

House Bill No. 1599

An act relating to Union County; amending chapter 63-1499, Laws of Florida, as amended, relating to the charter of the City of Lake Butler; replacing the city council with a city commission; revising terminology to conform; deleting obsolete language regarding annexation, revising provisions relating to the authority of the city to regulate the speed of vehicles, to fix and revise refuse disposal fees to control nuisances, to license, control, tax, and regulate traffic and use of streets, to direct the clearing and filling of lands, and to regulate railroads; deleting obsolete language regarding the taxation of municipally owned facilities and the authority of the city to prohibit or license and regulate liquor, causes of action against the city and notice of intention to sue; revising provisions relating to the suspension and discharge of city officers and the establishment and appointment of officers of the city; authorizing the provision of services through interlocal agreements or contracts; revising the powers and duties of the city commission; revising the powers and duties of the mayor; replacing the term “mayor pro tem” with “vice mayor”; revising provisions relating to voting by commissioners at a commission meeting; revising provisions relating to qualifications of candidates for the office of city commissioner; deleting the form of oath; removing a cross reference from provisions relating to absentee voting; revising qualifications of electors; deleting language regarding working upon the street as penalty; revising provisions relating to the adoption of ordinances; clarifying that the city clerk serves under the city commission; eliminating specific requirements relating to law enforcement; authorizing law enforcement activities as determined by ordinance; revising requirements relating to deposits and expenditures of city funds; repealing section 16, relating to notice of intention to sue the city, section 39, relating to recall elections, section 40, relating to sufficiency of petition, section 41, relating to calling election, section 42, relating to election, section 43, relating to ballots, section 44, relating to filling of vacancies, section 45, relating to candidates in recall election, section 46, relating to effect of resignation, section 47, relating to preservation of records and provisions supplemental to general law, section 48, relating to offenses relating to petitions, section 57, relating to the creation and jurisdiction of the municipal court, section 58, relating to the seal of the municipal court, section 59, relating to procedure in municipal court, section 60, relating to powers of the municipal court, section 61, relating to the clerk and deputy clerk of the municipal court, section 62, relating to the duties of the clerk of the municipal court, section 63, relating to powers of the clerk of the municipal court, section 64, relating to the certification of court records, section 65, relating to the chief of police, section 66, relating to the authority of a judge to issue search warrants, section 67, relating to affidavits for search warrants, section 68, relating to issuance and execution of search warrants, section 69, relating to return of search warrants, section 70, relating to information required to be included on search

warrants, section 71, relating to appeals, section 73, relating to the duties and authority of the chief of police, section 74, relating to powers and authority of the chief of police and deputies, section 77, relating to the regulation of food and all other commodities, section 80, relating to the segregation of races, section 81, relating to refusal of service to certain persons, section 82, relating to posting of notices regarding refusal of service, section 83, relating to annual estimates of expenditures and revenues, section 84, relating to the city budget, section 86, relating to the assessment of property for taxation, section 87, relating to the assessment of taxable property, section 88, relating to the assessment of property of public service corporations, section 89, relating to omitted lands, section 90, relating to equalization of assessments by the city council, section 91, relating to notice to owners regarding increases or corrections, section 92, relating to the rate of taxation, section 93, relating to the assessment roll and the form of warrants, section 94, relating to the collection of taxes, section 95, relating to taxes on property constituting a lien on such property, section 96, relating to the collection of personal property taxes, section 97, relating to the collection of delinquent taxes, section 98, relating to installment payments of taxes and assessments, section 99, relating to the sale of property for delinquent taxes, section 100, relating to the report of tax sales and the issuance of tax deeds, section 101, relating to city purchase of property at tax sales, section 102, relating to the title of lands purchased by the city at any tax sale, section 103, relating to the validity of assessments, section 104, relating to the maximum tax levy on property, and section 140, relating to changes and amendments to zoning regulations and districts; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 1 through 5, 7 through 15, 17 through 38, 49 through 56, 72, 75, 76, 78, 79, 85, 105 through 139, and 141 of chapter 63-1499, Laws of Florida, as amended, are reenacted and amended to read:

ARTICLE I. INCORPORATION

Section 1. City created; predecessor abolished.—A municipal corporation of the State of Florida, to be located in Union County, Florida, is hereby established and created. That municipality in Union County, Florida, created by Chapter 12960, Special Acts of Florida, 1927, as amended, known as the City of Lake Butler is hereby abolished. The municipality by this Charter created shall have perpetual existence and perpetual succession.

Section 2. Title, rights, ordinances, etc.; officers to hold over.—

(a) The title, rights and ownership of property, uncollected taxes, assessments, dues, claims, licenses, judgments, decrees and choses in action held or owned by the municipality by this Act abolished is hereby declared to pass to and be vested in the municipal corporation hereby created and established to succeed such municipality.

(b) The ordinances and resolutions of the former City of Lake Butler shall be and remain the ordinances and resolutions of the city hereby created and established until altered, amended, modified or repealed by the city commission council of said city hereby created and established.

(c) The powers, franchises, rights, contracts, immunities, privileges, obligations and official acts exercised, used, conferred, granted, given, sold, vested, entered into and performed by the municipality herein abolished are hereby validated and confirmed and all rights vested under the provisions of laws of said abolished municipality are hereby declared to be reserved and not adversely affected by this act.

(d) The municipality herein created is hereby declared to be the successor in government, proprietorship, jurisdiction, powers, privileges, rights, immunities, obligations and in corporate entity to the municipality herein abolished.

(e) The positions of the officers, officials and employees of the municipality abolished are hereby declared to be reserved to such officers, officials and employees and their vested rights under the laws and ordinances of the abolished municipality shall remain vested in them under the municipality hereby created, except as expressly provided in this Charter to the contrary.

Section 3. Terms of present city officers and employees.—The terms of the city mayor as constituted by the former Charter of the city shall terminate upon election of a mayor by the members of the city commission council as herein provided. The terms of commissioners councilmen elected under the provisions of the municipality herein abolished shall not be shortened or extended hereby. Subject to the election on June 25, 1963, the mayor and members of the city commission council of the city by this act abolished shall become the mayor and city commissioners councilmen of the city by this act created without further action.

Section 4. Corporate territory of the city.—The City of Lake Butler, by this Charter created and established, shall embrace and include all that territory, real property and lands lying within the following boundaries in Union County, Florida, and the same shall be the territory, including the inhabitants thereof, over which the city shall exercise its jurisdiction and powers, to wit:

Beginning at the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 29 and running thence West to the Northwest Corner of Lot 8 in Section 30; thence South to Southwest Corner of Lot 5 in Section 31; thence East to Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 32; thence North to point of beginning at the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 29, all in Township 5 South of Range 20 East and containing the west half of the Southwest Quarter of Section 29; and Lots 8, 9, 10, 11 and 12 of Section 30; and Lots 1, 2, 3, 4 and 5 of Section 31; and the west half of the Northwest Quarter of Section 32; all in Township 5, South of Range 20 East.

Section 5. Annexation.—The city may change its territorial limits by the annexation of any area lying contiguous to its corporate limits by any one or more of the following methods:

(1) ~~The city may annex additional territory to its territorial limits by referendum election in which all resident freeholders of the territory to be annexed who are qualified electors of Union County shall be eligible to vote; such annexation shall be approved by not less than fifty-one per cent (51%) of the votes cast in any such election; said election shall be held pursuant to and after a resolution calling for same has been passed by the city council of the City of Lake Butler and after notice of the proposed election has been published in a newspaper published in said city once a week for four (4) consecutive weeks, four (4) publications being sufficient; said resolution and notice shall contain a description of the area sought to be annexed and the date and place said election is to be held; provisions shall be made for special registration for said election. The cost of such election shall be borne by the City of Lake Butler.~~

(2) The city may annex additional territory to its territorial limits upon petition signed by fifty-one percent (51 %) of all of the landowners of the area sought to be annexed consenting to and requesting the annexation of said area to the City of Lake Butler. Said petition shall be presented to and may be approved by the city commission council in its discretion at a regular meeting of the commission council and filed with the permanent records of the city. After the approval of the petition by the commission council at the next regular meeting or at any regular meeting thereafter, the city commission council by a majority vote may by appropriate ordinance annex the area described in the petition to the city.

(3) ~~Any real property that is exempt from Union County ad valorem tax owned by the federal or state government or by any body politic or political subdivision of the federal or state Government in any unincorporated area of the county may be annexed to the territorial limits of and included in the boundaries of the city of Lake Butler at any time by ordinance of the city enacted by a majority vote of the city council.~~

(2)(4) Any unincorporated area of real property in Union County may be annexed to the territorial limits of and included in the boundaries of the City of Lake Butler, by the same procedure as set forth in F.S. ch. 171.

As to methods of annexation set forth in subsection (1) (2) of this section notice of intent to so annex shall be published once a week for four consecutive weeks in some newspaper of general circulation in the city, with the first publication to be not less than thirty (30) days prior to the final enactment of that ordinance.

In the event of annexation by any one of the methods authorized by this Charter, the city shall cause a copy of the ordinance of annexation to be recorded in the public records of Union County, Florida. The city may, by resolution at the time of or prior to said annexation, provide for municipal improvements for such area, for exemptions from taxation for the year of annexation where the circumstances in the discretion of the city commission council warrant such exemption, and for participation by the city in part or all of the cost of municipal improvements in such annexed areas. The recording of said ordinance as above said, shall be prima facie evidence and notice that such annexation has been completed, that such annexed area is thereupon within the corporate limits of the city and that said petition or election,

as the case may be, said ordinance and the resolution if any, has been duly executed, validated, ratified and confirmed.

ARTICLE II. JURISDICTION, POWERS AND IMMUNITIES

Section 7. Municipal sovereignty.—The city may do any lawful act to protect the sovereignty of the city and to protect its property, rights, privileges, government, obligations and immunities.

Section 8. Corporate seal.—The city may have a corporate seal and it may be adopted and changed by the city commission ~~council~~ by ordinance.

Section 9. General powers.—

(a) The city shall have all the powers granted to municipal corporations, cities and towns by the Constitution and general laws of this state, including any subsequent amendments thereto, with all the powers granted.

(b) The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require and, except as prohibited by the Constitution of this state or restricted by this Charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

(c) The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers, expressed or implied, which under the Constitution and general laws of this state, it would be competent for this Charter to specifically enumerate.

