

ORDINANCE NO. 2020-2164

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, REPEALING ORDINANCE 2016-2081; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lake City, Florida is the governing body in and for the City of Lake City, Florida; and

WHEREAS, ordinance 2016-2081, attached hereto, was adopted on January 17, 2016; and

WHEREAS, after deliberation the City Council finds that it is in the best interests of the citizens of the City of Lake City to repeal ordinance 2016-2018 in its entirety.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and accurate and adopted and incorporated herein.

Section 2. Ordinance 2016-2018 is hereby repealed in its entirety.

Section 3. Should any section, subsection, sentence, clause, phrase or other provision of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida, and the sections may be renumbered in order to accomplish such intentions.

[Remainder of this page intentionally left blank.]

Section 5. This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED upon first reading this 17th day of August 2020.

NOTICE PUBLISHED on the 9th day of October 2020.

PASSED AND ADOPTED on the _____ day of _____ 2020.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney

ORDINANCE NO.: 2016-2081

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, PROVIDING FOR PROTECTION OF MILITARY MONUMENTS IN THE CITY OF LAKE CITY, FLORIDA; PROVIDING FOR PROTECTIVE MEASURES OF MONUMENTS; PROVIDING PENALTIES; PROVIDING FOR WAIVERS THAT MAY BE GRANTED AFTER CONSIDERATION AT PUBLIC HEARING; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of Lake City, Florida ("Council") is the governing body in and for the City of Lake City, Florida; and

WHEREAS, the Council desires to protect existing military monuments on City property from destruction, damage, or disturbance; and

WHEREAS, any such destruction, damage, or disturbance exhibits disrespect for both the memory of those armed service members who made the ultimate sacrifice and the deeds and sacrifices of every veteran; and

WHEREAS, federal legislation does not adequately protect local war and military memorials and monuments on non-federal land.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Lake City:

Section 1.

The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

Section 2. Definitions.

- A. "Public property" is all real property owned or leased by the City of Lake City, Florida.
- B. "Monument" or "Memorial" is a statute, nameplate, plaque or any other artistic rendering in any format created in remembrance of a person or event involving the Armed Forces of the United States at any time since its inception and erected, named or dedicated on or after the effective date of this Ordinance.

Section 3. Protective Measures.

- A. Any statute, monument, memorial, nameplate, or plaque which has been erected for, or named or dedicated in honor of, the Native-American Wars, Spanish and English occupation conflicts, French and Indian War, American Revolution, War of 1812, Seminole Indian Wars, U.S.-Mexican War, the War Between the States, Spanish-American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam War, Operation Urgent Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause (Panama), Operation Desert Shield/Desert Storm (Persian Gulf War I), Operation Enduring Freedom (Afghanistan), and Operation Iraqi Freedom (Persian Gulf War II), and is located on public property, may not be relocated, removed, disturbed, altered, renamed, or rededicated, or otherwise disturbed.
- B. A statute, monument, memorial, nameplate, plaque, picture, historic flag display, school, street, bridge, building, park, preserve or reserve which has been erected for, or named or dedicated in honor of, any historical military figure, historical military event, military organization unit and is located on public property, may not be renamed or rededicated.
- C. No person may prevent the governmental entity having responsibility for maintaining of these items, structures, or areas described in subsection (B) from taking proper and appropriate measures, and exercising proper and appropriate means, for the protection, preservation, care, repair or restoration of such items, structures, or areas.

Section 4. Penalties.

If any person shall willfully, except as provided for in Section 3(C) above, destroy, mutilate, deface, injure, or remove any monument, memorial, nameplate, or plaque which has been erected or placed in honor of the conflicts and wars enumerated in Section 3(A) above, shall be found guilty of a second degree misdemeanor thereof, before a court of competent jurisdiction, and shall for each and every such offense forfeit and pay a fine, in the discretion of the court, according to the aggravation of the offense, of not less than \$100 and no more than \$500.

Section 5. Waivers for Convenience.

Any entity, public or private, exercising control of public property on which a monument or memorial is located may petition the City of Lake City, Florida City Council for a waiver to Section 3 herein. A petition for waiver shall be in writing and shall state the reason, or reasons, upon which the waiver is sought. At any regularly scheduled meeting of the City Council, the City Council may grant a petition for waiver. The City Council may include reasonable conditions and instructions to ensure that any items, structures, or areas are preserved to the greatest extent possible.

Section 6. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or any other body with appropriate jurisdiction, the remaining section, subsection, sentence, clause, or phrase under application shall not be affected hereby.

Section 8. Codification.

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

Section 9. Effective Date.

This ordinance shall become effective upon its adoption.

PASSED AND ADOPTED upon first reading the 5th day of December, 2016.

NOTICE PUBLISHED on the 5th day of January, 2016

PASSED AND ADOPTED upon second and final reading this 17th day of January, 2016

CITY OF LAKE CITY, FLORIDA

By: Stephen M Witt
Stephen M. Witt, Mayor

ATTEST:

By: Audrey E. Sikes
Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: F. L. J.
Frederick L. Koberlein, Jr.
City Attorney

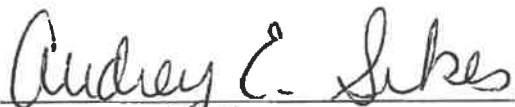
Ordinance Number: 2016-2081
Passed on first reading on December 5, 2016

Record of Vote on First Reading

	For	Against	Absent	Abstain
Stephen Witt, Mayor/Council Member	<u>X</u>	_____	_____	_____
Jake Hill, Jr., Council Member	<u>X</u>	_____	_____	_____
Eugene Jefferson, Council Member	<u>X</u>	_____	_____	_____
Melinda Moses, Council Member	<u>X</u>	_____	_____	_____
George Ward, Council Member	<u>X</u>	_____	_____	_____

Certification

I, Audrey Sikes, City Clerk for the City of Lake City, Florida, hereby certify that the above record vote is an accurate and correct record of the votes taken on the Ordinance by the City Council of the City of Lake City.



AUDREY E. SIKES, MMC
City Clerk

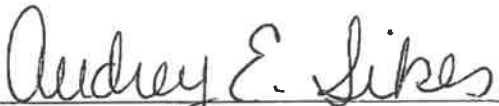
Ordinance Number: 2016-2081
Passed on second and final reading on January 17, 2017

Record of Vote on Second and Final Reading

	For	Against	Absent	Abstain
Stephen Witt, Mayor/Council Member	<u>X</u>	_____	_____	_____
Jake Hill, Jr., Council Member	<u>X</u>	_____	_____	_____
Eugene Jefferson, Council Member	<u>X</u>	_____	_____	_____
Melinda Moses, Council Member	<u>X</u>	_____	_____	_____
George Ward, Council Member	<u>X</u>	_____	_____	_____

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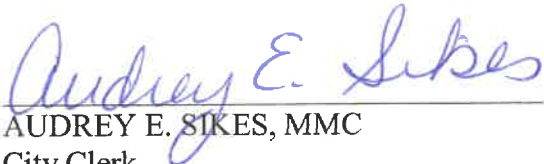
Ordinance Number: 2020-2164
Passed on first reading on August 17, 2020

Record of Vote on First Reading

	For	Against	Absent	Abstain
Stephen Witt, Mayor/Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Greene, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jake Hill, Jr., Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eugene Jefferson, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Melinda Moses, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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AUDREY E. SIKES, MMC
City Clerk