. Rutan, Town Admin.

Jay G. Foy, Mayor

