

1 A bill to be entitled
2 An act relating to Union County; amending
3 chapter 63-1499, Laws of Florida, as amended,
4 relating to the charter of the City of Lake
5 Butler; replacing the city council with a city
6 commission; revising terminology to conform;
7 deleting obsolete language regarding
8 annexation, revising provisions relating to the
9 authority of the city to regulate the speed of
10 vehicles, to fix and revise refuse disposal
11 fees to control nuisances, to license, control,
12 tax, and regulate traffic and use of streets,
13 to direct the clearing and filling of lands,
14 and to regulate railroads; deleting obsolete
15 language regarding the taxation of municipally
16 owned facilities and the authority of the city
17 to prohibit or license and regulate liquor,
18 causes of action against the city and notice of
19 intention to sue; revising provisions relating
20 to the suspension and discharge of city
21 officers and the establishment and appointment
22 of officers of the city; authorizing the
23 provision of services through interlocal
24 agreements or contracts; revising the powers
25 and duties of the city commission; revising the
26 powers and duties of the mayor; replacing the
27 term "mayor pro tem" with "vice mayor";
28 revising provisions relating to voting by
29 commissioners at a commission meeting; revising
30 provisions relating to qualifications of
31 candidates for the office of city commissioner;

1 deleting the form of oath; removing a cross
2 reference from provisions relating to absentee
3 voting; revising qualifications of electors;
4 deleting language regarding working upon the
5 street as penalty; revising provisions relating
6 to the adoption of ordinances; clarifying that
7 the city clerk serves under the city
8 commission; eliminating specific requirements
9 relating to law enforcement; authorizing law
10 enforcement activities as determined by
11 ordinance; revising requirements relating to
12 deposits and expenditures of city funds;
13 repealing section 16, relating to notice of
14 intention to sue the city, section 39, relating
15 to recall elections, section 40, relating to
16 sufficiency of petition, section 41, relating
17 to calling election, section 42, relating to
18 election, section 43, relating to ballots,
19 section 44, relating to filling of vacancies,
20 section 45, relating to candidates in recall
21 election, section 46, relating to effect of
22 resignation, section 47, relating to
23 preservation of records and provisions
24 supplemental to general law, section 48,
25 relating to offenses relating to petitions,
26 section 57, relating to the creation and
27 jurisdiction of the municipal court, section
28 58, relating to the seal of the municipal
29 court, section 59, relating to procedure in
30 municipal court, section 60, relating to powers
31 of the municipal court, section 61, relating to

1 the clerk and deputy clerk of the municipal
2 court, section 62, relating to the duties of
3 the clerk of the municipal court, section 63,
4 relating to powers of the clerk of the
5 municipal court, section 64, relating to the
6 certification of court records, section 65,
7 relating to the chief of police, section 66,
8 relating to the authority of a judge to issue
9 search warrants, section 67, relating to
10 affidavits for search warrants, section 68,
11 relating to issuance and execution of search
12 warrants, section 69, relating to return of
13 search warrants, section 70, relating to
14 information required to be included on search
15 warrants, section 71, relating to appeals,
16 section 73, relating to the duties and
17 authority of the chief of police, section 74,
18 relating to powers and authority of the chief
19 of police and deputies, section 77, relating to
20 the regulation of food and all other
21 commodities, section 80, relating to the
22 segregation of races, section 81, relating to
23 refusal of service to certain persons, section
24 82, relating to posting of notices regarding
25 refusal of service, section 83, relating to
26 annual estimates of expenditures and revenues,
27 section 84, relating to the city budget,
28 section 86, relating to the assessment of
29 property for taxation, section 87, relating to
30 the assessment of taxable property, section 88,
31 relating to the assessment of property of

1 public service corporations, section 89,
2 relating to omitted lands, section 90, relating
3 to equalization of assessments by the city
4 council, section 91, relating to notice to
5 owners regarding increases or corrections,
6 section 92, relating to the rate of taxation,
7 section 93, relating to the assessment roll and
8 the form of warrants, section 94, relating to
9 the collection of taxes, section 95, relating
10 to taxes on property constituting a lien on
11 such property, section 96, relating to the
12 collection of personal property taxes, section
13 97, relating to the collection of delinquent
14 taxes, section 98, relating to installment
15 payments of taxes and assessments, section 99,
16 relating to the sale of property for delinquent
17 taxes, section 100, relating to the report of
18 tax sales and the issuance of tax deeds,
19 section 101, relating to city purchase of
20 property at tax sales, section 102, relating to
21 the title of lands purchased by the city at any
22 tax sale, section 103, relating to the validity
23 of assessments, section 104, relating to the
24 maximum tax levy on property, and section 140,
25 relating to changes and amendments to zoning
26 regulations and districts; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Sections 1 through 5, 7 through 15, 17
2 through 38, 49 through 56, 72, 75, 76, 78, 79, 85, 105 through
3 139, and 141 of chapter 63-1499, Laws of Florida, as amended,
4 are reenacted and amended to read:

5
6 ARTICLE I. INCORPORATION
7

8 Section 1. City created; predecessor abolished.--A
9 municipal corporation of the State of Florida, to be located
10 in Union County, Florida, is hereby established and created.
11 That municipality in Union County, Florida, created by Chapter
12 12960, Special Acts of Florida, 1927, as amended, known as the
13 City of Lake Butler is hereby abolished. The municipality by
14 this Charter created shall have perpetual existence and
15 perpetual succession.

16 Section 2. Title, rights, ordinances, etc.; officers
17 to hold over.--

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

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

29 (c) The powers, franchises, rights, contracts,
30 immunities, privileges, obligations and official acts
31 exercised, used, conferred, granted, given, sold, vested,

1 entered into and performed by the municipality herein
2 abolished are hereby validated and confirmed and all rights
3 vested under the provisions of laws of said abolished
4 municipality are hereby declared to be reserved and not
5 adversely affected by this act.

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

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

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

29 Section 4. Corporate territory of the city.--The City
30 of Lake Butler, by this Charter created and established, shall
31 embrace and include all that territory, real property and

1 lands lying within the following boundaries in Union County,
2 Florida, and the same shall be the territory, including the
3 inhabitants thereof, over which the city shall exercise its
4 jurisdiction and powers, to wit:

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

23
24 Section 5. Annexation.--The city may change its
25 territorial limits by the annexation of any area lying
26 contiguous to its corporate limits by any one or more of the
27 following methods:

28 ~~(1) The city may annex additional territory to its~~
29 ~~territorial limits by referendum election in which all~~
30 ~~resident freeholders of the territory to be annexed who are~~
31 ~~qualified electors of Union County shall be eligible to vote;~~

1 ~~such annexation shall be approved by not less than fifty-one~~
 2 ~~per cent (51%) of the votes cast in any such election; said~~
 3 ~~election shall be held pursuant to and after a resolution~~
 4 ~~calling for same has been passed by the city council of the~~
 5 ~~City of Lake Butler and after notice of the proposed election~~
 6 ~~has been published in a newspaper published in said city once~~
 7 ~~a week for four (4) consecutive weeks, four (4) publications~~
 8 ~~being sufficient; said resolution and notice shall contain a~~
 9 ~~description of the area sought to be annexed and the date and~~
 10 ~~place said election is to be held; provisions shall be made~~
 11 ~~for special registration for said election. The cost of such~~
 12 ~~election shall be borne by the City of Lake Butler.~~

13 (2) The city may annex additional territory to its
 14 territorial limits upon petition signed by fifty-one percent
 15 (51 %) of all of the landowners of the area sought to be
 16 annexed consenting to and requesting the annexation of said
 17 area to the City of Lake Butler. Said petition shall be
 18 presented to and may be approved by the city commission
 19 ~~council~~ in its discretion at a regular meeting of the
 20 commission ~~council~~ and filed with the permanent records of the
 21 city. After the approval of the petition by the commission
 22 ~~council~~ at the next regular meeting or at any regular meeting
 23 thereafter, the city commission ~~council~~ by a majority vote may
 24 by appropriate ordinance annex the area described in the
 25 petition to the city.

26 (3) ~~Any real property that is exempt from Union County~~
 27 ~~ad valorem tax owned by the federal or state government or by~~
 28 ~~any body politic or political subdivision of the federal or~~
 29 ~~state Government in any unincorporated area of the county may~~
 30 ~~be annexed to the territorial limits of and included in the~~

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1 ~~boundaries of the city of Lake Butler at any time by ordinance~~
2 ~~of the city enacted by a majority vote of the city council.~~

3 (2)~~(4)~~ Any unincorporated area of real property in
4 Union County may be annexed to the territorial limits of and
5 included in the boundaries of the City of Lake Butler, by the
6 same procedure as set forth in F.S. ch. 171.

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

13 In the event of annexation by any one of the methods
14 authorized by this Charter, the city shall cause a copy of the
15 ordinance of annexation to be recorded in the public records
16 of Union County, Florida. The city may, by resolution at the
17 time of or prior to said annexation, provide for municipal
18 improvements for such area, for exemptions from taxation for
19 the year of annexation where the circumstances in the
20 discretion of the city commission ~~council~~ warrant such
21 exemption, and for participation by the city in part or all of
22 the cost of municipal improvements in such annexed areas. The
23 recording of said ordinance as above said, shall be prima
24 facie evidence and notice that such annexation has been
25 completed, that such annexed area is thereupon within the
26 corporate limits of the city and that said petition or
27 election, as the case may be, said ordinance and the
28 resolution if any, has been duly executed, validated, ratified
29 and confirmed.

