

ORDINANCE NO. 2023- \_\_\_\_\_

**AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 100.03 “AMENDMENT OR REPEAL OF ORDINANCES” OF CHAPTER 100 “GENERAL PROVISIONS” OF THE CODE OF INDIAN RIVER COUNTY (“THE CODE”), CODIFYING AND PUBLISHING THE ORDINANCES UP TO AND INCLUDING SUPPLEMENT 144 THERETO, READOPTING THE CODE, DESIGNATING THE CODE AS THE BEST EVIDENCE OF THE CURRENT LAW OF INDIAN RIVER COUNTY, FLORIDA, AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.68(1)(a), Florida Statutes, requires counties to maintain a current codification of all ordinances; and

**WHEREAS**, Section 125.68(1)(a), Florida Statutes, requires annual publication of such codification by the Board of County Commissioners; and

**WHEREAS**, Municipal Code Corporation publishes periodic supplements to The Code of Indian River County more often than annually on behalf of the Board of County Commissioners; and

**WHEREAS**, Subsection 100.03(1) of Chapter 100 of The Code of Indian River County, provides:

The Code when adopted by the commission shall be the best evidence of the current law of the county. It shall be kept current by periodic supplements. Supplements to the Code shall be prima facie evidence of the current law of the county; however, the ordinances themselves shall be the best evidence until the Code is readopted,

**BE IT ORDAINED by the Board of County Commissioners of Indian River County, as follows:**

**SECTION 1. CODIFICATION AND PUBLICATION.**

Section 100.03, Amendment or repeal of ordinances, of The Code of Indian River County is hereby amended to read as follows:

## ORDINANCE NO. 2023- \_\_\_\_\_

1. The Code when adopted by the commission shall be the best evidence of the current law of the county. It shall be kept current by periodic supplements. Supplements to the Code shall be prima facie evidence of the current law of the county; however, the ordinances themselves shall be the best evidence until the Code is readopted.

2. All chapters, sections, subsections, or paragraphs to be repealed should be specifically repealed by reference to the chapter, section, subsection, or paragraph as appropriate.

3. The repeal or amendment of an ordinance shall not revive any ordinance in force before or at the time the ordinance is repealed or the amendment took effect.

4. All ordinances published by the Municipal Code Corporation in The Code of Indian River County up to and including Supplement No. ~~441-144~~ thereto are deemed to be codified and published. The Code of Indian River County, including such supplements, is hereby readopted, and The Code of Indian River County, as readopted, shall be the best evidence of the current law of Indian River County, Florida.

### SECTION 2. SEVERABILITY.

If any section, sentence, paragraph, phrase, or word of this ordinance is held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance not having been held by a court of competent jurisdiction to be unconstitutional, inoperative or void, which shall remain in full force and effect.

### SECTION 3. CODIFICATION.

The amended language contained in Section 1 of this ordinance shall be codified as Section 100.03 of The Code of Indian River County. Additional codification, renumbering, or relettering of this ordinance is left to the discretion of Municipal Code Corporation.

### SECTION 4. EFFECTIVE DATE.

A certified copy of this ordinance, as enacted, shall be filed by the Clerk with the Office of the Secretary of State of the State of Florida within ten days after enactment, and this ordinance shall take effect upon filing with the Secretary of State.

**ORDINANCE NO. 2023- \_\_\_\_\_**

This ordinance was advertised in the *Indian River Press Journal* on the 27<sup>th</sup> day of January, 2023, for a public hearing to be held on the 7<sup>th</sup> day of February, 2023, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph H. Earman	_____
Vice Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Deryl Loar	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 7<sup>th</sup> day of February, 2023.

Attest: Jeffrey R. Smith, Clerk and  
Comptroller

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Joseph H. Earman, Chairman

Approved as to form and  
legal sufficiency:

By: \_\_\_\_\_  
Dylan Reingold  
County Attorney

Effective Date: This ordinance was filed with the Department of State and becomes effective on the \_\_\_\_\_ day of February, 2023.