

BY THE CITY COMMISSION

ORDINANCE NO.: 2011-05

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING SECTION 30-36(1) OF THE DADE CITY CODE, IMPOSITION OF CERTAIN EMERGENCY MEASURES; REPEALING REFERENCE TO GUN CONTROL AND REGULATION PURSUANT TO HOUSE BILL 45; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, House Bill 45 was adopted during the 2011 legislative session and 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; and

WHEREAS, in order to ensure compliance with House Bill 45, the City Commission now wishes to amend Section 30-36(1) to eliminate reference to the regulation of firearms, explosives, ammunition, and combustibles.

NOW, THEREFORE, BE IT ORDAINED by the City of Dade City Commission, as follows:

**SECTION 1.** Section 30-36(1) of the Dade City Code of Ordinances is hereby amended as follows:

**Section 30-36. Imposition of certain measures or regulations.**

Upon the declaration of a state of local emergency pursuant to this article, the following emergency measures or regulations may be imposed by resolution duly approved and adopted by the City Commission or as set forth in emergency ordinance or resolution issued during the period of such emergency pursuant to the Charter or this Code to protect the life, health, property, welfare, or public peace of the community. The purpose of this article is to provide authority and enforcement power to:

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

**SECTION 2.** The remaining provisions of Section 30-36 have not been amended and remain in full force and effect.

**SECTION 3. Repealer**

All provisions of the Dade City Code of Ordinances, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**SECTION 4. Severability**

It is declared to be the intent of the City Commission of the City of Dade City, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

**SECTION 5. Inclusion in Code**

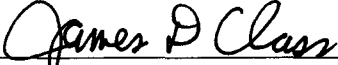
It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the Dade City Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

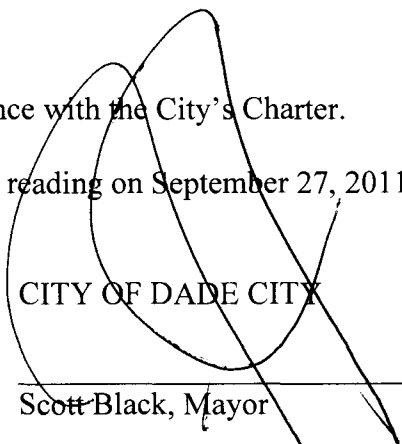
**SECTION 6. Effective Date**

This Ordinance shall take effect in accordance with the City's Charter.

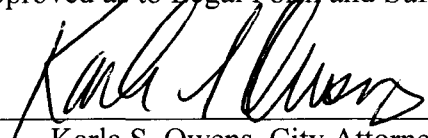
Adopted by the City Commission after first reading on September 27, 2011 and following public hearing on October 11, 2011.

ATTEST:

  
\_\_\_\_\_  
James D. Class, City Clerk

CITY OF DADE CITY  
  
\_\_\_\_\_  
Scott Black, Mayor

Approved as to Legal Form and Sufficiency

  
\_\_\_\_\_  
Karla S. Owens, City Attorney