30
31 ARTICLE II. JURISDICTION, POWERS AND IMMUNITIES

1
2 Section 7. Municipal sovereignty.--The city may do any
3 lawful act to protect the sovereignty of the city and to
4 protect its property, rights, privileges, government,
5 obligations and immunities.

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

9 Section 9. General powers.--

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

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

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

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

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

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

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

14 (4) May use any of said real property, whether within
15 or without the territorial limits of said municipality, for
16 parks, golf courses, playgrounds, roads, cemeteries, and the
17 erection, maintenance and operation of municipal buildings,
18 works and constructions of every character, including
19 municipal offices, schools, courthouses, fire and police
20 stations, houses of detention and correction, hospitals,
21 infirmaries, asylums, dispensaries, poorhouses, crematories,
22 wharves, docks, bridges, markets, lighting and power plants
23 and waterworks to supply light, power, and water for public
24 purposes or to be sold for profit, and buildings, works and
25 constructions for all other purposes that said municipality
26 through its commission, may deem necessary or proper for the
27 welfare of said municipality or the inhabitants thereof and

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

31

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

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

7 (b) Exercise full police powers;

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

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

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

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

26 (2) Acquire and lease property. To acquire by
27 purchase, gift, devise, condemnation or otherwise, property,
28 real or personal, or any estate therein, within or without the
29 city, to be used for the burial of the dead, the construction
30 or purchase of a telephone system, and works for supplying
31 said city with water, gas for illuminating, heating and power

1 purposes and electric energy for illuminating, heating or
 2 power purposes, the location of waterworks, and sites for such
 3 public utility works, the establishment of poorhouses, houses
 4 of detention and correction, hospitals for the cure or
 5 detention of the sick, jails, markethouses, public parks,
 6 public golf courses, public ball parks, public tennis courts,
 7 airports, swimming pools, warehouses, promenades, plants for
 8 cremating, neutralizing or otherwise destroying sewage,
 9 garbage and refuse, or other buildings for municipal purposes,
 10 the city shall also have power to extend sewer and drainage
 11 pipes and water mains for any public municipal purpose and to
 12 regulate the use and to operate and maintain, and to improve,
 13 sell, lease, pledge or otherwise dispose of the same or any
 14 part thereof for the benefit of the city to the same extent
 15 that natural persons might do; that the city may lease its
 16 real or personal property to firms, corporations, or
 17 individuals for private or public purposes as may be provided
 18 by ordinance.

19 (3) Streets, sidewalks, docks, bridges, etc. To pave,
 20 grade, curb, repave, macadamize, remacadamize, lay out, open,
 21 widen, extend, and otherwise improve streets, alleys, avenues,
 22 boulevards, lanes, sidewalks, parks, promenades, piers and
 23 other public highways or any part thereof, and to close,
 24 vacate and discontinue same, and to construct docks and
 25 wharves and to construct and maintain bridges, viaducts,
 26 subways, tunnels, sewers and drains, inlets, canals, or other
 27 open waterways and to levy assessments and hold liens for such
 28 improvements as hereinafter provided; to regulate the use of
 29 highways, parks, public grounds and works; to prevent the
 30 obstruction of waterways, sidewalks, streets and highways; to
 31 abolish and prevent grade crossings over the same by

1 railroads; to regulate the operation and speed of all cars,
2 vehicles or vessels within the city using the same, ~~as well as~~
3 ~~the operation and speed of all engines, cars and trains of~~
4 ~~railroads within the city.~~

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

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

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

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

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

24 (9) Own, lease and operate public utilities. To
25 purchase, hire, construct, own, maintain, operate or lease
26 local public utilities, including bus lines, electric light,
27 telephone and telegraph systems, and works for supplying the
28 city and its inhabitants with water, ice, gas for
29 illuminating, heating and power purposes and electric energy
30 for illuminating, heating or power purposes, and
31

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

8 (b) Fees for water services. To fix and collect rates,
9 fees and charges for the services furnished by such
10 facilities, wholly within the corporate limits of the city,
11 and to fix and collect rates, fees and charges for the
12 services furnished by such facilities to consumers wholly
13 without the corporate limits of the city at a higher rate, fee
14 and charge than those fixed for consumers wholly within the
15 corporate limits of the city.

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

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

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

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

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

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

25 (i) To fix and revise water charges, fees. To fix and
26 revise from time to time, rates, fees and charges for water
27 and other services furnished by the water facilities of the
28 city and shall charge and collect the same. Such rates, fees
29 and charges shall be so fixed and revised as to provide funds,
30 with other funds available for such purposes, sufficient at
31 all times, (1) to pay the cost of maintaining, repairing and

1 operating the water plant and water facilities and to provide
2 reserves therefor and for replacements and depreciation and
3 necessary extensions and enlargements; (2) to pay the
4 principal of and interest on all outstanding revenue bonds and
5 certificates payable therefrom as the same shall become due
6 and provide reserves therefor; and (3) to provide a margin of
7 safety for making such payments and providing such reserves.

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

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

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

30 (12) Nuisances. To compel the abatement and removal of
31 all nuisances within the city or upon the property owned by

1 the city beyond its limits at the expense of the person or
 2 persons causing the same, or of the owner or occupant of the
 3 grounds or premises whereon the same may be; require all
 4 lands, lots and other premises within the city to be kept
 5 clean, sanitary and free from obnoxious weeds, mosquitoes,
 6 wild growth and rubbish, or to make them so at the expense of
 7 the owners or occupants thereof; ~~and~~ to collect such costs in
 8 the same manner as provided for the collection of other
 9 special assessments; and to control any nuisance as may be
 10 provided for by ordinance of the city commission to regulate
 11 ~~or prevent slaughterhouses or other noisome or offensive~~
 12 ~~business within said city. To provide for inspecting and~~
 13 ~~regulating the sanitary condition of all dairies, butcher pens~~
 14 ~~and slaughterhouses within and without the city limits and to~~
 15 ~~provide penalties for the violation of such regulations; to~~
 16 ~~regulate or prohibit the keeping of animals, poultry or other~~
 17 ~~fowl therein, or the exercise of any dangerous or unwholesome~~
 18 ~~business, trade or employment therein, and generally to~~
 19 ~~define, prohibit, abate, suppress and prevent all things~~
 20 ~~detrimental to the health, morals, comfort, safety,~~
 21 ~~convenience and welfare of the inhabitants of the city.~~

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

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

29 (15) License taxes. To license and tax privileges,
 30 businesses, occupations and professions carried on and engaged
 31 in within the corporate limits of the city; to classify and

1 define such privileges, businesses, occupations and
2 professions for the purpose of taxation, and the
3 classification and definition.

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

9 (16)~~(17)~~ Unsafe buildings. To condemn and order to be
10 demolished and removed, or to be put in a state of sound
11 repair any and all dilapidated, unsanitary and unsafe
12 buildings or structures and to provide and enforce penalties
13 for failure to do so, and after giving twenty days' written
14 notice to the owner of such building and structures to repair
15 or remove by posting such notice in a conspicuous place about
16 the premises, to take such steps as may be deemed necessary to
17 eliminate the unsafe or unsanitary conditions of such
18 buildings or structures at the expense of the owner, assessing
19 the cost thereof against said property, the city to have and
20 hold a lien thereon until the cost and expenses thus incurred
21 are discharged by payment.

22 (17)~~(18)~~ Traffic and use of the streets. To license,
23 control, tax and regulate traffic and sales upon the streets,
24 sidewalks, parks and public places within the city and the use
25 of space in such places as may be provided by ordinance of the
26 city commission ~~and to regulate, suppress and prohibit~~
27 ~~hawkers, peddlers and beggars upon such streets, sidewalks,~~
28 ~~promenades and public places and to license and cause to be~~
29 ~~registered and control, tax, regulate or to prohibit in~~
30 ~~designated streets, roads or parts thereof, motor buses,~~
31 ~~automobiles, cars, wagons, drays, trucks and other vehicles;~~

1 ~~and to license[,] tax and cause to be registered and control~~
 2 ~~the drivers thereof and to fix the rates and schedules to be~~
 3 ~~charged and maintained for the carriage of persons and~~
 4 ~~property within the city and beyond the limits of the city; to~~
 5 ~~make and promulgate regulations for traffic on the streets,~~
 6 ~~roads or parts thereof, during such hours and at such times as~~
 7 ~~may be necessary or convenient, and to provide for parking~~
 8 ~~spaces on the streets, roads and other public places and to at~~
 9 ~~any time discontinue the right to the use of such parking~~
 10 ~~spaces and to regulate, vacate and discontinue the use of~~
 11 ~~same; to prescribe or regulate the flying height of airplanes~~
 12 ~~and other aerial conveyances over, above and within the area~~
 13 ~~of the city limits; and to require all vehicles for the~~
 14 ~~carriage of persons for hire to execute a bond to be~~
 15 ~~conditioned as required by ordinance for the protection of~~
 16 ~~passengers and of the public and to make such bond inure to~~
 17 ~~the benefit of persons or property which may be injured or~~
 18 ~~damaged by the operation of such vehicles for hire; and to~~
 19 ~~require such bond with such surety to be furnished by all~~
 20 ~~persons, firms or corporations owning or operating for hire~~
 21 ~~vehicles upon the streets, roads and public places of the~~
 22 ~~city, whether such operation be wholly within the limits of~~
 23 ~~said city or between said city and other cities or towns or~~
 24 ~~places outside of the city.~~

25 (18)~~(19)~~ Airport lands and buildings. The city shall
 26 have power to acquire lands within or without the city limits
 27 for a landing field or airport for aircraft and to construct
 28 and equip thereon, or on other property of the city, either
 29 within or without the city limits, such buildings and other
 30 improvements as may be deemed necessary for that purpose, the
 31 same being a municipal purpose of the city; the city shall

1 have power to operate and maintain such airport, to provide
2 rules and regulations governing its use and the use of other
3 property or means of transportation within or over the same,
4 and to enter into contracts or otherwise cooperate with the
5 federal government or other public or private agencies in
6 matters relating to such airport and otherwise to exercise
7 such powers as may be required or convenient for such
8 establishment, operation and maintenance.

