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**ORDINANCE NO. 080439**  
**0-08-62**

**An ordinance of the City of Gainesville, Florida, amending Article VII of Chapter 2 of the Code of Ordinances, relating to Employee Benefits, amending Section 2-526(j), Benefits, Annuity Options; amending Section 2-530(a), Miscellaneous, Limitations of assignment; amending Section 2-530(b), Miscellaneous, Payments to legally incompetent; amending Section 2-606(c), Miscellaneous, Payments to legally incompetent; amending Chapter 7 of the Code of Ordinances, relating to Cemeteries, amending Section 7-18(m), Installations, foundations, vaults, memorials, mausoleums; amending Chapter 13 of the Code of Ordinances, relating to the Housing and Commercial Building Codes, amending Section 13-19, Definitions, by creating and adding the definition of registered domestic partner and amending the definition of rooming house; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

**WHEREAS**, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Subsection (j) “Annuity options” of Section 2-526, “Benefits” of Article VII of Chapter 2 of the Code of Ordinances of the City of Gainesville, shall be amended to read as follows:

1    **Sec. 2-526. Benefits.**

2           (j) *Annuity options.* Upon a member becoming eligible to receive an  
3           annuity either through regular retirement or through a DROP, he/she may  
4           elect to receive annuity benefits, payable under the plan in the form of a  
5           joint survivor annuity instead of a normal annuity form, which shall be the  
6           actuarial equivalent of the annuity he/she would receive under the normal  
7           form. If any member who has a spouse or registered domestic partner at  
8           his/her benefit commencement date fails to make such an election it will  
9           be assumed that he/she elected option A below with his/her spouse or  
10          registered domestic partner as the beneficiary and if the member does not  
11          have a spouse or registered domestic partner at his/her benefit  
12          commencement date, that the member elected the normal form.

13          **Section 2.** Subsection (a) “Limitations of assignment” and subsection (b)  
14          “Payments to legally incompetent” of Section 2-530, “Miscellaneous” of Article  
15          VII of Chapter 2 of the Code of Ordinances of the City of Gainesville, shall be  
16          amended to read as follows:

17    **Sec. 2-530. Miscellaneous.**

18          a) *Limitations of assignment.* None of the benefit distributions under the  
19          employees pension plan shall be subject to the claim or to any legal  
20          process of any creditor of the member or beneficiary; and neither such  
21          member nor beneficiary shall have any right to alienate, commute or  
22          assign any of the benefit distributions under this plan. If any member shall  
23          attempt to dispose of his/her benefits or the right to receive the benefits, or

1 if there should be an effort to seize the benefits or the right to receive the  
2 benefits by attachment, execution, or other legal or equitable process, the  
3 right may be transferred, at the discretion of the plan administrator, to one  
4 or more beneficiaries, if any, designated by the member, or to the spouse,  
5 registered domestic partner, children, or other dependents of the member,  
6 in such shares as the plan administrator may appoint. The plan  
7 administrator may revoke his/her appointment at any time and make  
8 further appointments, which may include the member.

9 (b) *Payments to legally incompetent.* If any member or beneficiary is a  
10 minor, or, in the judgment of the plan administrator is otherwise legally  
11 incapable of personally receiving and giving a valid receipt for any  
12 payment due him/her, the plan administrator may, unless claim shall have  
13 been made by a duly appointed guardian, direct that payments be made to  
14 the person's spouse, registered domestic partner, child, parent, brother, or  
15 sister, or other person deemed by the plan administrator to have assumed  
16 responsibility for the expenses of the member or beneficiary.

17 **Section 3.** Subsection (c) “Payments to legally incompetent” of Section 2-  
18 606, “Miscellaneous” of Article VII of Chapter 2 of the Code of Ordinances of the  
19 City of Gainesville, shall be amended to read as follows:

20 **Sec. 2-606. Miscellaneous.**

21 (c) *Payments to legally incompetent.* If any member or beneficiary is a  
22 minor, or, in the judgment of the board of trustees is otherwise legally  
23 incapable of personally receiving and giving a valid receipt for any

1 payment due him/her, the board of trustees may, unless claim shall have  
2 been made by a duly appointed guardian, direct that payments be made to  
3 the person's spouse, registered domestic partner, child, parent, brother, or  
4 sister, or other person deemed by the board to have assumed responsibility  
5 for the expenses of the member or beneficiary.

6 **Section 4.** Subsection (m) "Payments to legally incompetent" of Section  
7 7-18, "Installations, foundations, vaults, memorials, mausoleums" of Chapter 7 of  
8 the Code of Ordinances of the City of Gainesville, shall be amended to read as  
9 follows:

10 **Sec. 7-18. Installations, foundations, vaults, memorials, mausoleums.**

11 (m) In all new additions only one (1) grave memorial will be permitted  
12 on one (1) space. No memorial may be set to embrace two (2) or more  
13 grave spaces except a companion or a family memorial, nor shall more  
14 than one ~~(1)~~ (2) family names be permitted on any memorial unless  
15 approved in writing by the city at the time of the sale of the interment  
16 rights. All memorials shall be set on uniform lines as prescribed by the  
17 supervisor to conform to the general plan of the cemetery.

18 **Section 5.** Section 13-19 "Definitions" of Article II of Chapter 13 of the  
19 Code of Ordinances of the City of Gainesville, creating and adding the definition  
20 of registered domestic partner, to read as follows:

21 **ARTICLE II. HOUSING CODE**

22 **Sec. 13-19. Definitions.**

1           Registered domestic partner means a person in a relationship as provided  
2 in Article VIII of Chapter 2 of the City of Gainesville, Florida, Code of  
3 Ordinances.

4           **Section 6.** Section 13-19 “Definitions” of Article II of Chapter 13 of the  
5 Code of Ordinances of the City of Gainesville, amending the definition of  
6 rooming house, to read as follows:

7           **ARTICLE II. HOUSING CODE**

8           **Sec. 13-19. Definitions.**

9           *Rooming house* shall mean any dwelling, or that part of any dwelling  
10 containing one or more rooming units, in which space is let by the owner to three  
11 or more persons who are not husband or wife, or registered domestic partner, son  
12 or daughter, mother or father, or sister or brother of the owner.

13           **Section 7.** It is the intention of the City Commission that the provisions of  
14 Sections 1 through 6 of this ordinance shall become and be made a part of the  
15 Code of Ordinances of the City of Gainesville, Florida, and that the Sections and  
16 Paragraphs of this Ordinance may be renumbered or relettered in order to  
17 accomplish such intentions.

18           **Section 8.** If any word, phrase, clause, paragraph, section or provision of  
19 this ordinance or the application hereof to any person or circumstance is held  
20 invalid or unconstitutional, such finding shall not affect the other provisions or  
21 applications of the ordinance which can be given effect without the invalid or  
22 unconstitutional provisions or application, and to this end the provisions of this  
23 ordinance are declared severable.

