

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Friday, August 11, 2017 7:42 AM
To: Marguerite Linke
Cc: County Ordinances
Subject: Hernando20170810_Ordinance 2017_31_Ack.pdf
Attachments: Hernando20170810_Ordinance 2017_31_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 11, 2017

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2017-31, which was filed in this office on August 10, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2017-31

AN ORDINANCE REPEALING PREEMPTED ORDINANCE REGULATING CARNIVAL RIDES AND MIDWAY GAMES; REPEALING ARTICLE II AND ARTICLE III OF CHAPTER FIVE OF THE HERNANDO COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 16, 1971, the Board of County Commissioners enacted Ordinance 71-2, codified as Article II of Hernando County Code Ch. 5, regulating outdoor music festivals; and,

WHEREAS, on January 13, 1976, the Board of County Commissioners enacted Ordinance 76-1, codified as Article III of Hernando County Code Ch. 5, regulating carnival rides and midway games; and,

WHEREAS, Hernando County grants permission to hold festivals by the Administrative Official's issuance of a Conditional Use Permit pursuant to Hernando County Code, Appendix A; and,

WHEREAS, Fla. Stat. § 616.242 preempts the regulatory scope of Ordinance 76-1.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Repeal of Ordinance 71-2.

Ordinance 71-2, codified as Hernando County Code §§ 5-16 through 5-30, is hereby repealed.

Section 2. Repeal of Ordinance 76-1.

Ordinance 76-1, codified as Hernando County Code §§ 5-46 through 5-49, is hereby repealed.

Section 3. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the section of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or to another appropriate designation.

Section 5. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 8th day of August 2017.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Marguerite Luke, D.C.
DONALD C. BARBEE JR.
Clerk

By: Wayne Dukes
WAYNE DUKES
Chairman



DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\JAJ\Ordinances\Repeal of Carnival Permit Ordinance\Draft 2.wpd, July 17, 2017 (10:10am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

1 Approved for Form and Legal Sufficiency

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Deputy County Attorney