(d) That said municipal corporation of the State of Florida, by the name of the City of Lake Butler:

(1) May sue, be sued, and defend, plead and be impleaded in all courts and places and in all matters and proceedings;

(2) May have and use a corporate seal and alter the same at pleasure;

(3) May take, by devise, bequest, gift, donation or otherwise, any property real or personal in trust for public, charitable or other purposes, and to do all acts and things necessary or appropriate to effectuate such trusts, with power to manage, sell, lease or otherwise dispose of said property, in accordance with the terms of said trusts;

(4) May use any of said real property, whether within or without the territorial limits of said municipality, for parks, golf courses, playgrounds, roads, cemeteries, and the erection, maintenance and operation of municipal buildings, works and constructions of every character, including municipal offices, schools, courthouses, fire and police stations, houses of detention and correction, hospitals, infirmaries, asylums, dispensaries, poorhouses, crematories, wharves, docks, bridges, markets, lighting and power plants and

waterworks to supply light, power, and water for public purposes or to be sold for profit, and buildings, works and constructions for all other purposes that said municipality through its commission, may deem necessary or proper for the welfare of said municipality or the inhabitants thereof and

(5) May exercise all other powers herein conferred and conferred by the Constitution and general laws of the State of Florida.

Section 10. Powers of local self-government.—The city may:

(a) Exercise all of the powers of local self-government and do whatever may be deemed necessary or proper for the safety, health, convenience or general welfare of the inhabitants of the city;

(b) Exercise full police powers;

(c) Expend moneys to advertise and publicize the city;

(d) Do and perform all acts and things permitted by the laws of the State of Florida, and comprehended as duties in the performance of anything recognized as a municipal purpose whether now existing and recognized, or hereafter recognized as a municipal purpose by statute law or court decisions.

Section 11. Enumeration of particular powers not exclusive.—The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in this Charter, implied thereby, or appropriate to the exercise thereof, the City of Lake Butler shall have and may exercise the following:

(1) Assess and tax. To raise annually by taxes and assessments in said city such sums of money as the city ~~commission council~~ shall deem necessary for the purposes and needs of said city, and in such manner as shall be hereinafter provided for, according to law.

(2) Acquire and lease property. To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein, within or without the city, to be used for the burial of the dead, the construction or purchase of a telephone system, and works for supplying said city with water, gas for illuminating, heating and power purposes and electric energy for illuminating, heating or power purposes, the location of waterworks, and sites for such public utility works, the establishment of poorhouses, houses of detention and correction, hospitals for the cure or detention of the sick, jails, markethouses, public parks, public golf courses, public ball parks, public tennis courts, airports, swimming pools, warehouses, promenades, plants for cremating, neutralizing or otherwise destroying sewage, garbage and refuse, or other buildings for municipal purposes, the city shall also have power to extend sewer and drainage pipes and water mains for any public municipal purpose and to regulate the use and to operate and maintain, and to improve, sell, lease, pledge or otherwise dispose of the same or any part thereof for the benefit of the city to the same extent that natural persons might do; that the city may lease its real or personal property to firms, corporations, or individuals for private or public purposes as may be provided by ordinance.

(3) Streets, sidewalks, docks, bridges, etc. To pave, grade, curb, repave, macadamize, remacadamize, lay out, open, widen, extend, and otherwise improve streets, alleys, avenues, boulevards, lanes, sidewalks, parks, promenades, piers and other public highways or any part thereof, and to close, vacate and discontinue same, and to construct docks and wharves and to construct and maintain bridges, viaducts, subways, tunnels, sewers and drains, inlets, canals, or other open waterways and to levy assessments and hold liens for such improvements as hereinafter provided; to regulate the use of highways, parks, public grounds and works; to prevent the obstruction of waterways, sidewalks, streets and highways; to abolish and prevent grade crossings over the same by railroads; to regulate the operation and speed of all cars, vehicles or vessels within the city using the same, ~~as well as the operation and speed of all engines, cars and trains of railroads within the city.~~

(4) Special and local assessments. To impose special or local assessments for local improvements as hereinafter provided and to enforce payment thereof.

(5) City moneys. To expend the money of the city for all lawful municipal purposes.

(6) Maintain public library. To erect, construct, equip, furnish and maintain a public library in said city and to appropriate funds of said city for the use of any public library now established or hereafter established in said city and to make donations of city money to such public library now or hereafter established and maintained in said city.

(7) Public improvements. To make and maintain public improvements of all kinds, including municipal and other buildings; armories, markets and all buildings and structures necessary or appropriate for the use of the city and to acquire by condemnation or otherwise, all lands, riparian and other rights and easements necessary for such improvements.

(8) Local public service. To furnish any and all local public service.

(9) Own, lease and operate public utilities. To purchase, hire, construct, own, maintain, operate or lease local public utilities, including bus lines, electric light, telephone and telegraph systems, and works for supplying the city and its inhabitants with water, ice, gas for illuminating, heating and power purposes and electric energy for illuminating, heating or power purposes, and

(a) Acquire water facilities. To acquire (either by purchase or by exercise of the right of eminent domain under the provision of its Charter or the general laws of the state) and to construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate water facilities, either within or without or partly within and partly without the corporate limits of the city.

(b) Fees for water services. To fix and collect rates, fees and charges for the services furnished by such facilities, wholly within the corporate limits of the city, and to fix and collect rates, fees and charges for the services

furnished by such facilities to consumers wholly without the corporate limits of the city at a higher rate, fee and charge than those fixed for consumers wholly within the corporate limits of the city.

(c) Contract for water facilities. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including agreements for furnishing and providing water facilities to adjoining municipalities and consumers without the corporate limits of the city.

(d) Exercise control over water facilities. To exercise jurisdiction, control and supervision over any water facilities owned, operated or maintained by the city and to make and enforce such rules and regulations for the maintenance and operation of any such facilities as may in the judgment of the commission council be necessary or desirable for the efficient operation thereof and for accomplishing the purposes of this act, within or without the city.

(e) Enter lands for survey purposes. To enter on any lands, water or premises located within or without the city to make surveys or examinations for the purposes of this act.

(f) Laying of water services, fire hydrants. To acquire, construct, locate and operate water distribution mains, pumps, pipes, meters, valves, fire hydrants and equipment in, along or under any streets, alleys, highways or other public places, or easements within or without the city.

(g) Contracts with public agencies. To enter into contracts with the Government of the United States or the State of Florida, or any agency or instrumentality of either thereof, or with any municipality, district, private corporation, copartnership, association or individual, providing for or relating to water facilities, or the purchase or sale at wholesale or at retail of water and the services of such facilities; and

(h) To receive federal grants in aid. To receive and accept from any federal agency, commission, board, department, unit or subdivision, grants for or in aid of the planning, acquisition, construction or financing of any water facilities and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purpose for which such grants and contributions may be made.

(i) To fix and revise water charges, fees. To fix and revise from time to time, rates, fees and charges for water and other services furnished by the water facilities of the city and shall charge and collect the same. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times, (1) to pay the cost of maintaining, repairing and operating the water plant and water facilities and to provide reserves therefor and for replacements and depreciation and necessary extensions and enlargements; (2) to pay the principal of and interest on all outstanding revenue bonds and certificates payable therefrom as the same shall become due and provide reserves therefor; and (3) to

provide a margin of safety for making such payments and providing such reserves.

~~(j) Municipally owned facilities nontaxable. As the exercise of the powers conferred under this section constitute the performance of essential municipal functions, and as water facilities furnished and constructed under the provisions of this section constitute public property and will be used for municipal purposes, the city shall not be required to pay any tax or assessment upon such facilities or any part thereof, whether located within or without the territorial boundaries of the city.~~

(10) Franchises. To grant franchises for public utilities, upon the conditions and in the manner prescribed by the city commission ~~council~~ provided that franchises shall be granted for a period not exceeding thirty (30) years.

(11) Refuse and sewage disposal. In the preservation of the general health of the community, to collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and to acquire and operate reduction or other plants for the utilization of such materials, or of any of them; to contract for and regulate the collection and disposal thereof, to assess fees and charges for such services and to prescribe fines and penalties for failure or refusal of any person, firm or corporation to pay such charges or fees.

(12) Nuisances. To compel the abatement and removal of all nuisances within the city or upon the property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be; require all lands, lots and other premises within the city to be kept clean, sanitary and free from obnoxious weeds, mosquitoes, wild growth and rubbish, or to make them so at the expense of the owners or occupants thereof; and to collect such costs in the same manner as provided for the collection of other special assessments; and to control any nuisance as may be provided for by ordinance of the city commission ~~to regulate or prevent slaughterhouses or other noisome or offensive business within said city. To provide for inspecting and regulating the sanitary condition of all dairies, butcher pens and slaughterhouses within and without the city limits and to provide penalties for the violation of such regulations; to regulate or prohibit the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.~~

(13) Weights and measures. To inspect, test, measure and weigh any commodity or article of consumption for use within the city and to fix a standard for any such commodity or article and to establish, regulate, license and inspect weights, meters, measures and scales.

(14) Police powers. To exercise full police powers and establish and maintain a department of police.

(15) License taxes. To license and tax privileges, businesses, occupations and professions carried on and engaged in within the corporate limits of the city; to classify and define such privileges, businesses, occupations and professions for the purpose of taxation, and the classification and definition.

~~(16) Prohibit or license and regulate liquor. To license, regulate or prohibit the sale, transportation or possession of intoxicating liquors, wines and beers within the limits of the city, subject to the provisions of state law permitting or prohibiting such sale by local option.~~

(16)(17) Unsafe buildings. To condemn and order to be demolished and removed, or to be put in a state of sound repair any and all dilapidated, unsanitary and unsafe buildings or structures and to provide and enforce penalties for failure to do so, and after giving twenty days' written notice to the owner of such building and structures to repair or remove by posting such notice in a conspicuous place about the premises, to take such steps as may be deemed necessary to eliminate the unsafe or unsanitary conditions of such buildings or structures at the expense of the owner, assessing the cost thereof against said property, the city to have and hold a lien thereon until the cost and expenses thus incurred are discharged by payment.

~~(17)(18) Traffic and use of the streets. To license, control, tax and regulate traffic and sales upon the streets, sidewalks, parks and public places within the city and the use of space in such places as may be provided by ordinance of the city commission and to regulate, suppress and prohibit hawkers, peddlers and beggars upon such streets, sidewalks, promenades and public places and to license and cause to be registered and control, tax, regulate or to prohibit in designated streets, roads or parts thereof, motor buses, automobiles, cars, wagons, drays, trucks and other vehicles; and to license[,] tax and cause to be registered and control the drivers thereof and to fix the rates and schedules to be charged and maintained for the carriage of persons and property within the city and beyond the limits of the city; to make and promulgate regulations for traffic on the streets, roads or parts thereof, during such hours and at such times as may be necessary or convenient, and to provide for parking spaces on the streets, roads and other public places and to at any time discontinue the right to the use of such parking spaces and to regulate, vacate and discontinue the use of same; to prescribe or regulate the flying height of airplanes and other aerial conveyances over, above and within the area of the city limits; and to require all vehicles for the carriage of persons for hire to execute a bond to be conditioned as required by ordinance for the protection of passengers and of the public and to make such bond inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicles for hire; and to require such bond with such surety to be furnished by all persons, firms or corporations owning or operating for hire vehicles upon the streets, roads and public places of the city, whether such operation be wholly within the limits of said city or between said city and other cities or towns or places outside of the city.~~

(18)(19) Airport lands and buildings. The city shall have power to acquire lands within or without the city limits for a landing field or airport for aircraft and to construct and equip thereon, or on other property of the city,

either within or without the city limits, such buildings and other improvements as may be deemed necessary for that purpose, the same being a municipal purpose of the city; the city shall have power to operate and maintain such airport, to provide rules and regulations governing its use and the use of other property or means of transportation within or over the same, and to enter into contracts or otherwise cooperate with the federal government or other public or private agencies in matters relating to such airport and otherwise to exercise such powers as may be required or convenient for such establishment, operation and maintenance.

