

ORDINANCE NO. 821

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 22, "CIVIL EMERGENCIES," AMENDING ARTICLE II SECTION 36; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALING, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances;

WHEREAS, the City Council has previously adopted Ordinance No. 540 relating to civil emergencies;

WHEREAS, HB 45, approved by the Governor, designated as Chapter No. 2011-109 and becomes effective on October 1, 2011, imposes a financial penalty on governments, elected officials, or staff that adopt policies or take enforcement action violating the existing state law preemption of firearms and ammunition regulation;

WHEREAS, under Section 790.33, Florida Statutes, the state has preempted "the whole field of regulation of firearms and ammunition" to the exclusion of any city or county ordinances, regulations or rules;

WHEREAS, the City Council of the City of Brooksville, Florida desires to amend its Code of Ordinances, relating to regulation of firearms and ammunition.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL MEMBERS OF THE CITY OF BROOKSVILLE, AS FOLLOWS:

SECTION 1. AMENDMENT TO CHAPTER 22 ARTICLE I and II. The Code of the City of Brooksville, Florida, Chapter 22, "Civil Emergencies", Article I "In General" and Article II "States of Emergency" Section 22-36(1) Imposition of Certain Emergency Measures or Regulations, is hereby amended as follows:

Article I. In General Sections 22-1—90-30. Reserved.

Article II. States of Emergency

Sec. 22-36. IMPOSITION OF CERTAIN EMERGENCY MEASURES OR REGULATIONS

Upon the declaration of a state of local emergency pursuant to this Ordinance, the following emergency measures or regulations may be imposed by resolution duly approved and adopted by City Council or as set forth in emergency ordinance or resolution issued during the period of such emergency pursuant to Brooksville City Charter or Code to protect the life, health, property, welfare

or public peace of the community. The purpose of this Ordinance is to provide authority and enforcement power to:

- 1) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles.

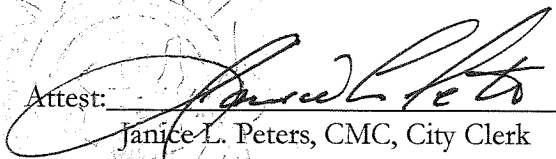
SECTION 2. CONFLICTS AND REPEALER. All ordinances, or parts thereof, and resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. AMENDMENT TO CODE. This Ordinance shall be and become a part of the Code of the City of Brooksville, Florida, to amend and supplement Chapter 22 "Civil Emergencies" as directed herein.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Brooksville that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Brooksville, Florida and the word "ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of the ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 2, 3, 4 and 5 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect October 1, 2011, following its adoption by the Brooksville City Council.

Attest:


Janice L. Peters, CMC, City Clerk

By:

CITY OF BROOKSVILLE

Frankie Burnett, Mayor

PASSED on First Reading August 1, 2011

NOTICE Published on August 5, 2011

PASSED on Second & Final Reading August 15, 2011

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini AYE

Bradburn AYE

Burnett AYE

Johnston AYE


Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney