

ORDINANCE 2016-05

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES TO CHANGE THE DESIGNATION OF THE CEMETERY BOARD TO A COMMITTEE; AMENDING MEMBERSHIP REQUIREMENTS FOR THE CEMETERY COMMITTEE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde owns and operates a municipal cemetery; and

WHEREAS, Sec. 2-141 defines *Boards* to include the cemetery board; however, Chapter 6 entitled *Cemeteries* refers to the advisory body as the cemetery committee; and

WHEREAS, the Town Council desires to amend the code to ensure consistency and finds that the advisory group should be a committee rather than a board; and

WHEREAS, the Town of Montverde has determined that it in the best interest of the health, safety, and welfare of its citizens to amend the ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Section 2-141 in Chapter 2 of the Montverde Code of Ordinances is hereby amended to read as follows:

Sec. 2-141 Definitions.

The following words, terms and phases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boards include the planning and zoning board; and the code enforcement board; ~~and the cemetery board~~ of the town. In addition to other duties, boards perform statutorily mandated tasks which may be limited by state statute. Board members must be residents of the town.

Committee means an advisory body, located in the town and created by the town council to provide advice and opinion to the council and is comprised of volunteers that serve at the pleasure of the council. Committees include voting members and nonvoting members. Committees must reside in the town or within the town's 180-degree utility services district.

Town Council means the decision-making body of the town and is comprised of elected officials.

SECTION 3. That Section 6-2 in Chapter 6, of the Montverde Code of Ordinances is hereby amended to read as follows:

Sec. 6-2. Creation of cemetery committee; appointment; terms; meetings.

There is created a Montverde Cemetery Committee (“committee”) which shall consist of five ~~residents of the Town of Montverde~~ members. Each member of the committee shall be appointed by the town council to serve a term of one year. The Committee shall elect a chairman and such other officers as it deems appropriate. A secretary shall be appointed to keep minutes of each meeting. The minutes shall be filed of record with the clerk of the Town of Montverde. The committee shall meet no less than quarterly of each year. Notice of quarterly meetings shall be posted at the town hall and the post office at least ten calendar days before the meeting. Vacancies on the committee shall be filled by the town council. Expired terms of any member shall be filled by the town council at the regular council meeting no later than the first Tuesday of the month of February. Special meetings may be called by the chairman. Notice of special meetings shall be posted at the town hall and the post office at least 48 hours before the date of the meeting. A quorum for the transaction of business shall consist of at least three members. Meetings shall be held in the town hall or such other place designated by the chairman. All meetings shall be open to the public.


SECTION 4. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.


SECTION 5. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.


SECTION 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 9 day of February, 2016.

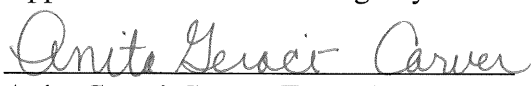


Joe Wynkoop, Mayor


Bill Bates, Council President

Attest:


Graham Wells, Town Clerk

Approved as to form and legality:


Anita Geraci-Carver, Town Attorney

First Reading January 26, 2016
Second Reading February 9, 2016

Council Member Smith moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Bates and upon roll call on the motion the vote was as follows:

	YEA	NAY
Bill Bates	✓	
Glenn Burns	✓	
Jim Ley	✓	
Jim Peacock	✓	
Judy Smith	✓	