(19)(20) Disability compensation for certain employees. To provide disability compensation for any city employee in any amount not exceeding fifty (50) percent of the average annual salary paid to such employee by the city when such employee shall have been disabled seventy-five (75) percent or more while engaged in the employment of the city; provided that such employee is not covered by the workers' ~~workmen's~~ compensation laws of the state.

(20)(21) Retirement and pensions for city employees. To provide retirement or pension plans for city employees as may be provided by ordinance. The city commission ~~council~~ shall have the authority to retire any city employee who has twenty (20) years of accrued or continued service with the city in an amount not exceeding seventy-five (75) percent of the average annual salary for the last calendar year of employment before retirement.

(21)(22) Misdemeanors of state. The violation of any law of the State of Florida which is by statute declared to be a misdemeanor shall be a violation of the ordinances of the city and shall be punishable when the punishment is not otherwise specifically provided for by ordinance by fine or imprisonment or both within the limits set forth herein.

(22)(23) Clearing of lands. ~~That~~ If at any time the city commission ~~council~~ shall deem it necessary or expedient for any good reason, that any lot, tract or parcel of land within said city should be cleaned or cleared of weeds, trash, undergrowth, brush, filth, garbage or other refuse, it shall have power to direct and require the owner or owners of said lot, tract or parcel of land to clean or clear the same of weeds, trash, undergrowth, brush, filth, garbage or other refuse as may be provided by ordinance of the city commission. Such notice shall be given by a resolution of the council, a copy of which shall be served upon the owner or owners of such lot, parcel or tract of land, or upon the agent of such owner, or if the owner is a nonresident or cannot be found within the city or has no known agent within the city, a copy of such resolution shall be published once each week for two (2) weeks in some newspaper published in the city and a copy thereof posted upon said lot, tract or parcel of land; and if the owner or owners shall not within such time as such resolution shall prescribe clean or clear such lot, tract or parcel of land of weeds, trash, undergrowth, brush, filth, garbage, or other refuse, as therein directed, it shall be lawful for the city council to cause the same to be done and to pay therefor and to charge, assess and collect the expense therefor against said lot, tract or parcel of land and against the owner or owners thereof.

Notice of such liens shall be recorded in the office of the clerk of the circuit court, Union County, Florida, and the liens evidenced thereby shall be indexed by him. Said lien shall bear interest at the rate of eight (8) per centum from the date of the completion of the work and may be collected by the City of Lake Butler by suit at law, or in equity either against the owner or against the property covered thereby.

~~(23)(24) Filling of lands. If at any time the city commission council shall deem it necessary or expedient for the preservation of the public health, or for any other good reason, that any lot, parcel or tract of vacant land when lying and being within said city, which may be lower than any street, streets, avenue or public way adjoining the same or the grade established therefor, or which may be subject to overflow or to the accumulation thereon of water, should be filled in, ditched or drained the city commission council shall have the power to direct and require the owner or owners of said lot, parcel or tract of vacant land to ditch, drain, or to fill in the same to such grade as the city commission council shall direct as may be provided by ordinance of the city commission. Such notice shall be given by a resolution of the city council, a copy of which shall be served on the owner or owners of such lot, parcel or tract of vacant land, or upon the agent of such owner, or if the owner is a nonresident and cannot be found within the city and has no known agent with the city, a copy of such resolution shall be published once each week for two consecutive weeks in some newspaper published in the city and a copy thereof shall be posted upon said lot, parcel or tract of vacant land; or if no newspaper is published in the city, such posting upon such lot, parcel or tract of vacant land shall be deemed sufficient. If the owner or owners shall not within such time as such resolution shall prescribe, fill in, ditch, or drain the lot, parcel or tract of vacant land, as therein directed, it shall be lawful for the council to cause the same to be done and to pay therefor, and to charge, assess and collect the expenses thereof against the said lot, parcel or tract of vacant land and against the owner or owners thereof.~~

~~Notice of said liens shall be recorded in the office of the clerk of the circuit court, Union County, Florida and the liens evidenced thereby shall be indexed by the clerk in the same manner as other liens are indexed by him. Said lien shall bear interest at the rate of eight (8) per centum from the date of the completion of the work and may be collected by the City of Lake Butler by suit at law or in equity either against the owner or against the property covered thereby, as provided in this act for collection of assessments for improvements.~~

~~(24)(25) Sidewalk construction and repair. The city commission council may adopt a resolution directing and requiring the owner of any lot, parcel or tract of land fronting or abutting on any street, avenue, alley or other public way, to construct, build or repair a sidewalk, curb or gutter, or either one or more of said improvements thereon, to be built in front of such abutting property, upon a grade and of such materials with and other dimensions, and in such manner as the commission council may direct. The said resolution shall fix a time within which said work shall be done by the owner, and a copy of said resolution shall be served upon such owner or upon the agent of such owner, or if the owner is a nonresident and cannot be found~~

within said city, and has no known agent within said city, a copy of such resolution shall be published once each week for two (2) consecutive weeks in some newspaper published in said city and a copy thereof posted upon said lot, parcel or tract of land, or if no newspaper is published in said city, a copy thereof posted upon said lot, tract or parcel of land shall be deemed sufficient. If the owner shall not within the time fixed in said resolution, build, construct or repair such sidewalk, curb or gutter, or either one or more of said improvements in the manner and as directed in said resolution the commission council may cause the same to be done and pay therefor and charge and assess and collect the expense thereof against such lot, parcel or tract of land, and against the owner or owners thereof. But nothing in this section shall be construed to be in conflict with another section of this act, but all shall exist as cumulative, but as independent modes of procedure, either to be followed in the discretion of the commission council.

Notice of said liens shall be recorded in the office of the clerk of the circuit court, Union County, Florida, and the liens evidenced thereby shall be indexed by the clerk in the same manner as other liens are indexed by him or her. Said lien shall bear interest at the rate of eight (8) per centum from the date of the completion of the work and may be collected by the City of Lake Butler, by suit at law or in equity either against the owner or against the property covered thereby.

~~(25)(26) Railroads. The city commission council shall have the power by ordinance to regulate, suppress or prohibit the blowing of whistles or the making of unusual or unnecessary noises by any engine, locomotive or train within said city; to limit and regulate the rate of speed at and manner in which any engine, locomotive, train, car or cars of any street railway company, or any automobile, truck, car, motorcycle, and all other motor driven vehicles may be operated within the city limits; to require that no engine, locomotive, train, car or cars of any street railway company or railway company shall block or obstruct the passage of persons or vehicles at any street crossing or other public crossing in said city, and to limit the time that any engine, locomotive, train, car or cars may stand upon, obstruct or block any such street or other public crossing; to require any street or other railway company doing business within said city to open, establish, pave, maintain and keep in repair a proper crossing for the passage of persons and vehicles over and upon its track or tracks at any point where any public street, avenue or other public way of said city may now or hereafter be located or established, and to prescribe that if such railway company shall fail or refuse to comply with the provisions of any ordinance or resolution of the council ordering the opening, establishing, paving, maintaining or repairing of such crossing, within such time as may be prescribed by the council or any person authorized by it, the council may open, establish, pave, maintain or repair any such crossing, and the city shall pay for the same and shall have a lien for the amount so paid, which lien may be enforced by suit at law or equity, or the city may maintain its personal action against such street or other railway company to recover said amount, or it may enforce its lien and also maintain its personal action until actually paid the amount due, and the same remedies may be pursued and enforced in any court of competent jurisdiction.~~

Section 12. Adoption of general statutes relating to cities and towns; use of power under state law.—The city may adopt in full, in part or by reference and make a part of the ordinances of the city, any general statute relating to cities, towns and municipalities as set forth in Florida general laws or any amendments thereto. The city may use those powers of the general laws of the State of Florida, and amendments thereto, that are in force for the municipalities, cities and towns of this state to be used at the discretion of the city commission ~~council~~.

Section 13. Authority to require bond.—The city commission ~~council~~ shall have authority to require any officer or employee to give bond with good and sufficient surety in such amount or amounts as may from time to time be fixed by ordinance. The form of such bond shall, together with the sufficiency of the surety, be approved by the city commission ~~council~~ and conditioned for the faithful performance of the respective duties of such officer, employee or appointee, and for the proper accounting and prompt payment over to the city, or the person lawfully entitled thereto, of any and all money received by such person in the performance of his or her duties.

Each bond shall further be conditioned to save the city and any person harmless from any and all damages, claims or liability which may occur as a result of any act of such officer, employee or appointee done in the scope of his or her employment or office.

Section 14. Jurisdiction.—The jurisdiction and powers of the city shall extend over all streets, alleys, sewers, parks and all lands within the corporate limits, whether platted or unplatted, and in the air above same; and to and over all waters, waterways, streams, bays, bayous, submerged lands, water bottoms and wharves; and to and over all persons, firms, and corporations, property and property rights, occupations, businesses and professions whatsoever, within boundaries; and over all property owned, leased or operated by the city outside the corporate limits. The title to and jurisdiction over all streets, thoroughfares, parks, alleys, public lots, sewers, within the city, and all other property and municipal plants now owned, possessed or operated by the municipality by this charter abolished, and all property of every kind and character which the city may hereafter acquire within or outside the city, or which may vest in it, or be dedicated to it, for its use or for the public use, shall be vested in the City of Lake Butler, as created under this charter.

Section 15. Causes of action against city—Limitations.—

(a) No action shall be brought against the City of Lake Butler for any negligent or wrongful injury or damage to person or property unless brought within the period of time prescribed from time to time by the general law of the state.

(b) No action shall be brought against the City of Lake Butler arising upon account of an act causing a wrongful death unless brought within the period of time prescribed from time to time by the general law of this state.

(c) Any limitations on any causes of action and notices required and any defense to any causes of action made available for the benefit of any cities,

towns or municipalities in this state by the general law of this state are hereby declared to be available for the use and benefit of the City of Lake Butler.

