

**ORDINANCE NO. 2002-7**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING CHAPTER 11, ARTICLE II OF THE CODE OF ORDINANCES, "MUNICIPAL ELECTION," ADDING SECTION 11-29, "QUALIFICATION PERIOD FOR SPECIAL ELECTIONS;" PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 100.3605, Florida Statutes, governs the conduct of municipal elections and enables a municipality via Ordinance to govern the qualification period for special elections; and

**WHEREAS**, Section 2.05 of the Town of Southwest Ranches Charter provides that all candidates for Town Council shall qualify for the election by filing a written notice of candidacy with the Clerk of the Town at such time and in such manner as may be prescribed by ordinance, and by payment to the Clerk of the sum of \$100, plus any fees required by the Florida Statutes, as a qualifying fee; and

**WHEREAS**, Section 2.06(c) of the Town Charter requires that in the case of a vacancy where more than one year remains in the unexpired term, the vacancy shall be filled by a special election to be held not sooner than 30 days nor more than 60 days following the occurrence of the vacancy; and

**WHEREAS**, Section 100.021, Florida Statutes, requires a notice of the qualification period to be placed in a newspaper of general circulation at least two times in the thirty days preceding the qualification period; and

**WHEREAS**, this Ordinance intends to prescribe the qualification period for special elections.

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

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That Chapter 11, Article II of the Code of Ordinances is hereby amended to add Section 11-29 as follows:

Sec. 11-29. Qualification Period for Special Elections

The Town Administrator shall prescribe the qualification period for all special elections. In no event shall the qualification period be less than three (3) business days. All candidates must submit a written notice

of candidacy to the Town Clerk with payment in the amount of \$100, plus any fees required by the Florida Statutes, as a qualifying fee, by the last day and prescribed time of the determined qualification period. Said determined qualification period shall be advertised, in accordance with Section 100.021, Florida Statutes, as may be amended from time to time.

**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 portion 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 a part of the Town of Southwest Ranches Code, 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 be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 13<sup>th</sup> day of June 2002

**PASSED AND ADOPTED ON SECOND READING** this 24<sup>th</sup> day of June, 2002

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Mecca Fink, Mayor

Attest:

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Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

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Gary A. Poliakoff, J.D., Town Attorney