9 (19)~~(20)~~ Disability compensation for certain
10 employees. To provide disability compensation for any city
11 employee in any amount not exceeding fifty (50) percent of the
12 average annual salary paid to such employee by the city when
13 such employee shall have been disabled seventy-five (75)
14 percent or more while engaged in the employment of the city;
15 provided that such employee is not covered by the workers'
16 ~~workmen's~~ compensation laws of the state.

17 (20)~~(21)~~ Retirement and pensions for city employees.
18 To provide retirement or pension plans for city employees as
19 may be provided by ordinance. The city commission ~~council~~
20 shall have the authority to retire any city employee who has
21 twenty (20) years of accrued or continued service with the
22 city in an amount not exceeding seventy-five (75) percent of
23 the average annual salary for the last calendar year of
24 employment before retirement.

25 (21)~~(22)~~ Misdemeanors of state. The violation of any
26 law of the State of Florida which is by statute declared to be
27 a misdemeanor shall be a violation of the ordinances of the
28 city and shall be punishable when the punishment is not
29 otherwise specifically provided for by ordinance by fine or
30 imprisonment or both within the limits set forth herein.

31

1 (22)~~(23)~~ Clearing of lands. ~~That~~ If at any time the
2 city commission ~~council~~ shall deem it necessary or expedient
3 for any good reason, that any lot, tract or parcel of land
4 within said city should be cleaned or cleared of weeds, trash,
5 undergrowth, brush, filth, garbage or other refuse, it shall
6 have power to direct and require the owner or owners of said
7 lot, tract or parcel of land to clean or clear the same of
8 weeds, trash, undergrowth, brush, filth, garbage or other
9 refuse as may be provided by ordinance of the city commission.
10 ~~Such notice shall be given by a resolution of the council, a~~
11 ~~copy of which shall be served upon the owner or owners of such~~
12 ~~lot, parcel or tract of land, or upon the agent of such owner,~~
13 ~~or if the owner is a nonresident or cannot be found within the~~
14 ~~city or has no known agent within the city, a copy of such~~
15 ~~resolution shall be published once each week for two (2) weeks~~
16 ~~in some newspaper published in the city and a copy thereof~~
17 ~~posted upon said lot, tract or parcel of land; and if the~~
18 ~~owner or owners shall not within such time as such resolution~~
19 ~~shall prescribe clean or clear such lot, tract or parcel of~~
20 ~~land of weeds, trash, undergrowth, brush, filth, garbage, or~~
21 ~~other refuse, as therein directed, it shall be lawful for the~~
22 ~~city council to cause the same to be done and to pay therefor~~
23 ~~and to charge, assess and collect the expense therefor against~~
24 ~~said lot, tract or parcel of land and against the owner or~~
25 ~~owners thereof.~~

26 ~~Notice of such liens shall be recorded in the office of~~
27 ~~the clerk of the circuit court, Union County, Florida, and the~~
28 ~~liens evidenced thereby shall be indexed by him. Said lien~~
29 ~~shall bear interest at the rate of eight (8) per centum from~~
30 ~~the date of the completion of the work and may be collected by~~
31

1 ~~the City of Lake Butler by suit at law, or in equity either~~
 2 ~~against the owner or against the property covered thereby.~~
 3 (23)~~(24)~~ Filling of lands. If at any time the city
 4 commission council shall deem it necessary or expedient for
 5 the preservation of the public health, or for any other good
 6 reason, that any lot, parcel or tract of vacant land when
 7 lying and being within said city, which may be lower than any
 8 street, streets, avenue or public way adjoining the same or
 9 the grade established therefor, or which may be subject to
 10 overflow or to the accumulation thereon of water, should be
 11 filled in, ditched or drained the city commission council
 12 shall have the power to direct and require the owner or owners
 13 of said lot, parcel or tract of vacant land to ditch, drain,
 14 or to fill in the same to such grade as the city commission
 15 council shall direct as may be provided by ordinance of the
 16 city commission. ~~Such notice shall be given by a resolution of~~
 17 ~~the city council, a copy of which shall be served on the owner~~
 18 ~~or owners of such lot, parcel or tract of vacant land, or upon~~
 19 ~~the agent of such owner, or if the owner is a nonresident and~~
 20 ~~cannot be found within the city and has no known agent with~~
 21 ~~the city, a copy of such resolution shall be published once~~
 22 ~~each week for two consecutive weeks in some newspaper~~
 23 ~~published in the city and a copy thereof shall be posted upon~~
 24 ~~said lot, parcel or tract of vacant land; or if no newspaper~~
 25 ~~is published in the city, such posting upon such lot, parcel~~
 26 ~~or tract of vacant land shall be deemed sufficient. If the~~
 27 ~~owner or owners shall not within such time as such resolution~~
 28 ~~shall prescribe, fill in, ditch, or drain the lot, parcel or~~
 29 ~~tract of vacant land, as therein directed, it shall be lawful~~
 30 ~~for the council to cause the same to be done and to pay~~
 31 ~~therefor, and to charge, assess and collect the expenses~~

1 ~~thereof against the said lot, parcel or tract of vacant land~~
2 ~~and against the owner or owners thereof.~~

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

12 (24)~~(25)~~ Sidewalk construction and repair. The city
13 commission council may adopt a resolution directing and
14 requiring the owner of any lot, parcel or tract of land
15 fronting or abutting on any street, avenue, alley or other
16 public way, to construct, build or repair a sidewalk, curb or
17 gutter, or either one or more of said improvements thereon, to
18 be built in front of such abutting property, upon a grade and
19 of such materials with and other dimensions, and in such
20 manner as the commission council may direct. The said
21 resolution shall fix a time within which said work shall be
22 done by the owner, and a copy of said resolution shall be
23 served upon such owner or upon the agent of such owner, or if
24 the owner is a nonresident and cannot be found within said
25 city, and has no known agent within said city, a copy of such
26 resolution shall be published once each week for two (2)
27 consecutive weeks in some newspaper published in said city and
28 a copy thereof posted upon said lot, parcel or tract of land,
29 or if no newspaper is published in said city, a copy thereof
30 posted upon said lot, tract or parcel of land shall be deemed
31 sufficient. If the owner shall not within the time fixed in

1 said resolution, build, construct or repair such sidewalk,
 2 curb or gutter, or either one or more of said improvements in
 3 the manner and as directed in said resolution the commission
 4 ~~council~~ may cause the same to be done and pay therefor and
 5 charge and assess and collect the expense thereof against such
 6 lot, parcel or tract of land, and against the owner or owners
 7 thereof. But nothing in this section shall be construed to be
 8 in conflict with another section of this act, but all shall
 9 exist as cumulative, but as independent modes of procedure,
 10 either to be followed in the discretion of the commission
 11 ~~council~~.

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

21 ~~(25)(26)~~ Railroads. The city commission ~~council~~ shall
 22 have the power by ordinance to regulate, suppress or prohibit
 23 the blowing of whistles or the making of unusual or
 24 unnecessary noises by any engine, locomotive or train within
 25 said city; to limit and regulate the rate of speed at and
 26 manner in which any engine, locomotive, train, car or cars of
 27 any street railway company, or any automobile, truck, car,
 28 motorcycle, and all other motor driven vehicles may be
 29 operated within the city limits; ~~to require that no engine,~~
 30 ~~locomotive, train, car or cars of any street railway company~~
 31 ~~or railway company shall block or obstruct the passage of~~

1 ~~persons or vehicles at any street crossing or other public~~
 2 ~~crossing in said city, and to limit the time that any engine,~~
 3 ~~locomotive, train, car or cars may stand upon, obstruct or~~
 4 ~~block any such street or other public crossing; to require any~~
 5 ~~street or other railway company doing business within said~~
 6 ~~city to open, establish, pave, maintain and keep in repair a~~
 7 ~~proper crossing for the passage of persons and vehicles over~~
 8 ~~and upon its track or tracks at any point where any public~~
 9 ~~street, avenue or other public way of said city may now or~~
 10 ~~hereafter be located or established, and to prescribe that if~~
 11 ~~such railway company shall fail or refuse to comply with the~~
 12 ~~provisions of any ordinance or resolution of the council~~
 13 ~~ordering the opening, establishing, paving, maintaining or~~
 14 ~~repairing of such crossing, within such time as may be~~
 15 ~~prescribed by the council or any person authorized by it, the~~
 16 ~~council may open, establish, pave, maintain or repair any such~~
 17 ~~crossing, and the city shall pay for the same and shall have a~~
 18 ~~lien for the amount so paid, which lien may be enforced by~~
 19 ~~suit at law or equity, or the city may maintain its personal~~
 20 ~~action against such street or other railway company to recover~~
 21 ~~said amount, or it may enforce its lien and also maintain its~~
 22 ~~personal action until actually paid the amount due, and the~~
 23 ~~same remedies may be pursued and enforced in any court of~~
 24 ~~competent jurisdiction.~~

25 Section 12. Adoption of general statutes relating to
 26 cities and towns; use of power under state law.--The city may
 27 adopt in full, in part or by reference and make a part of the
 28 ordinances of the city, any general statute relating to
 29 cities, towns and municipalities as set forth in Florida
 30 general laws or any amendments thereto. The city may use those
 31 powers of the general laws of the State of Florida, and

1 amendments thereto, that are in force for the municipalities,
2 cities and towns of this state to be used at the discretion of
3 the city commission ~~council~~.

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

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

21 Section 14. Jurisdiction.--The jurisdiction and powers
22 of the city shall extend over all streets, alleys, sewers,
23 parks and all lands within the corporate limits, whether
24 platted or unplatted, and in the air above same; and to and
25 over all waters, waterways, streams, bays, bayous, submerged
26 lands, water bottoms and wharves; and to and over all persons,
27 firms, and corporations, property and property rights,
28 occupations, businesses and professions whatsoever, within
29 boundaries; and over all property owned, leased or operated by
30 the city outside the corporate limits. The title to and
31 jurisdiction over all streets, thoroughfares, parks, alleys,

1 public lots, sewers, within the city, and all other property
2 and municipal plants now owned, possessed or operated by the
3 municipality by this charter abolished, and all property of
4 every kind and character which the city may hereafter acquire
5 within or outside the city, or which may vest in it, or be
6 dedicated to it, for its use or for the public use, shall be
7 vested in the City of Lake Butler, as created under this
8 charter.

9 Section 15. Causes of action against
10 city--Limitations.--

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

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

19 (c) Any limitations on any causes of action and
20 notices required and any defense to any causes of action made
21 available for the benefit of any cities, towns or
22 municipalities in this state by the general law of this state
23 are hereby declared to be available for the use and benefit of
24 the City of Lake Butler.

25
26 ARTICLE III. FORM OF GOVERNMENT
27

28 Section 17. City commission ~~council~~; city
29 officers.--The governing body of the city shall be designated
30 as the city commission ~~council~~ which shall be composed of five
31 (5) commissioners ~~councilmen~~, who shall be elected from the

1 city at large for terms of four years. The members of the city
2 commission ~~council~~ shall be qualified electors of the City of
3 Lake Butler. All other officers and employees of the city
4 shall be appointed, suspended, or discharged as provided by
5 ordinance of the city commission ~~by a majority vote of the~~
6 ~~city council and the city council shall have authority to~~
7 ~~discharge or suspend any such appointed officer or employee at~~
8 ~~its pleasure without cause.~~

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

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

27 Section 19. General powers and duties of city
28 commission ~~council~~.--Without limitation of the powers set
29 forth in this charter, the city commission ~~council~~ shall have
30 the following powers and duties:
31

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

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

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

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

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

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

19 (7) To create offices within the city government and
20 provide compensation for officers and employees of the city.

21 (8) To determine all matters of policy of the city
22 government.

23 (9) Act as a board of appeals from the decision of any
24 committee or commission appointed by the commission ~~council~~.

25 (10) Regulate places of business selling alcoholic
26 beverages.

27 Section 20. General powers and duties of the mayor.--

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

30 (1) To exercise the executive power of the city ~~and~~
31 ~~supervise all the departments.~~

1 (2) To enforce the charter and ordinances of the city
2 and all general laws applicable thereto.

3 (3) To present recommendations to the commission
4 ~~council~~ on the requirements of the city government.

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

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

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

17 Section 21. Mayor and vice mayor ~~pro-tem~~.--The
18 commission ~~council~~ shall elect one of their members as mayor
19 and another as vice mayor ~~pro-tem~~ for terms of one year at the
20 annual organizational meeting of the commission ~~council~~ after
21 each regular municipal election. The mayor shall preside at
22 meetings of the commission ~~council~~, and in the mayor's ~~his~~
23 absence the vice mayor ~~pro-tem~~ shall preside; and shall
24 perform such other duties consistent with his or her office
25 and this Charter as may be imposed by the commission ~~council~~.
26 The mayor shall have no veto power; he or she shall be
27 recognized as the official head of the city for all ceremonial
28 purposes, by the courts for the purpose of serving civil
29 process, and by the governor for military purposes. In time of
30 public danger or of emergency, he or she may with the consent
31 of the commission ~~council~~, take command of the police and

1 maintain order and enforce the law. During the absence or
 2 disability of the mayor his or her duties shall be performed
 3 by the vice mayor ~~pro-tem~~. In the absence of the mayor and the
 4 vice mayor ~~pro-tem~~, the commission council shall appoint one
 5 of its members to serve as vice mayor ~~pro-tem~~ of the
 6 commission council in performing the duties of the mayor.

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

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

30 Section 24. Procedure; discipline; quorum.--The city
 31 commission council may determine its own rules of procedure

1 and may punish its own members for misconduct and may compel
2 the attendance of members, and upon the vote of four-fifths
3 (4/5) of the members, of the commission ~~council~~ may expel a
4 member for misconduct in office or neglect of duty, after
5 holding public hearing on charges. A majority of all members
6 of the said commission ~~council~~ shall constitute a quorum to do
7 business, but a smaller number may adjourn from time to time.
8 Misconduct on the part of a member of said commission ~~council~~
9 shall consist of any dishonorable act upon the part of said
10 member, or the use of profane or abusive language at any
11 commission ~~council~~ meeting, or the creating of any unlawful
12 disturbance on the part of any member or members such as
13 fighting or assaulting another member or members of the
14 commission ~~council~~ or any citizen at a commission ~~council~~
15 meeting, or any act of disorderly conduct on the part of any
16 member that would tend to breach the peace or lower the
17 dignity and standard of the commission ~~council~~ of the City of
18 Lake Butler. A majority of the commission ~~council~~ may compel
19 the attendance of absent members by the imposition of fines
20 and penalties.

21 Section 25. Rules and order of business; journal;
22 minutes.--The commission ~~council~~ shall determine its own rules
23 and order of business. It shall cause the city clerk to keep
24 the journal of its proceedings, to authenticate by his or her
25 signature and to record in a book kept for the purpose all
26 ordinances and resolutions. The reading of the minutes of the
27 prior regular meeting may be dispensed with if the commission
28 by motion duly carried dispenses with such reading. Upon
29 request of any person present, the minutes shall be read. The
30 minutes of any special meeting shall be read at the next
31

1 regular meeting or by motion duly carried the commission
2 ~~council~~ may dispense with such reading.

3 Section 26. Commissioners ~~Councilmen~~ required to
4 vote.--When any issue or question is to be voted on at any
5 commission ~~council~~ meeting, ~~the clerk shall call the roll of~~
6 ~~the council members and~~ each commissioner ~~councilman~~ present
7 ~~at the council table~~ at that time shall cast either an
8 affirmative or negative vote on such issue or question and the
9 clerk shall record the individual vote of each in the journal.

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

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

19 (a) Successive failure to attend regular meetings
20 without good cause after being requested by the majority of
21 the commission ~~council~~ so to do.

22 (b) Removal of residence from the City of Lake Butler.

23 (c) Mifeasance in office.

24 (d) Nonfeasance in office.

25 (e) Malfeasance in office.

26 (f) Habitual intoxication.

27 (g) Conviction of a felony.

28 (h) Gross immorality, while on duty, off duty, or
29 while on vacation.

30 Section 29. Same--Procedure.--The majority of the
31 commission ~~council~~ may remove any member of the commission

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

8
 9 ARTICLE IV. ELECTIONS

10
 11 Section 30. Election of city commission ~~council~~;
 12 election registration officer.--The regular municipal election
 13 of the city shall be held on the fourth Tuesday in June of
 14 each even numbered year, beginning in 1982.

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

21 The city commission ~~clerk~~ shall appoint ~~be~~ the election
 22 registration officer of the City of Lake Butler at least 30
 23 days prior to any city election. The city commission may elect
 24 to contract elections supervision to the county elections
 25 supervisor when deemed to be in the best interest of the city.

26 Section 31. Qualifications of candidate ~~and form of~~
 27 ~~oath~~.--Any person who is a resident of the city and has been
 28 for at least 6 months and has the qualifications of an elector
 29 therein may become a candidate for election to the office of
 30 the city commissioner ~~councilman~~ by petition of twenty (20)
 31 qualified electors of the city and filing with the election

1 registration officer ~~city clerk~~ a qualifying fee as prescribed
2 by ordinance and by taking and subscribing to an oath or
3 affirmation in compliance with current state election laws
4 before the election registration officer. The qualifying
5 period for candidates for city commission shall consist of a
6 5-day period, Monday through Friday, as designated by the city
7 commission and must occur not less than 60 days prior to the
8 scheduled election. The filing of necessary documents for
9 qualifying as a candidate shall occur on these days during
10 established hours at the office of the election registration
11 officer. ~~city clerk~~ in substantially the following form and
12 filing the same with the city clerk not more than sixty (60)
13 nor less than fifteen (15) days prior to the day of holding
14 the next regular election:

15
16 State of Florida

17
18 County of Union

19
20 City of Lake Butler

21
22 Before me, the ~~city clerk of the City of Lake~~
23 ~~Butler, personally [appeared] _____ who~~
24 ~~first being duly sworn says that he is a~~
25 ~~candidate for the office of city councilman in~~
26 ~~the City of Lake Butler, Florida, at elections~~
27 ~~to be held in the year 19_____;~~ that he is a
28 ~~qualified elector in the City of Lake Butler;~~
29 ~~that he is duly qualified to hold office under~~
30 ~~the Constitution and laws of the State of~~
31 ~~Florida; that he is not a member of the~~

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~~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~~

1 ~~resided in the City of Lake Butler for six (6) months~~
 2 ~~preceding such election, and who has not registered as a voter~~
 3 ~~of said city in such manner as may be prescribed by the~~
 4 ~~council.~~ The city commission ~~council~~ shall, by ordinance,
 5 prescribe the method, manner and conduct of holding all
 6 elections which shall be called and held, and which are not
 7 provided for by the terms of this charter. All such elections
 8 shall be conducted substantially on the principle adopted for
 9 the state elections insofar as there is no conflict with the
 10 terms of this charter or ordinance.

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

23 Section 36. Vacancies.--Should a vacancy occur in the
 24 city commission ~~council~~, it may be filled by appointment upon
 25 a majority vote of the city commission ~~council~~, until a
 26 successor is qualified and elected at the next regular general
 27 municipal election, at which election the successor shall be
 28 elected to fill the remainder of the unexpired term, or the
 29 vacancy may be filled by a special election to fill the
 30 remainder of the unexpired term. Provided no person shall be
 31

1 appointed to fill a vacancy occasioned by his or her recall as
2 provided in section 39.

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

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

23
24 ARTICLE V. ORDINANCES

25
26 Section 49. Validation of previous acts of commission
27 ~~council~~.--The ordinances heretofore passed and all acts
28 heretofore done and performed by and through the city
29 commission ~~council~~, mayor and other officials of the City of
30 Lake Butler not in conflict with the Constitution and Laws of
31 the United States or the State of Florida, and the provisions

1 of this act, are hereby declared to be of full force and valid
2 and binding both in law and equity.

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

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

31

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

5 Section 52. Effective date.--Each ordinance or
6 resolution shall take effect when passed and certified as
7 passed, unless otherwise provided in said ordinance or
8 resolution.

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

14 Section 54. Initiative and referendum.--

15 (a) Power of initiative. The electors of the city
16 shall have power to propose any ordinance, except an ordinance
17 appropriating money or authorizing the levy of taxes, and to
18 adopt or reject the same at the polls, such power being known
19 as the initiative. Any initiated ordinance may be submitted to
20 the commission council by a petition signed by qualified
21 electors of the city in equal number to at least thirty
22 percent (30 %) of the registered voters at the last regular
23 municipal election.

24 (b) Power of referendum. The electors shall have power
25 to approve or reject at the polls any ordinances passed by the
26 commission council, or submitted by the commission council to
27 a vote of the electors, except as otherwise provided in this
28 charter, such power being known as the referendum. Ordinances
29 submitted to the commission council by initiative petition and
30 passed by the commission council without change shall be
31 subject to a referendum in the same manner as other

1 ordinances. Within twenty (20) days after the enactment by the
2 commission ~~council~~ of any ordinance which is subject to a
3 referendum, a petition signed by qualified electors of the
4 city equal in number to at least thirty percent (30 %) of the
5 registered voters at the last preceding regular municipal
6 election may be filed with the city clerk requesting that any
7 such ordinance be either repealed or submitted to a vote of
8 the electors.

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

20
21 ARTICLE VI. CITY CLERK
22

23 Section 56. City clerk--Office created; powers and
24 duties.--There is hereby created the office of the city clerk
25 of the city. The city clerk shall be appointed by the city
26 commission ~~council~~ and shall serve under the direction and
27 supervision of at the pleasure of the city commission ~~council~~.

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

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

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

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

13 (4) Make and keep a list of the outstanding
14 obligations of the city of whatsoever characters they may be,
15 to whom issued and for what purposes, when and where payable
16 and the rate of interest they respectively bear, and he or she
17 shall recommend such action from time to time to the city
18 commission ~~council~~ as will insure the punctual payment of
19 principal and interest of such obligations.

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

27 (6) No contract made in behalf of the city or to which
28 the city is a party shall be valid unless countersigned by the
29 city clerk and he or she shall keep regular books of account
30 in which shall be entered all indebtedness of the city which
31 shall at all times show the financial condition of the city,

1 the amount of bonds, interest, orders, certificates or other
2 evidences of indebtedness outstanding and the amount of all
3 bonds, orders, certificates or other evidences of indebtedness
4 which have been redeemed.

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

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

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

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

26 (11) The city clerk shall be the assessor and
27 collector of taxes for the city. He or she shall receive and
28 collect all moneys belonging to the city including taxes,
29 license money, fines and incomes from all other sources and ~~he~~
30 shall collect all special assessments as provided for under
31 this act and keep an accurate account thereof, depositing same

1 in the city depository. Provided the city commission ~~council~~
2 may appoint and provide by ordinance the powers and duties of
3 a city tax assessor and collector, including the duties herein
4 prescribed.

5 (12) In addition to the duties specifically imposed
6 under this act the city clerk shall perform such other duties
7 as may be required of him or her by ordinance or resolution of
8 the city commission ~~council~~ as well as such as may be required
9 of the city auditors, city clerks, city tax collectors and
10 city tax assessors by the general laws of the state applicable
11 to municipalities and not inconsistent with this act or with
12 any ordinance or resolution passed by the city commission
13 ~~council~~.

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

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

23 (15) He or she shall keep a list of all certificates
24 issued for work, or for any other purpose and before the levy
25 by the city commission ~~council~~ of any special tax upon any
26 property in the city, or any part thereof, he or she shall
27 furnish to the city commission ~~council~~, a schedule of all lots
28 or parcels of land which may be subject to the proposed tax or
29 assessment and which it may be necessary to levy on, which
30 said schedule shall be certified by his or her affidavit and
31 shall be prima facie evidence of the facts stated therein, in

1 all cases wherein the validity of such tax or assessment shall
 2 come in question. Acting upon such schedule the city
 3 commission council may, if they deem such special tax or
 4 assessment legal and just, cause the same to be levied.

5 (16) No contract, agreement or other obligation
 6 involving the expenditure of money shall be entered into, nor
 7 shall any ordinance, resolution or order for expenditure of
 8 money be passed by the city commission council or be
 9 authorized by any office of the city unless the city clerk
 10 first certifies to the city commission council or to the
 11 proper officer, as the case may be, that the money required
 12 for such contract, agreement, obligation or expenditure, is in
 13 the treasury or depository to the credit of the fund from
 14 which it is to be drawn, and not appropriated for any other
 15 purpose, which certificate shall be filed and immediately
 16 recorded. The sum so certified shall not thereafter be
 17 considered unappropriated until the city is discharged from
 18 the contract, agreement or obligation. All moneys actually in
 19 the treasury or depository to the credit of the fund from
 20 which they are to be drawn, and all moneys applicable to the
 21 payment of obligations or appropriations involved, that are
 22 anticipated to come into the treasury or depository before the
 23 maturity of such contract, agreement or obligation, from taxes
 24 or assessments, or from sale or services, products or
 25 byproducts, or from any city undertaking, fees, charges,
 26 accounts and bills receivable, or other claims in the process
 27 of collection; and all moneys applicable to the payment of
 28 such obligation or appropriation, which are to be paid into
 29 the treasury or depository prior to the maturity thereof,
 30 arising from the sale or lease of land or other property and
 31 money to be derived from lawfully authorized bonds sold and in

1 the process of delivery shall, for the purpose of such
2 certificates, be deemed in the treasury or depository to the
3 credit of the appropriate fund and subject to such
4 certification.

5 (17) All claims and demands against the city, before
6 they are allowed by the city commission ~~council~~, shall be
7 examined and adjusted and their correctness certified by the
8 city clerk. He or she shall keep a record of his or her
9 accounts and doings and a record of all contracts to which the
10 city is a party, with an index thereto, and such books shall
11 be open to the inspection of all parties interested.

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

26
27 ARTICLE VII. LAW ENFORCEMENT ~~MUNICIPAL COURT~~;
28 ~~POLICE DEPARTMENT~~; CITY ATTORNEY

29
30 Section 72. Law enforcement Police
31 ~~department--Established; composition.--~~Law enforcement

1 activities shall be as determined by ordinance of the city
 2 commission. ~~There shall be and there is hereby established in~~
 3 ~~the City of Lake Butler a police department for the~~
 4 ~~preservation and enforcement of law and order within said~~
 5 ~~city. The department shall consist of one chief of police and~~
 6 ~~such necessary deputy police officers, who shall be appointed~~
 7 ~~by the city council to serve at the pleasure of the city~~
 8 ~~council.~~

9 Section 75. City attorney.--The city attorney shall be
 10 appointed by the city commission ~~council~~ from the membership
 11 of The Florida Bar Association. As legal advisor for the
 12 municipality, in consideration of the retainer set forth in
 13 the budget ordinances of the city, at the direction of the
 14 city commission ~~council~~ and upon reasonable notice, the city
 15 attorney shall render his or her legal opinion in response to
 16 any reasonable question on municipal law propounded by the
 17 commission ~~council~~ or city administrative officials, be
 18 available on reasonable notice to represent the city in his or
 19 her professional capacity and cause to be prepared any
 20 ordinance or resolution for introduction requested by the city
 21 commission ~~council~~. The city attorney upon reasonable notice
 22 in his or her professional capacity as an attorney at law,
 23 shall represent the city and its officials in all other legal
 24 matters requiring the services of an attorney at law, and
 25 shall be entitled to and shall receive his or her professional
 26 fee for any such service rendered. He or she shall be
 27 reimbursed for all necessary and reasonable expenses and costs
 28 expended, incurred or advanced by him or her on behalf of and
 29 for the benefit of the city. Special counsel, upon
 30 recommendation of the city attorney, or upon notice of the
 31 city commission ~~council~~, may be engaged at any time by the

1 commission ~~council~~ and such special counsel shall be paid by
2 the city for professional services rendered, except any
3 special counsel engaged and paid by any company pursuant to
4 contract with the city.

5
6 ARTICLE VIII. HEALTH, SAFETY, WELFARE

7
8 Section 76. Public health, morals, welfare or safety;
9 public health officer.--The City is authorized to enact any
10 type or kind of ordinance to protect the public health,
11 morals, welfare or safety of the inhabitants of the city, and
12 to employ a public health officer.

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

17 Section 79. Establish quarantine and health
18 regulations; city health officer to enforce the same.--The
19 city commission ~~council~~ shall have the power to pass all such
20 ordinances as may be necessary to establish quarantine and
21 health regulations for the city, not inconsistent with the
22 rules and regulations of the state board of health, and
23 enforce the same by penalties; to arrange and provide for a
24 city health officer. The city health officer shall have the
25 general supervision of the public health of the city and shall
26 have the power to make, promulgate and enforce such rules and
27 regulations as may be necessary for the preservation of the
28 same not inconsistent with this charter or in violation of any
29 of the ordinances of the city.

30
31 ARTICLE IX. BUDGET AND FINANCES

1
2 Section 85. Deposits and expenditures; city
3 treasury.--~~There shall not be a city treasurer of the City of~~
4 ~~Lake Butler and the Funds of the city shall be~~ received,
5 controlled, handled, and dispersed in the manner determined by
6 ordinance and in harmony with appropriate provisions of state
7 statute and accepted finance and accounting practices.

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

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

28 (a) ~~Any bank, national or state, authorized to do~~
29 ~~business in the State of Florida that will pay the highest~~
30 ~~interest rate authorized by law per annum on deposits of city~~
31 ~~funds and give at its own expense a surety bond issued by some~~

1 ~~surety company authorized to do business in this state or make~~
2 ~~satisfactory deposit to the credit of the city sufficient~~
3 ~~federal, state, county or municipal bonds for the protection~~
4 ~~of said funds is hereby created a city depository for the City~~
5 ~~of Lake Butler and authorized and entitled to receive city~~
6 ~~funds in the manner and method hereinafter provided.~~

7 ~~(b) Any bank as described in the preceding subsection~~
8 ~~(a) desiring to become a city depository as herein provided~~
9 ~~shall file with the city council a written offer and guarantee~~
10 ~~to pay the city the rate of interest as required by subsection~~
11 ~~(a) above, and shall execute and deliver to said city a surety~~
12 ~~bond issued by some surety company duly authorized to do~~
13 ~~business in the state or make satisfactory deposit to the~~
14 ~~credit of the city, federal, state, county or municipal bonds~~
15 ~~in an amount to be determined by the city council and approved~~
16 ~~as to validity by the city attorney of the city; and~~
17 ~~conditioned that said bank insure the safekeeping, accounting~~
18 ~~for and paying over upon demand by proper authority all money~~
19 ~~that may come into its hands by virtue of its acting as said~~
20 ~~depository; and will in all respects duly and faithfully~~
21 ~~perform the duty imposed upon it, is entitled and authorized~~
22 ~~to receive an equitable share of the public money of the city,~~
23 ~~provided that the city council shall divide the deposits of~~
24 ~~the city equitably among the banks of the city that have~~
25 ~~qualified as provided in this and the preceding sections and~~
26 ~~subsections and in case no bank in the city shall qualify then~~
27 ~~the city council shall divide the deposits among the banks of~~
28 ~~some other city meeting the conditions as provided in this and~~
29 ~~the preceding sections and subsections.~~

30 ~~(c) The tax collector and chief of police of the city~~
31 ~~and all other officers or persons having or receiving or~~

1 ~~collecting any money payable to the city funds shall pay the~~
 2 ~~same to the bank or banks qualified to receive the same. Each~~
 3 ~~bank receiving any money as provided in this or the preceding~~
 4 ~~sections or subsections shall make receipt of same in~~
 5 ~~triplicate, one copy of which the bank will carefully preserve~~
 6 ~~and keep, one copy to be given to the person from whom money~~
 7 ~~was received and one copy given to the city clerk.~~

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

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

25 ~~(f) All money drawn from any depository holding same~~
 26 ~~under the provisions of the preceding subsections shall be~~
 27 ~~upon a check or warrant issued by the city council; said check~~
 28 ~~or warrant both as to number and amount and persons to whom~~
 29 ~~drawn and purpose for which drawn shall be recorded in the~~
 30 ~~minutes of the city council; and each check or warrant so~~
 31 ~~drawn shall be signed by the mayor, attested by the city clerk~~

1 ~~with the corporate seal of the city affixed thereto, and the~~
2 ~~bank upon which each check or warrant is drawn shall not pay~~
3 ~~the same until it shall receive a certified list from the city~~
4 ~~clerk giving the date and number and amount of each check or~~
5 ~~warrant and person to whom issued.~~

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

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

22
23 ARTICLE XI. LOCAL IMPROVEMENTS; SPECIAL ASSESSMENTS; BONDS
24

25 Section 105. Improvements defined; special assessments
26 authorized.--The city commission ~~council~~ is hereby authorized,
27 by resolution to regulate, provide for and require the
28 opening, widening, grading extending and improving the
29 streets, avenues, parks and other public places, and the
30 construction, repair and maintenance of sidewalks, street
31 pavements, curbs and street lights; the draining, dredging and

1 filling in of low or marshy places, dangerous to public
 2 health; the cleaning up, clearing, underbrushing and putting
 3 into proper condition of places requiring such work to be done
 4 to promote the public welfare or to protect adjacent property
 5 against the danger of fire, breeding of mosquitoes and
 6 harboring snakes, etc.; to construct and maintain water mains,
 7 sewers and drains; and may by resolution provide for the
 8 payment of cost of the same, in whole or in part by special
 9 assessment against the property abutting or benefited or the
 10 property cleaned up, cleared, underbrushed, drained, dredged
 11 or filled in and may by resolution provide for the making of
 12 the assessment a lien against the property so benefited,
 13 cleaned up, cleared, underbrushed, drained, dredged or filled
 14 in. The city commission ~~council~~ shall have power by resolution
 15 to provide for the levying and collection of a frontage tax
 16 for water and sewer mains based upon the front footage of the
 17 property bounding or abutting upon the improvement.

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

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

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

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

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

22 Section 108. Payments from city funds.--The city
23 commission ~~council~~ may pay out of the city's general fund, or
24 out of any special fund provided for that purpose, such
25 portion of the cost of the proposed improvement as it may deem
26 proper. Interest accrued while an improvement is under
27 construction, and for six (6) months thereafter shall be
28 deemed part of the cost of the improvement. All engineering
29 and inspection cost, including a proper portion of the
30 compensation, salaries and expenses of the engineering staff
31 of the city properly chargeable to any improvement, and all

1 costs and estimated costs of the issuance of bonds hereinafter
 2 provided for, shall be deemed a part of the cost of the
 3 improvement. When the improvement has been completed the city
 4 commission ~~council~~ shall ascertain and determine the cost
 5 thereof, and shall declare the same thereof by resolution.

6 Section 109. Assessment book for local improvement;
 7 notice.--When the improvement has been completed, the city
 8 commission ~~council~~ shall cause to be prepared an assessment
 9 list showing the names of the property owners and opposite
 10 each name, a description of each lot or parcel of land
 11 proposed to be assessed for the improvement and the amount
 12 proposed to be assessed against each lot or parcel of land.
 13 Such list shall be entered in a well bound book prepared for
 14 that purpose, which shall contain an appropriate column in
 15 which payments shall be credited and shall be known as "The
 16 Assessment Book for Local Improvements." It shall be a public
 17 record, and entry therein of any assessments shall constitute
 18 notice to the public of the lien against the land so assessed,
 19 and no other record of notice thereof shall be necessary to
 20 any person or corporation for that purpose. No error, omission
 21 or mistake in regard to the name of the owner shall be held to
 22 invalidate any assessment. As soon as the assessment has been
 23 entered in the assessment book, said book shall be delivered
 24 to the city clerk, who shall thereupon give notice of
 25 publication in some newspaper published in the city that the
 26 assessment list, describing the same, has been delivered to
 27 him or her and is open for inspection at his or her office and
 28 that at a time and place therein mentioned, not less than five
 29 (5) days from the date of publication the city commission
 30 ~~council~~ will meet to hear and determine any objections or
 31 defenses that may be filed to such assessments or to the

1 amounts thereof. Said notice shall also state the general
 2 character of the improvements and the location thereof and the
 3 streets or other public thoroughfares or portions thereof on
 4 which the improvement has been constructed.

5 Section 110. Assessment of railroads.--All assessments
 6 shall be made and apportioned in the manner fixed by the
 7 resolution of the city commission ~~council~~. No assessment shall
 8 exceed the special benefits derived from the improvements. If
 9 there be a railroad track or tracks on any street, highway or
 10 other public thoroughfare, improved, paved or repaved under
 11 the provisions of this act, the cost of such improvement
 12 between the tracks and the rails of the tracks and in case
 13 there be two or more tracks the space between such tracks and
 14 eighteen (18) inches on each side thereof, including switches
 15 and turnouts, shall be paid by the owner of the railroad and
 16 shall be assessed to and form a lien on said railroad and the
 17 property connected therewith. In the event storm sewers or
 18 other sewers are constructed under the provisions of this act
 19 which drain the street or streets or other public
 20 thoroughfares and rights-of-way in which a railroad has been
 21 constructed, there shall be assessed against such railroad a
 22 fair and just proportion of the cost of construction of such
 23 sewer, to be determined by the city commission ~~council~~ and
 24 such assessment shall be a lien upon the said railroad like
 25 other improvements under this act; provided, however, that
 26 nothing herein contained shall affect the right or power of
 27 the city commission ~~council~~ to require the owner of such
 28 railroad to repair or reconstruct its tracks or the pavements
 29 between the same and on either side thereof under any
 30 franchise granted to such owner or predecessors in title or
 31

1 under any contract made with such owner or predecessors in
2 title.

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

29 Section 112. Record of assessments.--A certified copy
30 of the assessment list as finally confirmed shall also be
31 recorded in the office of the clerk of the circuit court of

1 Union County, Florida and the liens evidenced thereby shall be
2 indexed by the said clerk in the same manner as other liens
3 are indexed by him or her.

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

12 Section 114. Payment of assessments; installment.--All
13 special assessments levied under the provisions of this act
14 shall be payable in full in thirty (30) days after the
15 confirmation thereof; provided however, that the city
16 commission ~~council~~ of the city may by resolution provide for
17 the payment at the election of the property owner, of any
18 assessment in the sum of twenty-five dollars (\$25.00) or more
19 in not exceeding ten (10) annual installments, the first of
20 which shall be payable on or before the expiration of thirty
21 (30) days from the date of confirmation. The owner of any
22 property desiring to pay his or her assessment in installments
23 shall on or before thirty (30) days from the confirmation of
24 the assessment file with the city clerk of the City of Lake
25 Butler, or other officers performing the duties of such clerk,
26 a written application to pay said assessment in installments,
27 which application shall state that the applicant and property
28 owner waives all irregularities or defects, jurisdictional or
29 otherwise, in the proceedings for the improvement for which
30 the said assessment is levied, and in the apportionment of the
31 cost thereof. Said application shall also contain an agreement

1 that the applicant and property owner will pay the said
 2 assessment in installments at the dates fixed therefor by the
 3 said resolution, with interest at the rate of eight per centum
 4 (8 %) per annum upon all unpaid installments. Said application
 5 shall also contain a statement by lots or parcels or other
 6 description of the property of the applicant assessed for such
 7 improvement. No application as aforesaid shall be received and
 8 filed by the clerk if the amount of such special assessment,
 9 with any previous special assessments against the same
 10 property remaining unpaid, shall exceed the valuation of said
 11 property as shown by the last assessment roll; provided,
 12 however, that such application shall be received if the owner
 13 shall upon making such application pay in cash to the city
 14 such excess of unpaid assessment over the value shown by the
 15 last assessment roll.

16 Section 115. Applications for payment by installments;
 17 recording; lien.--The clerk shall keep all applications in
 18 convenient form for examination. The applications received for
 19 each improvement shall be separate, and the clerk shall enter
 20 in the "Assessment Book for Local Improvements" under the
 21 separate heads, the date of filing of each application, the
 22 name of the applicant, and the amount of the assessment as
 23 shown in the application, and the number of installments in
 24 which the same shall be payable. Such "Assessment Book for
 25 Local Improvements" shall constitute a docket and shall stand
 26 as a lien docket for the assessment in favor of the city
 27 against such lot or parcel of land or other property until
 28 such assessment and interest and penalties are paid in the
 29 manner hereinafter provided. All unpaid assessments, penalties
 30 and interest shall be and remain a lien on each lot or parcel
 31 of land or other property respectively, in favor of the

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

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

12 Section 117. Enforcement of liens.--If any assessment
13 be in default for thirty (30) days, the City of Lake Butler
14 may enforce same by complaint in equity or at law. The
15 complaint shall set forth briefly and succinctly the making of
16 the assessment, the lien thereof, the amount thereof and the
17 description of the property upon which such lien has been
18 acquired, and shall contain a prayer that the owner shall pay
19 the amount of said lien, or in default thereof, that the said
20 property shall be sold to satisfy the same, and in the decree
21 or judgment, as the case may be, an order shall be entered for
22 the sale of the property and the collection of the amount for
23 which said lien is given. Decree or judgment shall also be
24 rendered for a reasonable attorney's fee, together with the
25 costs of the proceedings, which attorney's fee and costs shall
26 also be a lien upon the said land, and shall be collected at
27 the time and in the manner provided for the collection of the
28 amount for which the lien was originally given, but in no
29 event shall the city be liable for the payment of the
30 attorney's fee herein provided for. In the proceedings
31 provided for in this act, the owner or owners of the land and

1 persons interested therein, if they can be ascertained, shall
 2 be parties defendant. If the owners or parties interested
 3 cannot be ascertained after diligent inquiry, the proceedings
 4 shall be against the property on which the lien is claimed
 5 without mentioning any party or defendant. In such case,
 6 service shall be had by notice of the commencement of suit for
 7 the enforcement of the said lien, by advertising in a
 8 newspaper published in the City of Lake Butler once a week for
 9 four (4) consecutive weeks. In all proceedings to enforce said
 10 liens or any of them, save in cases where the owner or person
 11 cannot be ascertained, service shall be made in the same
 12 manner as provided by law for service in other cases.

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

28 In case any special assessment shall in any suit where
 29 its validity shall be questioned, be adjudged invalid, the
 30 city commission ~~council~~ may in its discretion notify the
 31 collector to cease the collection of the same if it shall have

1 been transmitted to him or her for collection, and may proceed
2 anew by proceedings either as in case of an original special
3 assessment for the same purpose or by taking up the previous
4 proceedings at any point and make and levy a new assessment in
5 the place and stead of the assessment which shall have been
6 adjudged invalid, and the clerk of the city, before delivering
7 such new assessment to the collector for the collection shall
8 ascertain and note thereon payments which have been made on
9 such invalid assessment for the same purpose, which notation
10 shall cancel the assessment as to the parcels and lots on
11 which such payments were made to the extent of the payments.
12 Such new assessments shall be collected in the same manner as
13 original special assessments.

14 Section 119. Irregularities not to affect
15 assessment.--No omission, informality, or irregularity in the
16 proceedings in or preliminary to the making of any special
17 assessment shall affect the validity of the same, where the
18 assessment roll has been confirmed by the city commission
19 ~~council~~ of the city, and the assessment roll and record
20 thereof kept by the city clerk shall be competent and
21 sufficient evidence that the assessment was duly levied and
22 the assessment roll duly made and adopted, and that all other
23 proceedings adequate to the adoption of said assessment roll
24 were duly had, taken and performed as required by this statute
25 [section]. No failure of the city clerk to record the
26 assessment roll or of the said clerk or any other officer to
27 deliver the same to the collectors or to the clerk of the
28 circuit court on or before the time prescribed for such
29 delivery or to do any other act or thing by him required shall
30 in any way invalidate an assessment; and no variance from the
31 direction herein contained as to the form and manner of any of

1 the proceedings shall be held material unless it be clearly
2 shown that the party objecting was materially injured thereby.

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

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

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

30 Section 123. Same--Issuance for city's share of
31 improvement debt; when payable; tax.--If more than one-half

1 (1/2) of the cost of any improvement is to be borne by special
2 assessment against the property specially benefited, the city
3 commission council may after the completion of the improvement
4 issue the bonds of the city for the share or portion of the
5 cost to be borne by the city for such part thereof as the city
6 commission council may determine. All bonds issued under this
7 section shall become due and payable within twenty (20) years
8 from their date in annual installments, commencing not more
9 than two (2) years from their date, and each annual
10 installment shall be at least four percent (4 %) of the total
11 amount of bonds authorized. The faith and credit of the city
12 shall be pledged for the payment of the bonds authorized by
13 this section and in each year during the time any bonds are
14 outstanding the city commission council shall levy and collect
15 a tax on all taxable property in the city sufficient to pay
16 the installments of principal and interest as they
17 respectively become due and payable. All bonds issued under
18 the provisions of this section shall be excluded from any
19 limitation of indebtedness prescribed by this charter or by
20 the general laws.