ARTICLE III. FORM OF GOVERNMENT

Section 17. City ~~commission council~~; city officers.—The governing body of the city shall be designated as the city commission council which shall be composed of five (5) commissioners councilmen, who shall be elected from the city at large for terms of four years. The members of the city commission council shall be qualified electors of the City of Lake Butler. All other officers and employees of the city shall be appointed, suspended, or discharged as provided by ordinance of the city commission by a majority vote of the city council and the city council shall have authority to discharge or suspend any such appointed officer or employee at its pleasure without cause.

Section 18. City officers.—The officers of the city shall be composed of a city manager, city clerk, tax assessor, tax collector, chief of police, and such other officers as may be created by ordinance. The city commission may elect to provide any of these necessary services through interlocal agreements with other local governments or through contract with private entities, if in the best interest of the city. The offices of city clerk, tax assessor and tax collector shall be held by one (1) person until such time as the growth of the city shall necessitate otherwise, in which event the city commission council shall provide by ordinance for the appointment of necessary personnel to administer the respective offices.

The mayor may appoint a member of the city commission or a committee of the city commission to review and coordinate with the city manager council to supervise and direct any particular phase of the government of the city, subject to final control of the commission council.

Section 19. General powers and duties of city commission council.—Without limitation of the powers set forth in this charter, the city commission council shall have the following powers and duties:

(1) To legislate for the City of Lake Butler by adopting ordinances and resolutions in the best interests of all citizens of the city and in accordance with the will of Almighty God.

(2) To adopt annual appropriations necessary for efficient city government; to establish financial controls; and to fix the salaries of all officials and employees.

(3) To determine the organization of the city government and the powers and duties assigned to the various city officers.

(4) To appoint all city officers including, but not limited to, the city manager, city clerk, and city attorney and employees.

(5) To inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

(6) To adopt an annual budget of expenditures, and levy an annual tax thereon.

- (7) To create offices within the city government and provide compensation for officers and employees of the city.
- (8) To determine all matters of policy of the city government.
- (9) Act as a board of appeals from the decision of any committee or commission appointed by the commission council.
- (10) Regulate places of business selling alcoholic beverages.

Section 20. General powers and duties of the mayor.—

- (a) The mayor shall have the following powers and duties:

- (1) To exercise the executive power of the city and ~~supervise all the departments.~~
- (2) To enforce the charter and ordinances of the city and all general laws applicable thereto.
- (3) To present recommendations to the commission council on the requirements of the city government.

~~(4) To administer and preside over the municipal court as created by Article VII, subject to the creation by ordinance of the separate office of municipal judge.~~

(b) The mayor shall be expected at all times to set an example in good citizenship, showing to all a spirit of cooperation; and in a dignified manner lead the City of Lake Butler in democratic ideals and in keeping with the spirit of this Charter, the Constitution of the State of Florida and the Constitution of the United States, being guided by the will of God.

(c) In the absence or inability of the mayor to serve, the vice mayor pro tem shall perform the duties of mayor.

Section 21. Mayor and vice mayor pro tem.—The commission council shall elect one of their members as mayor and another as vice mayor pro tem for terms of one year at the annual organizational meeting of the commission council after each regular municipal election. The mayor shall preside at meetings of the commission council, and in the mayor's absence the vice mayor pro tem shall preside; and shall perform such other duties consistent with his or her office and this Charter as may be imposed by the commission council. The mayor shall have no veto power; he or she shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In time of public danger or of emergency, he or she may with the consent of the commission council, take command of the police and maintain order and enforce the law. During the absence or disability of the mayor his or her duties shall be performed by the vice mayor pro tem. In the absence of the mayor and the vice mayor pro tem, the commission council shall appoint one of its members to serve as vice mayor pro tem of the commission council in performing the duties of the mayor.

Section 22. Committees and commissions.—The city commission council may appoint commissions or committees of the commission council to be composed of such number of the commission council or citizens as the city commission council may deem expedient to act in an advisory capacity in conjunction with any municipal functions. The members of all such committees and commissions shall serve without compensation and may be removed at any time by a majority vote of the city commission council.

Section 23. Meetings.—The city commission council shall meet at such time and place not less than monthly as may be prescribed by ordinance or resolution. All meetings of the city commission council shall be public. The mayor or the vice mayor pro tem may call a special meeting of the commission council only at the request of the majority of the commission council and only for specifically stated written purposes; business of the said meeting to be only upon the business so stated, and meetings held in the commission council chambers of the city hall. At least twenty-four (24) hours' notice shall be served on the members of the commission council before any special meeting shall be held. Special meetings of the commission council shall be called by the mayor or by a majority of the members of the commission council.

Section 24. Procedure; discipline; quorum.—The city commission council may determine its own rules of procedure and may punish its own members for misconduct and may compel the attendance of members, and upon the vote of four-fifths ($\frac{4}{5}$) of the members, of the commission council may expel a member for misconduct in office or neglect of duty, after holding public hearing on charges. A majority of all members of the said commission council shall constitute a quorum to do business, but a smaller number may adjourn from time to time. Misconduct on the part of a member of said commission council shall consist of any dishonorable act upon the part of said member, or the use of profane or abusive language at any commission council meeting, or the creating of any unlawful disturbance on the part of any member or members such as fighting or assaulting another member or members of the commission council or any citizen at a commission council meeting, or any act of disorderly conduct on the part of any member that would tend to breach the peace or lower the dignity and standard of the commission council of the City of Lake Butler. A majority of the commission council may compel the attendance of absent members by the imposition of fines and penalties.

Section 25. Rules and order of business; journal; minutes.—The commission council shall determine its own rules and order of business. It shall cause the city clerk to keep the journal of its proceedings, to authenticate by his or her signature and to record in a book kept for the purpose all ordinances and resolutions. The reading of the minutes of the prior regular meeting may be dispensed with if the commission by motion duly carried dispenses with such reading. Upon request of any person present, the minutes shall be read. The minutes of any special meeting shall be read at the next regular meeting or by motion duly carried the commission council may dispense with such reading.

Section 26. Commissioners ~~Councilmen~~ required to vote.—When any issue or question is to be voted on at any commission council meeting, the

clerk shall call the roll of the council members and each commissioner ~~councilman~~ present at the council table at that time shall cast either an affirmative or negative vote on such issue or question and the clerk shall record the individual vote of each in the journal.

Section 27. Compensation.—The compensation of the city commissioners ~~councilmen~~, the mayor, and of the vice mayor pro-tem shall be fixed by ordinance from time to time, which ordinance may be the budget ordinance. Any increases in such compensation shall not become effective except on the commencement of the fiscal year of the city.

Section 28. Removal of commissioners ~~councilmen~~ or mayor—Grounds.—Any of the commissioners ~~councilmen~~ may be removed from office for any of the following grounds:

- (a) Successive failure to attend regular meetings without good cause after being requested by the majority of the commission ~~council~~ so to do.
- (b) Removal of residence from the City of Lake Butler.
- (c) Misfeasance in office.
- (d) Nonfeasance in office.
- (e) Malfeasance in office.
- (f) Habitual intoxication.
- (g) Conviction of a felony.
- (h) Gross immorality, while on duty, off duty, or while on vacation.

Section 29. Same—Procedure.—The majority of the commission ~~council~~ may remove any member of the commission ~~council~~ for any of the grounds set forth in Section 28 of this Charter, provided such member is so charged in writing, given a public hearing, if requested, a bill of particulars if demanded, and is given the opportunity to appeal the decision of the commission ~~council~~ to the circuit court. The commission ~~council~~ may by ordinance further provide for additional procedure to carry out the intent of this section.

ARTICLE IV. ELECTIONS

Section 30. Election of city commission ~~council~~; election registration officer.—The regular municipal election of the city shall be held on the fourth Tuesday in June of each even numbered year, beginning in 1982.

In order that terms of city commission ~~council~~ members may be staggered, the two members elected in the election held in June of 1981 shall serve for terms of 3 years and the three members elected in the election held in June of 1982 shall serve for terms of 4 years. Thereafter, all members shall serve terms of 4 years.

The city commission ~~clerk~~ shall appoint ~~be~~ the election registration officer of the City of Lake Butler at least 30 days prior to any city election. The city

commission may elect to contract elections supervision to the county elections supervisor when deemed to be in the best interest of the city.

Section 31. ~~Qualifications of candidate; form of oath.~~—Any person who is a resident of the city and has been for at least 6 months and has the qualifications of an elector therein may become a candidate for election to the office of the city ~~commissioner~~ councilman by petition of twenty (20) qualified electors of the city and filing with the election registration officer ~~city clerk~~ a qualifying fee as prescribed by ordinance and by taking and subscribing to an oath or affirmation in compliance with current state election laws before the election registration officer. ~~The qualifying period for candidates for city commission shall consist of a 5-day period, Monday through Friday, as designated by the city commission and must occur not less than 60 days prior to the scheduled election. The filing of necessary documents for qualifying as a candidate shall occur on these days during established hours at the office of the election registration officer.~~ city clerk in substantially the following form and filing the same with the ~~city clerk~~ not more than sixty (60) nor less than fifteen (15) days prior to the day of holding the next regular election:

State of Florida

County of Union

City of Lake Butler

~~Before me, the city clerk of the City of Lake Butler, personally [appeared] _____ who first being duly sworn says that he is a candidate for the office of city councilman in the City of Lake Butler, Florida, at elections to be held in the year 19 _____; that he is a qualified elector in the City of Lake Butler; that he is duly qualified to hold office under the Constitution and laws of the State of Florida; that he is not a member of the Communist party or any affiliate thereof; and that he has not violated any of the laws of the city or state relating to elections or the registration of voters therefor.~~

(_____) Candidate

~~Sworn to and subscribed before me this _____ day of _____, A.D. 19 _____, in the City of Lake Butler, Florida.~~

(_____) City Clerk

Section 32. Names to be placed on ballot for regular election.—The names of all candidates so qualified for election for the offices of city ~~commissioner~~ councilman shall be placed upon the ballot in alphabetical order. In such election the number of candidates corresponding to the number of vacancies to be filled in the city commission ~~council~~ who shall receive the greatest vote in such election shall be the duly elected commissioners ~~councilmen~~ of the City.

Section 33. Absentee voting; use of voting machines.—Absentee voting shall be permitted in city elections in the same manner as provided in the laws of the State of Florida. The use of voting machines in any city election shall be authorized.

Section 34. Qualification of electors; prescribing method and manner of elections.—No person shall be allowed to vote at any election for the purpose of electing city ~~commissioners councilmen~~ for the city, who is not a qualified voter under the laws of the State of Florida, ~~and who has not resided in the City of Lake Butler for six (6) months preceding such election, and who has not registered as a voter of said city in such manner as may be prescribed by the council.~~ The city commission council shall, by ordinance, prescribe the method, manner and conduct of holding all elections which shall be called and held, and which are not provided for by the terms of this charter. All such elections shall be conducted substantially on the principle adopted for the state elections insofar as there is no conflict with the terms of this charter or ordinance.

Section 35. Elections; commission council judge of own qualifications; rules of procedure.—Except as provided by this charter, the city commission council shall by ordinance provide for the calling of all general and special city elections and shall be the judges of the qualifications, elections and return of its own members and the mayor. Within three (3) days after any election, the city commission council shall meet to receive, canvass and declare the results thereof. Upon the official announcement of the result of such canvass, the newly elected ~~commissioners councilmen~~ and mayor shall take the oath of office as prescribed by state law and thereupon assume office and the performance of their duties.

Section 36. Vacancies.—Should a vacancy occur in the city commission council, it may be filled by appointment upon a majority vote of the city commission council, until a successor is qualified and elected at the next regular general municipal election, at which election the successor shall be elected to fill the remainder of the unexpired term, or the vacancy may be filled by a special election to fill the remainder of the unexpired term. Provided no person shall be appointed to fill a vacancy occasioned by his or her recall as provided in section 39.

Section 37. Conduct of candidates for elective office.—No candidate shall promise any money, office, employment or other thing of value, to secure his or her election, or give anything of value to individual voters for the purpose of securing their votes. A violation of any of these provisions shall disqualify such candidate from holding the office, if elected, and the person receiving the next highest number of votes, observing the foregoing conditions, shall be entitled to the office.

Section 38. Interim government.—Should a condition arise where there should be no city commission council serving, either through death, resignation or otherwise, in the interim until a special election can be called to fill such vacancies, the city clerk shall have the power to fill the vacancies until successors are elected, and such city commission council so appointed shall call a special election as provided by this charter. In the event of the inability or refusal of the city clerk to serve in such capacity or to fill such vacancies within five (5) days after such condition arises, the chief of police shall do so.

ARTICLE V. ORDINANCES

Section 49. Validation of previous acts of commission council.—The ordinances heretofore passed and all acts heretofore done and performed by and through the city commission council, mayor and other officials of the City of Lake Butler not in conflict with the Constitution and Laws of the United States or the State of Florida, and the provisions of this act, are hereby declared to be of full force and valid and binding both in law and equity.

Section 50. Ordinances—Power to pass, enforce and penalize for violation.—The city commission council shall have power to pass such ordinances as they may deem necessary for the good government of the city, and to enforce the provisions of this act, and to prescribe fines and forfeitures for the violation of the city ordinances, providing no penalty so prescribed shall exceed five hundred dollars (\$500.00), or sixty (60) days imprisonment, or both. ~~They shall also have the power to require any person sentenced to imprisonment for a violation of a municipal ordinance to work upon the streets in any municipal activity.~~

Section 51. Form; enacting clause; emergency measures.—Every proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which subject shall be clearly stated in the title, but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances shall be “Be it ordained by the City Commission Council of the City of Lake Butler, Florida.” No ordinance, unless it shall be an emergency measure, shall be passed until it shall have been read at two regular meetings, not less than one week apart, or unless the requirement of such reading has been dispensed with by unanimous vote of the commission council. An emergency measure is one necessary for preservation of general welfare, peace, health, prosperity or safety. No ordinance shall be enacted until all current statutory public notice requirements have been met.

No ordinance or resolution making a grant, renewal or extension of a franchise, or special privilege, or regulating the rate to be charged by the services of a public utility shall ever be passed as an emergency measure.

Section 52. Effective date.—Each ordinance or resolution shall take effect when passed and certified as passed, unless otherwise provided in said ordinance or resolution.

Section 53. Recording.—Every ordinance and resolution shall upon its final passage, be recorded and filed for safekeeping by the city clerk and shall be authenticated by the signature of the presiding officer and clerk of the city commission council.

Section 54. Initiative and referendum.—

(a) Power of initiative. The electors of the city shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to

the commission council by a petition signed by qualified electors of the city in equal number to at least thirty percent (30 %) of the registered voters at the last regular municipal election.

(b) Power of referendum. The electors shall have power to approve or reject at the polls any ordinances passed by the commission council, or submitted by the commission council to a vote of the electors, except as otherwise provided in this charter, such power being known as the referendum. Ordinances submitted to the commission council by initiative petition and passed by the commission council without change shall be subject to a referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the commission council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least thirty percent (30 %) of the registered voters at the last preceding regular municipal election may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Section 55. Codification of ordinances.—The city commission council shall have the power to have the city ordinances revised and codified; and when revised and codified ordinances shall have been approved by the affirmative vote of a majority of the commission council, and shall have been published in a book form, either looseleaf or permanently bound, the said code with such additions or changes as may from time to time be made thereto, shall constitute the laws and ordinances of the city and shall be of full force and effect until repealed. Such codification and revision may be adopted as provided by the general laws of the state.

ARTICLE VI. CITY CLERK

Section 56. City clerk—Office created; powers and duties.—There is hereby created the office of the city clerk of the city. The city clerk shall be appointed by the city commission council and shall serve under the direction and supervision of at the pleasure of the city commission council.

The city clerk, in addition to the rights, powers, duties and functions prescribed elsewhere in this act, shall under the direction and supervision of the city commission council:

(1) Direct and have within his or her custody and control the records of the city and the taxation system of the city.

(2) Issue all warrants for the payment of money by the city, shall keep an accurate account of all taxes and assessments, of all moneys due to and of all receipts and disbursements by the city, of all its assets and liabilities and of all appropriations made by the city commission council.

(3) Submit to the city commission council at its first meeting in each month a complete and comprehensive report covering the last preceding month of the receipts and expenditures and of the financial condition of the city.

(4) Make and keep a list of the outstanding obligations of the city of whatsoever characters they may be, to whom issued and for what purposes,

when and where payable and the rate of interest they respectively bear, and he or she shall recommend such action from time to time to the city commission council as will insure the punctual payment of principal and interest of such obligations.

(5) Furnish the city commission council at any time such reports, data and information as may be necessary to fully inform the latter as to the financial affairs of the city, furnishing them such estimates of the expenses of the city government as may be necessary to form the basis of the annual budget and to determine the revenue to be raised each year.

(6) No contract made in behalf of the city or to which the city is a party shall be valid unless countersigned by the city clerk and he or she shall keep regular books of account in which shall be entered all indebtedness of the city which shall at all times show the financial condition of the city, the amount of bonds, interest, orders, certificates or other evidences of indebtedness outstanding and the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed.

(7) Countersign all bonds, orders, certificates or other evidences of indebtedness of the city and keep an accurate account thereof.

(8) The accounting procedure of the city shall be established and handled by the city clerk and shall be adequate to provide a record in detail of all transactions affecting the acquisition, custodianship and disposition of values including cash receipts and disbursements and such facts shall be so presented in the reports which he or she is required to render periodically, to show in detail the full account of such transactions had for and on behalf of the city.

(9) Attend all meetings of the city commission council and shall keep a journal of its proceedings; and the correctness of which proceedings as entered in such journal shall be certified to after each meeting by his or her signature and by the signature of the presiding officer of the city commission council.

(10) Be the custodian of the seal of the city and of all records and papers of a general character pertaining to the affairs of the city.

(11) The city clerk shall be the assessor and collector of taxes for the city. He or she shall receive and collect all moneys belonging to the city including taxes, license money, fines and incomes from all other sources and ~~he~~ shall collect all special assessments as provided for under this act and keep an accurate account thereof, depositing same in the city depository. Provided the city commission council may appoint and provide by ordinance the powers and duties of a city tax assessor and collector, including the duties herein prescribed.

(12) In addition to the duties specifically imposed under this act the city clerk shall perform such other duties as may be required of him or her by ordinance or resolution of the city commission council as well as such as may be required of the city auditors, city clerks, city tax collectors and city tax assessors by the general laws of the state applicable to municipalities and

not inconsistent with this act or with any ordinance or resolution passed by the city commission council.

(13) The city clerk shall annually enter into a good and sufficient surety bond satisfactory to the city commission council in an amount sufficient to cover the total amount of taxes, assessments and other accounts receivable by the city during the fiscal year for which such bond is executed.

(14) He or she shall keep account with all disbursing officers and employees of the city and city depositories, showing the amounts they have received from different sources of revenue and the amount they have disbursed.

(15) He or she shall keep a list of all certificates issued for work, or for any other purpose and before the levy by the city commission council of any special tax upon any property in the city, or any part thereof, he or she shall furnish to the city commission council, a schedule of all lots or parcels of land which may be subject to the proposed tax or assessment and which it may be necessary to levy on, which said schedule shall be certified by his or her affidavit and shall be prima facie evidence of the facts stated therein, in all cases wherein the validity of such tax or assessment shall come in question. Acting upon such schedule the city commission council may, if they deem such special tax or assessment legal and just, cause the same to be levied.

(16) No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for expenditure of money be passed by the city commission council or be authorized by any office of the city unless the city clerk first certifies to the city commission council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury or depository to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation. All moneys actually in the treasury or depository to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of obligations or appropriations involved, that are anticipated to come into the treasury or depository before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sale or services, products or byproducts, or from any city undertaking, fees, charges, accounts and bills receivable, or other claims in the process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury or depository prior to the maturity thereof, arising from the sale or lease of land or other property and money to be derived from lawfully authorized bonds sold and in the process of delivery shall, for the purpose of such certificates, be deemed in the treasury or depository to the credit of the appropriate fund and subject to such certification.

(17) All claims and demands against the city, before they are allowed by the city commission council, shall be examined and adjusted and their correctness certified by the city clerk. He or she shall keep a record of his or her accounts and doings and a record of all contracts to which the city is a party,

with an index thereto, and such books shall be open to the inspection of all parties interested.

(18) The city clerk shall prescribe and require, except as there may be prescribed and required by law, the use of plain and uniform systems of keeping books of accounts by all city departments, officers or employees who are charged with the receipt or disbursements of any of the funds of the city, or who may be authorized to purchase materials and supplies or to employ labor for the city. He or she shall prescribe the forms of vouchers or other evidence of the receipt of money from the city or from the establishment of demands against the city, he or she shall require a daily report from each department, office, officer or employee of the city receiving and disbursing funds of the city, showing all sums received and disbursed, from what source and for what purpose.

ARTICLE VII. LAW ENFORCEMENT MUNICIPAL COURT; POLICE DEPARTMENT; CITY ATTORNEY

Section 72. Law enforcement Police department—Established; composition.—Law enforcement activities shall be as determined by ordinance of the city commission. There shall be and there is hereby established in the City of Lake Butler a police department for the preservation and enforcement of law and order within said city. The department shall consist of one chief of police and such necessary deputy police officers, who shall be appointed by the city council to serve at the pleasure of the city council.

Section 75. City attorney.—The city attorney shall be appointed by the city commission council from the membership of The Florida Bar Association. As legal advisor for the municipality, in consideration of the retainer set forth in the budget ordinances of the city, at the direction of the city commission council and upon reasonable notice, the city attorney shall render his or her legal opinion in response to any reasonable question on municipal law propounded by the commission council or city administrative officials, be available on reasonable notice to represent the city in his or her professional capacity and cause to be prepared any ordinance or resolution for introduction requested by the city commission council. The city attorney upon reasonable notice in his or her professional capacity as an attorney at law, shall represent the city and its officials in all other legal matters requiring the services of an attorney at law, and shall be entitled to and shall receive his or her professional fee for any such service rendered. He or she shall be reimbursed for all necessary and reasonable expenses and costs expended, incurred or advanced by him or her on behalf of and for the benefit of the city. Special counsel, upon recommendation of the city attorney, or upon notice of the city commission council, may be engaged at any time by the commission council and such special counsel shall be paid by the city for professional services rendered, except any special counsel engaged and paid by any company pursuant to contract with the city.

ARTICLE VIII. HEALTH, SAFETY, WELFARE

Section 76. Public health, morals, welfare or safety; public health officer.—The City is authorized to enact any type or kind of ordinance to protect the public health, morals, welfare or safety of the inhabitants of the city, and to employ a public health officer.

Section 78. Fire prevention.—The city is authorized to provide for the prevention and extinguishment of fires and to organize, establish and maintain a fire department and provide for its maintenance.

Section 79. Establish quarantine and health regulations; city health officer to enforce the same.—The city commission council shall have the power to pass all such ordinances as may be necessary to establish quarantine and health regulations for the city, not inconsistent with the rules and regulations of the state board of health, and enforce the same by penalties; to arrange and provide for a city health officer. The city health officer shall have the general supervision of the public health of the city and shall have the power to make, promulgate and enforce such rules and regulations as may be necessary for the preservation of the same not inconsistent with this charter or in violation of any of the ordinances of the city.

ARTICLE IX. BUDGET AND FINANCES

Section 85. Deposits and expenditures; city treasury.—~~There shall not be a city treasurer of the City of Lake Butler and the Funds of the city shall be received, controlled, handled, and dispersed in the manner determined by ordinance and in harmony with appropriate provisions of state statute and accepted finance and accounting practices.~~

(a) City funds drawn from any depository utilized by the city under this section shall be upon a warrant or check issued by the city in accord with the provisions of this charter and any ordinance regulating the collection and disbursement of city funds adopted by the city commission. Each instrument so drawn shall bear two authorizing signatures: that of the mayor, or in absence of the mayor that of the vice mayor; and that of the city clerk or the clerk's designee as approved by the city commission.

(b) The city clerk shall provide a monthly report as required by the commission summarizing a listing of all checks or warrants issued for the month, including, but not limited to, the payee, date issued, amount of the check or warrant, and the budgetary line-item code where funds were charged. deposited in a bank or banks who will comply with the provisions of this section and the various subsections thereof, which bank or banks shall be known as the city depositories and shall be handled, received and disbursed in the manner hereinafter provided in this section and subsections thereof.

(a) ~~Any bank, national or state, authorized to do business in the State of Florida that will pay the highest interest rate authorized by law per annum on deposits of city funds and give at its own expense a surety bond issued by some surety company authorized to do business in this state or make satisfactory deposit to the credit of the city sufficient federal, state, county or municipal bonds for the protection of said funds is hereby created a city depository for the City of Lake Butler and authorized and entitled to receive city funds in the manner and method hereinafter provided.~~

(b) ~~Any bank as described in the preceding subsection (a) desiring to become a city depository as herein provided shall file with the city council a written offer and guarantee to pay the city the rate of interest as required~~

~~by subsection (a) above, and shall execute and deliver to said city a surety bond issued by some surety company duly authorized to do business in the state or make satisfactory deposit to the credit of the city, federal, state, county or municipal bonds in an amount to be determined by the city council and approved as to validity by the city attorney of the city; and conditioned that said bank insure the safekeeping, accounting for and paying over upon demand by proper authority all money that may come into its hands by virtue of its acting as said depository; and will in all respects duly and faithfully perform the duty imposed upon it, is entitled and authorized to receive an equitable share of the public money of the city, provided that the city council shall divide the deposits of the city equitably among the banks of the city that have qualified as provided in this and the preceding sections and subsections and in case no bank in the city shall qualify then the city council shall divide the deposits among the banks of some other city meeting the conditions as provided in this and the preceding sections and subsections.~~

~~(c) The tax collector and chief of police of the city and all other officers or persons having or receiving or collecting any money payable to the city funds shall pay the same to the bank or banks qualified to receive the same. Each bank receiving any money as provided in this or the preceding sections or subsections shall make receipt of same in triplicate, one copy of which the bank will carefully preserve and keep, one copy to be given to the person from whom money was received and one copy given to the city clerk.~~

~~(d) Each bank acting as city depository shall keep two (2) separate accounts for each fund deposited with it, one of which accounts shall contain the daily balance account subject to immediate checking and the other shall contain the saving or time deposit balance and shall not be subject to checking without being transferred to the checking account by order of the city council. The city council shall have full authority at all times to transfer money from one of the two accounts to each fund to the other thereof. All interest earned on any of such deposits shall be credited to the account of the fund on which it was earned and all interest shall be computed and credited quarterly.~~

~~(e) The city council shall cause to be kept by the city clerk an accurate and complete set of books showing the amount on hand, amount received, amount expended and the balance thereof at the end of each month for each and every fund carried by said city council.~~

~~(f) All money drawn from any depository holding same under the provisions of the preceding subsections shall be upon a check or warrant issued by the city council; said check or warrant both as to number and amount and persons to whom drawn and purpose for which drawn shall be recorded in the minutes of the city council; and each check or warrant so drawn shall be signed by the mayor, attested by the city clerk with the corporate seal of the city affixed thereto, and the bank upon which each check or warrant is drawn shall not pay the same until it shall receive a certified list from the city clerk giving the date and number and amount of each check or warrant and person to whom issued.~~

~~(g) Any bank acting as a depository shall at the end of each and every month file with the city council a report showing the balance on hand at the beginning of the month, all sums received and paid out during the month, balances on hand at the end of the month, and return said report with all checks and warrants properly canceled which said bank has paid during the month. The city council shall make and publish a monthly statement regarding the condition of each and every fund of the city. If at any time, the security furnished by any city depository becomes insufficient or inadequate the city council shall have authority to require such other additional security as may be necessary to be provided.~~

~~(h) The designation of depository under the provisions of this and the preceding sections or subsections shall be made between the first and fifteenth day of September of each year.~~

ARTICLE XI. LOCAL IMPROVEMENTS; SPECIAL ASSESSMENTS; BONDS

Section 105. Improvements defined; special assessments authorized.—The city commission council is hereby authorized, by resolution to regulate, provide for and require the opening, widening, grading extending and improving the streets, avenues, parks and other public places, and the construction, repair and maintenance of sidewalks, street pavements, curbs and street lights; the draining, dredging and filling in of low or marshy places, dangerous to public health; the cleaning up, clearing, underbrushing and putting into proper condition of places requiring such work to be done to promote the public welfare or to protect adjacent property against the danger of fire, breeding of mosquitoes and harboring snakes, etc.; to construct and maintain water mains, sewers and drains; and may by resolution provide for the payment of cost of the same, in whole or in part by special assessment against the property abutting or benefited or the property cleaned up, cleared, underbrushed, drained, dredged or filled in and may by resolution provide for the making of the assessment a lien against the property so benefited, cleaned up, cleared, underbrushed, drained, dredged or filled in. The city commission council shall have power by resolution to provide for the levying and collection of a frontage tax for water and sewer mains based upon the front footage of the property bounding or abutting upon the improvement.

Section 106. Resolution of necessity; notice; meeting.—When the city commission council shall determine to make any local improvement as above authorized, the cost of which or any part thereof is to be assessed against the property benefited, it shall adopt a resolution declaring the necessity of the proposed improvement, describing the nature and the extent of the work, the general character of the materials to be used and the location and terminal points within which the improvement is to be made.

Such resolution shall fix a date when the city commission council will meet, which shall not be less than three (3) days after the date of the publication of the notice herein provided for to hear any objections or remonstrances which may be made to said improvements.

Notice of the hearing of said resolution shall be published once prior to the date of hearing in a newspaper published in the city.

At said meeting, or at a time and place to which the same may be adjourned, any person aggrieved may appear in person or by attorney, or by petition, and may object to or protest against said improvement. The city commission council shall consider the objections and protests, if any, and may confirm, amend, modify or rescind the resolution of necessity and shall determine whether the said improvements shall be final and conclusive.

Section 107. Assessment of property benefited.—The resolution determining to proceed with the improvement may direct that the cost and expense thereof or such part as the city commission council shall charge upon the property benefited shall be assessed upon specially benefited lands in proportion to the benefit to be derived therefrom; or if the city commission council finds that all property abutting on such improvement is especially benefited, it may direct that the whole or part of the cost and expenses thereof as it shall fix, be assessed the abutting property according to frontage.

Section 108. Payments from city funds.—The city commission council may pay out of the city's general fund, or out of any special fund provided for that purpose, such portion of the cost of the proposed improvement as it may deem proper. Interest accrued while an improvement is under construction, and for six (6) months thereafter shall be deemed part of the cost of the improvement. All engineering and inspection cost, including a proper portion of the compensation, salaries and expenses of the engineering staff of the city properly chargeable to any improvement, and all costs and estimated costs of the issuance of bonds hereinafter provided for, shall be deemed a part of the cost of the improvement. When the improvement has been completed the city commission council shall ascertain and determine the cost thereof, and shall declare the same thereof by resolution.

Section 109. Assessment book for local improvement; notice.—When the improvement has been completed, the city commission council shall cause to be prepared an assessment list showing the names of the property owners and opposite each name, a description of each lot or parcel of land proposed to be assessed for the improvement and the amount proposed to be assessed against each lot or parcel of land. Such list shall be entered in a well bound book prepared for that purpose, which shall contain an appropriate column in which payments shall be credited and shall be known as "The Assessment Book for Local Improvements." It shall be a public record, and entry therein of any assessments shall constitute notice to the public of the lien against the land so assessed, and no other record of notice thereof shall be necessary to any person or corporation for that purpose. No error, omission or mistake in regard to the name of the owner shall be held to invalidate any assessment. As soon as the assessment has been entered in the assessment book, said book shall be delivered to the city clerk, who shall thereupon give notice of publication in some newspaper published in the city that the assessment list, describing the same, has been delivered to him or her and is open for inspection at his or her office and that at a time and place therein mentioned, not less than five (5) days from the date of publication the city commission council will meet to hear and determine any objections or defenses that may be filed to such assessments or to the amounts thereof. Said notice shall also state the general character of the improvements and the

location thereof and the streets or other public thoroughfares or portions thereof on which the improvement has been constructed.

Section 110. Assessment of railroads.—All assessments shall be made and apportioned in the manner fixed by the resolution of the city ~~commission council~~. No assessment shall exceed the special benefits derived from the improvements. If there be a railroad track or tracks on any street, highway or other public thoroughfare, improved, paved or repaved under the provisions of this act, the cost of such improvement between the tracks and the rails of the tracks and in case there be two or more tracks the space between such tracks and eighteen (18) inches on each side thereof, including switches and turnouts, shall be paid by the owner of the railroad and shall be assessed to and form a lien on said railroad and the property connected therewith. In the event storm sewers or other sewers are constructed under the provisions of this act which drain the street or streets or other public thoroughfares and rights-of-way in which a railroad has been constructed, there shall be assessed against such railroad a fair and just proportion of the cost of construction of such sewer, to be determined by the city ~~commission council~~ and such assessment shall be a lien upon the said railroad like other improvements under this act; provided, however, that nothing herein contained shall affect the right or power of the city ~~commission council~~ to require the owner of such railroad to repair or reconstruct its tracks or the pavements between the same and on either side thereof under any franchise granted to such owner or predecessors in title or under any contract made with such owner or predecessors in title.

Section 111. Equalization of assessments; procedure at hearing; lien.—The owner of any real property assessed for an improvement or any party having an interest therein, may appear at the time and the place fixed for the said hearing and object to the proposed assessment against the property or to the amount thereof. The city ~~commission council~~ shall hear and determine all objections and protests to the proposed assessments under such reasonable rules and regulations as it may adopt. It shall have authority by the mayor, clerk or other executive officers to issue subpoenas for witnesses to appear before the ~~commission council~~ or any committee thereof, and to administer oaths to the witnesses to be examined. At such meeting or at any adjourned meeting thereof, the city ~~commission council~~ may alter, change and correct any assessment; provided, however, that no assessment shall be increased without notice to the owner of the property and to all persons interested therein. The city ~~commission council~~ shall by resolution approve and confirm all assessments as finally fixed and adjusted at the said hearing and such assessment shall from the date of such confirmation constitute a lien on the respective lots or parcels of land, or other real property upon which they are levied, superior to all liens, except those for state and county taxes. All persons who fail to object to the proposed assessment in the manner herein provided shall be deemed to have consented to and approved the same.

Section 112. Record of assessments.—A certified copy of the assessment list as finally confirmed shall also be recorded in the office of the clerk of the circuit court of Union County, Florida and the liens evidenced thereby shall

be indexed by the said clerk in the same manner as other liens are indexed by him or her.

Section 113. Limitation on time for objection to assessment.—For the period of thirty (30) days after the date of the confirmation of any special assessment, any person aggrieved shall have the right to contest the legality thereof by suit, action, writ or special proceedings, after which time, no suit, action, writ or special proceedings in any manner questioning the legality of the said special assessment shall lie for any cause whatsoever.

Section 114. Payment of assessments; installment.—All special assessments levied under the provisions of this act shall be payable in full in thirty (30) days after the confirmation thereof; provided however, that the city ~~commission~~ council of the city may by resolution provide for the payment at the election of the property owner, of any assessment in the sum of twenty-five dollars (\$25.00) or more in not exceeding ten (10) annual installments, the first of which shall be payable on or before the expiration of thirty (30) days from the date of confirmation. The owner of any property desiring to pay his or her assessment in installments shall on or before thirty (30) days from the confirmation of the assessment file with the city clerk of the City of Lake Butler, or other officers performing the duties of such clerk, a written application to pay said assessment in installments, which application shall state that the applicant and property owner waives all irregularities or defects, jurisdictional or otherwise, in the proceedings for the improvement for which the said assessment is levied, and in the apportionment of the cost thereof. Said application shall also contain an agreement that the applicant and property owner will pay the said assessment in installments at the dates fixed therefor by the said resolution, with interest at the rate of eight per centum (8 %) per annum upon all unpaid installments. Said application shall also contain a statement by lots or parcels or other description of the property of the applicant assessed for such improvement. No application as aforesaid shall be received and filed by the clerk if the amount of such special assessment, with any previous special assessments against the same property remaining unpaid, shall exceed the valuation of said property as shown by the last assessment roll; provided, however, that such application shall be received if the owner shall upon making such application pay in cash to the city such excess of unpaid assessment over the value shown by the last assessment roll.

Section 115. Applications for payment by installments; recording; lien.—The clerk shall keep all applications in convenient form for examination. The applications received for each improvement shall be separate, and the clerk shall enter in the “Assessment Book for Local Improvements” under the separate heads, the date of filing of each application, the name of the applicant, and the amount of the assessment as shown in the application, and the number of installments in which the same shall be payable. Such “Assessment Book for Local Improvements” shall constitute a docket and shall stand as a lien docket for the assessment in favor of the city against such lot or parcel of land or other property until such assessment and interest and penalties are paid in the manner hereinafter provided. All unpaid assessments, penalties and interest shall be and remain a lien on each lot or parcel of land or other property respectively, in favor of the

municipality, and such shall have priority over all other liens and encumbrances whatsoever, except the liens for state and county taxes.

Section 116. Interest upon installments.—All assessments and installments of assessments shall bear interest at a ~~the rate established by the city commission of one percent (1 %) per month~~ after the date when the same respectively become due and payable, and in the event of default in the payment of any installment of an assessment, all unpaid installments, together with the interest thereon, shall immediately become due and payable.

Section 117. Enforcement of liens.—If any assessment be in default for thirty (30) days, the City of Lake Butler may enforce same by complaint in equity or at law. The complaint shall set forth briefly and succinctly the making of the assessment, the lien thereof, the amount thereof and the description of the property upon which such lien has been acquired, and shall contain a prayer that the owner shall pay the amount of said lien, or in default thereof, that the said property shall be sold to satisfy the same, and in the decree or judgment, as the case may be, an order shall be entered for the sale of the property and the collection of the amount for which said lien is given. Decree or judgment shall also be rendered for a reasonable attorney's fee, together with the costs of the proceedings, which attorney's fee and costs shall also be a lien upon the said land, and shall be collected at the time and in the manner provided for the collection of the amount for which the lien was originally given, but in no event shall the city be liable for the payment of the attorney's fee herein provided for. In the proceedings provided for in this act, the owner or owners of the land and persons interested therein, if they can be ascertained, shall be parties defendant. If the owners or parties interested cannot be ascertained after diligent inquiry, the proceedings shall be against the property on which the lien is claimed without mentioning any party or defendant. In such case, service shall be had by notice of the commencement of suit for the enforcement of the said lien, by advertising in a newspaper published in the City of Lake Butler once a week for four (4) consecutive weeks. In all proceedings to enforce said liens or any of them, save in cases where the owner or person cannot be ascertained, service shall be made in the same manner as provided by law for service in other cases.

Section 118. Invalid assessments.—If any special assessment made hereunder to defray the whole or part of the expense of any local improvement shall be either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the city commission ~~council~~ shall be satisfied that any such assessment is so irregular or defective that it cannot be enforced and collected or if the city commission ~~council~~ shall have omitted to make such assessment when it might have done so, the city commission ~~council~~ is hereby authorized to take all steps to cause a new assessment for the whole or any part of any improvement or against any property benefited by an improvement following as near as may be the provisions of this act, and in case such second assessment shall be annulled, the city commission ~~council~~ may obtain and make other assessments until a valid assessment shall be made.

In case any special assessment shall in any suit where its validity shall be questioned, be adjudged invalid, the city commission council may in its discretion notify the collector to cease the collection of the same if it shall have been transmitted to him or her for collection, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose or by taking up the previous proceedings at any point and make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid, and the clerk of the city, before delivering such new assessment to the collector for the collection shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessment as to the parcels and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments.

Section 119. Irregularities not to affect assessment.—No omission, informality, or irregularity in the proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been confirmed by the city commission council of the city, and the assessment roll and record thereof kept by the city clerk shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings adequate to the adoption of said assessment roll were duly had, taken and performed as required by this statute [section]. No failure of the city clerk to record the assessment roll or of the said clerk or any other officer to deliver the same to the collectors or to the clerk of the circuit court on or before the time prescribed for such delivery or to do any other act or thing by him required shall in any way invalidate an assessment; and no variance from the direction herein contained as to the form and manner of any of the proceedings shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

Section 120. Work contracts; notice.—All work upon the improvements herein authorized shall be done by contract after published notice inviting bids for the same, such advertisements to be made in a newspaper published in the County of Union at least once.

Section 121. Bonds—Issuance; excluded from indebtedness limitations.—As soon as all contracts for improvements have been let, the city commission council of the city shall, by resolution, estimate and determine the cost of the improvement to be raised by special assessment against the property benefited and may issue bonds pledging the full faith and credit of the city to an amount not exceeding seventy percent (70 %) of such estimate; such bonds shall be general obligations of the city and if special assessments be not imposed and collected in respect of the improvement in season to pay the principal and interest, the city shall levy and collect on all taxable property in the city a tax sufficient to pay such principal and interest as the same respectively become due and payable. All bonds issued under the provisions of this section shall be excluded from any limitation of indebtedness prescribed by the charter of the city, by special act or by the general laws.

Section 122. Same—Maturity; installments.—All bonds issued shall mature and become payable in nine (9) annual installments which shall be substantially equal in amount and the last of which shall be payable in not more than ten (10) years from their date.

Section 123. Same—Issuance for city's share of improvement debt; when payable; tax.—If more than one-half ($\frac{1}{2}$) of the cost of any improvement is to be borne by special assessment against the property specially benefited, the city commission council may after the completion of the improvement issue the bonds of the city for the share or portion of the cost to be borne by the city for such part thereof as the city commission council may determine. All bonds issued under this section shall become due and payable within twenty (20) years from their date in annual installments, commencing not more than two (2) years from their date, and each annual installment shall be at least four percent (4 %) of the total amount of bonds authorized. The faith and credit of the city shall be pledged for the payment of the bonds authorized by this section and in each year during the time any bonds are outstanding the city commission council shall levy and collect a tax on all taxable property in the city sufficient to pay the installments of principal and interest as they respectively become due and payable. All bonds issued under the provisions of this section shall be excluded from any limitation of indebtedness prescribed by this charter or by the general laws.

Section 124. Same—Denominations; form.—All bonds issued as herein authorized for public improvements where the whole or a part of the cost is assessed on abutting property shall be of the denomination of one hundred dollars (\$100.00) or some multiple thereof; shall bear interest not exceeding six per centum (6 %) per annum, payable semiannually, and both principal and interest shall be payable at such place or places as the city commission council may determine. The form of such bonds may be fixed by resolution of the commission council and such bonds and the coupons attached shall be signed in the same manner as is provided in this charter for other bonds of the city, and shall have the seal of the city affixed thereto.

Section 125. Same—Levy and collection of taxes.—It shall be the duty of the city commission council whenever bonds are issued for improvements for which special assessments are authorized thereunder, to impose and collect annually in excess of all other taxes, such tax as shall be necessary on all the property subject to taxation in the city under the Constitution and Laws of Florida, sufficient in amount to pay the interest annually and semiannually and the principal falling due each year. Such tax shall be levied and collected by the same officers, at the same time and in the same manner as the general taxes of the city. Should the city neglect or fail for any reason to impose and collect such tax, any person interested may enforce the imposition and collection thereof, in any court having jurisdiction of the subject matter, and any suit, action or proceeding brought by such person in interest shall be a preferred cause and shall be held and disposed of without delay.

Section 126. Same—Sale; negotiability.—All bonds issued hereunder for improvements where special assessments are made on the abutting property, shall be sold in the same manner as other bonds of the city.

All bonds issued by the City of Lake Butler shall have all the quality of negotiable paper under the Law Merchant, and shall not be invalidated for any irregularity, or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. For a period of thirty (30) days after the canvass of the votes of any election held under the provisions of this act, any person in interest shall have the right to contest the legality thereof, the bond issue provided for, or tax authorized, for any cause, after which time no one shall have any cause of action to contest the legality, formality or regularity of the said election for the authorization of the bonds for any cause whatsoever.

Section 127. Authority under general law reserved.—The City of Lake Butler shall have the benefit of provisions of F.S. ch. 170, Florida Statutes, or of any general law of Florida regulating the making by municipalities of local improvements, special assessments and the issuance of bonds therefor, and it may proceed thereunder in addition to and notwithstanding the provisions of this charter.

ARTICLE XII. BONDS OR CERTIFICATES NOT GENERAL OBLIGATIONS

Section 128. Authorization, validation, issuance, sale for municipal purposes; state law adopted; legal municipal purposes designated.—

(a) The city ~~commission~~ council may cause bonds, revenue bonds or revenue certificates, or both, for any legal municipal purpose to be authorized, validated, issued and sold in accordance with any procedure or method set forth in the general laws of the State of Florida, and subsequent amendments thereto, that provides for or sets forth the procedure or method for such authorization or validation or issuance or sale of such bonds or revenue certificates, and such laws are hereby adopted by reference and made a part of this charter the same as if set forth herein. Provided, however, the commission ~~council~~ may in its discretion use any method or procedure set forth in this charter in respect to any such authorization, validation, issuance or sale.

(b) The legal municipal purpose as herein referred to shall not be limited to, but shall include a partial or complete sewage system, a partial or complete sewage treatment plant, a partial or complete water system, a partial or complete water treatment plant, a partial or complete trash and garbage incinerator plant, swimming pools, bathhouses, recreation centers, streets, sidewalks, curbs, gutters, storm sewer system or systems, any purpose incidental to each of the foregoing purposes, and for any purpose authorized under the general laws of Florida.

Section 129. Authorized improvements declared public municipal functions; eminent domain.—

(a) All public improvements authorized in this charter are hereby determined and declared to be public municipal functions, and all of the acts authorized to be done and performed in connection therewith are hereby designated and declared to be for a public municipal purpose. In connection with providing funds for the payment of any or all of the cost of construction

of any project or public improvement recognized or designated as a municipal purpose. The city may use, appropriate or pledge any revenues of the city available for such purpose, including the power, right and authority to use or pledge the proceeds of utilities service taxes, franchise taxes and cigarette taxes.

(b) In connection with obtaining lands, easement, waterways or other private property or private interests to be used in connection with any public construction or to be used for any public or municipal purpose, the city has the full and complete power of eminent domain, and the determination by the city commission council that such private property is needed for a public municipal purpose shall be sufficient.

Section 130. How issued.—The city commission council of the City of Lake Butler shall have the power to provide by resolution for the issuance and sale of revenue or excise tax bonds and certificates or any other bond or certificate not secured by ad valorem taxation so as to provide money to finance, acquire, construct, improve, and operate any utility, facility, enterprise, work, undertaking or project which the city is authorized by law to acquire, construct, improve and operate, and to provide that such bonds and certificates and interest thereon shall be payable from the revenues to be derived by the city from the operation of same, or a combination of any or all of such facilities, utilities, enterprises, works, undertakings or projects, or from any other sources or pledged security except ad valorem taxes. Such resolution may be adopted at a regular or special meeting by a majority vote of the city commission council and at the same meeting at which it is introduced, to take effect immediately upon its passage. It is determined and declared as a matter of legislative intent that no election to authorize the issuance of such bonds or certificates shall be necessary. No other proceedings or procedures of any character whatever shall be necessary or required for the issuance of such bonds or certificates by the municipality; but such bonds or certificates may be validated by circuit court decree, if desired, in the same manner as general obligation bonds are validated. The words “revenue bonds” and “revenue certificates” and “excise tax bonds” and “excise tax certificates” are used interchangeably herein, and the provisions applicable to one are applicable to the other.

Section 131. Security for payment of such bonds or certificates.—The revenue or excise tax bonds or certificates shall be special obligations of the municipality and shall be payable from and secured by a lien upon the revenue of the enterprise or other pledged security, as more fully described in the resolution adopted, having due regard to the cost of operation and maintenance of the enterprise, and the amount of proportion, if any, of the revenue of the enterprise previously pledged. The city may by resolution pledge for the security of such bonds or certificates a fixed amount, without regard to any fixed proportion of the gross revenue of the enterprise.

Section 132. Not general obligations.—No recourse shall be had for the payment of the revenue bonds or excise tax bonds or certificates or any interest thereon, or any part thereof, against funds of the city, realized from ad valorem taxation. Such bonds or certificates and interest thereon, shall not be a debt of the municipality nor a charge lien or encumbrance, legal or

equitable, upon the property of the municipality, or upon any income, receipts, excise taxes, franchise fees or revenues of the municipality other than such revenues as shall have been pledged to the payment thereof, and every such bond or certificate shall recite in substance that said bond or certificate, including interest thereon, is payable solely from the revenues pledged to the payment thereof and that the municipality is under no obligation to pay the same, except from said revenues.

Section 133. Pledge for bonds.—The city may issue bonds payable solely out of revenues which may be derived from a particular project or projects; or may issue bonds payable from utility service taxes, cigarette taxes, franchise fees or payments, or any excise or service tax which it may be authorized to impose, or a combination of either, or all of such sources of revenue or unpledged revenue from any source; except that full faith and credit bonds or general obligation bonds, payable from unlimited ad valorem taxes may not be issued, unless authorized by freeholders as elsewhere herein provided.

Section 134. Additional powers and duties.—The City of Lake Butler may, in addition to other powers herein conferred, insert provisions in any resolution authorizing the issuance of such bonds or certificates, which shall be a part of the contract with the holders of the revenue bonds or certificates in the following respects:

- (a) Limitations on the purpose to which the proceeds of sale of any issue of such bonds may be applied;
- (b) Limitations on the issuance and on the lien of additional bonds, or obligations to finance the improving of the enterprise which are secured by or payable from the revenue of such enterprise;
- (c) Limitations on the right of the municipality or its governing body to restrict and regulate the use of the enterprise;
- (d) Pledging all or any part of the revenues of the enterprise to which its right then exists or rights which may thereafter come into existence;
- (e) The city may avail itself of any right, power or authority to issue bonds granted to municipalities from time to time by the provisions of Florida Statutes.

Section 135. Construction of ~~article chapter~~ provisions.—This article ~~chapter~~ constitutes full and complete authority for the issuance of bonds herein authorized. No procedures or proceedings, publications, notices, consents, approvals, orders, acts or things by the city commission council of the municipality, or any board, officers, commission, department, agency or instrumentality of the municipality, other than those required by this article ~~chapter~~, shall be required to issue any such bonds or to do any act or perform any thing under this law, except as may be prescribed herein. The powers conferred by this article ~~chapter~~ shall be in addition and supplemental to, and not in substitution for, the powers conferred by any other law. This article ~~chapter~~ is remedial in nature and shall be liberally construed.

Section 136. Debt limit.—In arriving at the amount of negotiable bonds outstanding and authorized to be issued within the debt limit authorized under this charter, any bonds and certificates which do not pledge or authorize the city to make any tax levy for the payment of such bonds or certificates or the interest thereon, shall not be considered.

Section 137. General law applicable.—The provisions of F.S. ch. 159, Florida Statutes, not inconsistent with the provisions hereof, are considered as applicable, and shall constitute a supplemental or alternative method.

ARTICLE XIII. SUBDIVIDING AND ZONING OF LANDS

Section 138. Subdivisions.—All owners of contiguous lots or grounds who shall subdivide same into three (3) or more lots for sale within the limits of the city shall cause to be made an accurate map or plat of such subdivision, describing with certainty all grounds laid out or granted for streets, highways, alleys, parks, parkways, commons or other public uses, and show the nearest section corner, quarter section corner, or established street monument. Lots sold or intended for sale shall be numbered by progressive numbers or described by the squares in which situated, and the precise length and width shall be given of any street, highway, alley, park, parkway, common or other public use. Such map or plat shall be subscribed by the owner and acknowledged before an officer authorized to take the acknowledgment of deeds, approved by the city commission council, and recorded in the office of the clerk of the circuit court of Union County, immediately after its approval by the commission council. The maps or plats so recorded shall thereupon be a sufficient conveyance to vest in the City of Lake Butler the fee of the parcel of land described for streets, highways, alleys, parks, parkways, commons or other public use to be held in the corporation in trust to and for the uses and purposes in the instrument set forth expressed, designated or intended, and the approval of the city commission council of said maps, or plats shall have the force and effect of a dedication or acceptance of the streets, highways, alleys.

Section 139. Appointment of planning and zoning commission.—The city commission council shall have power to appoint a commission to be known as the city planning and zoning commission, to consist of seven (7) members of which the presiding officer of the city commission council shall be an ex officio member, and all of whom shall serve without pay. The members of such commission, except the presiding officer of the city commission council shall in the first instance be appointed so that one (1) shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years, and thereafter such members shall be appointed to serve for three (3) year terms. The said commission shall by report to the city commission council recommend the boundaries of districts and appropriate regulations and restrictions to be enforced therein. After such report, the city commission council shall afford persons interested an opportunity to be heard at a time and place to be specified in a notice of hearing to be posted in two (2) public places in the city for a period of not less than ten (10) days prior to the date of such hearing.

Section 141. Adoption of regulations governing planning and zoning commission.—Authority is hereby expressly conferred upon the city commission

~~council~~ to do all things necessary to carry out the recommendations that may be made by such city zoning and planning commission, and to adopt such rules and regulations governing the powers and duties of such commission as will carry out the provisions of this act.

Section 2. Sections 16, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 77, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 140 of chapter 63-1499, Laws of Florida, are repealed.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.