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

1 other bonds of the city, and shall have the seal of the city
2 affixed thereto.

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

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

24 All bonds issued by the City of Lake Butler shall have
25 all the quality of negotiable paper under the Law Merchant,
26 and shall not be invalidated for any irregularity, or defect
27 in the proceedings for the issue and sale thereof, and shall
28 be incontestable in the hands of bona fide purchasers or
29 holders thereof for value. For a period of thirty (30) days
30 after the canvass of the votes of any election held under the
31 provisions of this act, any person in interest shall have the

1 right to contest the legality thereof, the bond issue provided
2 for, or tax authorized, for any cause, after which time no one
3 shall have any cause of action to contest the legality,
4 formality or regularity of the said election for the
5 authorization of the bonds for any cause whatsoever.

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

13
14 ARTICLE XII. BONDS OR CERTIFICATES NOT GENERAL OBLIGATIONS
15

16 Section 128. Authorization, validation, issuance, sale
17 for municipal purposes; state law adopted; legal municipal
18 purposes designated.--

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

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

11 Section 129. Authorized improvements declared public
12 municipal functions; eminent domain.--

13 (a) All public improvements authorized in this charter
14 are hereby determined and declared to be public municipal
15 functions, and all of the acts authorized to be done and
16 performed in connection therewith are hereby designated and
17 declared to be for a public municipal purpose. In connection
18 with providing funds for the payment of any or all of the cost
19 of construction of any project or public improvement
20 recognized or designated as a municipal purpose. The city may
21 use, appropriate or pledge any revenues of the city available
22 for such purpose, including the power, right and authority to
23 use or pledge the proceeds of utilities service taxes,
24 franchise taxes and cigarette taxes.

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

1 Section 130. How issued.--The city commission ~~council~~
 2 of the City of Lake Butler shall have the power to provide by
 3 resolution for the issuance and sale of revenue or excise tax
 4 bonds and certificates or any other bond or certificate not
 5 secured by ad valorem taxation so as to provide money to
 6 finance, acquire, construct, improve, and operate any utility,
 7 facility, enterprise, work, undertaking or project which the
 8 city is authorized by law to acquire, construct, improve and
 9 operate, and to provide that such bonds and certificates and
 10 interest thereon shall be payable from the revenues to be
 11 derived by the city from the operation of same, or a
 12 combination of any or all of such facilities, utilities,
 13 enterprises, works, undertakings or projects, or from any
 14 other sources or pledged security except ad valorem taxes.
 15 Such resolution may be adopted at a regular or special meeting
 16 by a majority vote of the city commission ~~council~~ and at the
 17 same meeting at which it is introduced, to take effect
 18 immediately upon its passage. It is determined and declared as
 19 a matter of legislative intent that no election to authorize
 20 the issuance of such bonds or certificates shall be necessary.
 21 No other proceedings or procedures of any character whatever
 22 shall be necessary or required for the issuance of such bonds
 23 or certificates by the municipality; but such bonds or
 24 certificates may be validated by circuit court decree, if
 25 desired, in the same manner as general obligation bonds are
 26 validated. The words "revenue bonds" and "revenue
 27 certificates" and "excise tax bonds" and "excise tax
 28 certificates" are used interchangeably herein, and the
 29 provisions applicable to one are applicable to the other.

30 Section 131. Security for payment of such bonds or
 31 certificates.--The revenue or excise tax bonds or certificates

1 shall be special obligations of the municipality and shall be
 2 payable from and secured by a lien upon the revenue of the
 3 enterprise or other pledged security, as more fully described
 4 in the resolution adopted, having due regard to the cost of
 5 operation and maintenance of the enterprise, and the amount of
 6 proportion, if any, of the revenue of the enterprise
 7 previously pledged. The city may by resolution pledge for the
 8 security of such bonds or certificates a fixed amount, without
 9 regard to any fixed proportion of the gross revenue of the
 10 enterprise.

11 Section 132. Not general obligations.--No recourse
 12 shall be had for the payment of the revenue bonds or excise
 13 tax bonds or certificates or any interest thereon, or any part
 14 thereof, against funds of the city, realized from ad valorem
 15 taxation. Such bonds or certificates and interest thereon,
 16 shall not be a debt of the municipality nor a charge lien or
 17 encumbrance, legal or equitable, upon the property of the
 18 municipality, or upon any income, receipts, excise taxes,
 19 franchise fees or revenues of the municipality other than such
 20 revenues as shall have been pledged to the payment thereof,
 21 and every such bond or certificate shall recite in substance
 22 that said bond or certificate, including interest thereon, is
 23 payable solely from the revenues pledged to the payment
 24 thereof and that the municipality is under no obligation to
 25 pay the same, except from said revenues.

26 Section 133. Pledge for bonds.--The city may issue
 27 bonds payable solely out of revenues which may be derived from
 28 a particular project or projects; or may issue bonds payable
 29 from utility service taxes, cigarette taxes, franchise fees or
 30 payments, or any excise or service tax which it may be
 31 authorized to impose, or a combination of either, or all of

1 such sources of revenue or unpledged revenue from any source;
2 except that full faith and credit bonds or general obligation
3 bonds, payable from unlimited ad valorem taxes may not be
4 issued, unless authorized by freeholders as elsewhere herein
5 provided.

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

12 (a) Limitations on the purpose to which the proceeds
13 of sale of any issue of such bonds may be applied;

14 (b) Limitations on the issuance and on the lien of
15 additional bonds, or obligations to finance the improving of
16 the enterprise which are secured by or payable from the
17 revenue of such enterprise;

18 (c) Limitations on the right of the municipality or
19 its governing body to restrict and regulate the use of the
20 enterprise;

21 (d) Pledging all or any part of the revenues of the
22 enterprise to which its right then exists or rights which may
23 thereafter come into existence;

24 (e) The city may avail itself of any right, power or
25 authority to issue bonds granted to municipalities from time
26 to time by the provisions of Florida Statutes.

27 Section 135. Construction of article ~~chapter~~
28 provisions.--This article ~~chapter~~ constitutes full and
29 complete authority for the issuance of bonds herein
30 authorized. No procedures or proceedings, publications,
31 notices, consents, approvals, orders, acts or things by the

1 city commission ~~council~~ of the municipality, or any board,
2 officers, commission, department, agency or instrumentality of
3 the municipality, other than those required by this article
4 ~~chapter~~, shall be required to issue any such bonds or to do
5 any act or perform any thing under this law, except as may be
6 prescribed herein. The powers conferred by this article
7 ~~chapter~~ shall be in addition and supplemental to, and not in
8 substitution for, the powers conferred by any other law. This
9 article ~~chapter~~ is remedial in nature and shall be liberally
10 construed.

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

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

21
22 ARTICLE XIII. SUBDIVIDING AND ZONING OF LANDS
23

24 Section 138. Subdivisions.--All owners of contiguous
25 lots or grounds who shall subdivide same into three (3) or
26 more lots for sale within the limits of the city shall cause
27 to be made an accurate map or plat of such subdivision,
28 describing with certainty all grounds laid out or granted for
29 streets, highways, alleys, parks, parkways, commons or other
30 public uses, and show the nearest section corner, quarter
31 section corner, or established street monument. Lots sold or

1 intended for sale shall be numbered by progressive numbers or
2 described by the squares in which situated, and the precise
3 length and width shall be given of any street, highway, alley,
4 park, parkway, common or other public use. Such map or plat
5 shall be subscribed by the owner and acknowledged before an
6 officer authorized to take the acknowledgment of deeds,
7 approved by the city commission ~~council~~, and recorded in the
8 office of the clerk of the circuit court of Union County,
9 immediately after its approval by the commission ~~council~~. The
10 maps or plats so recorded shall thereupon be a sufficient
11 conveyance to vest in the City of Lake Butler the fee of the
12 parcel of land described for streets, highways, alleys, parks,
13 parkways, commons or other public use to be held in the
14 corporation in trust to and for the uses and purposes in the
15 instrument set forth expressed, designated or intended, and
16 the approval of the city commission ~~council~~ of said maps, or
17 plats shall have the force and effect of a dedication or
18 acceptance of the streets, highways, alleys.

19 Section 139. Appointment of planning and zoning
20 commission.--The city commission ~~council~~ shall have power to
21 appoint a commission to be known as the city planning and
22 zoning commission, to consist of seven (7) members of which
23 the presiding officer of the city commission ~~council~~ shall be
24 an ex officio member, and all of whom shall serve without pay.
25 The members of such commission, except the presiding officer
26 of the city commission ~~council~~ shall in the first instance be
27 appointed so that one (1) shall serve for one (1) year, two
28 (2) for two (2) years and two (2) for three (3) years, and
29 thereafter such members shall be appointed to serve for three
30 (3) year terms. The said commission shall by report to the
31 city commission ~~council~~ recommend the boundaries of districts

1 and appropriate regulations and restrictions to be enforced
2 therein. After such report, the city commission ~~council~~ shall
3 afford persons interested an opportunity to be heard at a time
4 and place to be specified in a notice of hearing to be posted
5 in two (2) public places in the city for a period of not less
6 than ten (10) days prior to the date of such hearing.

7 Section 141. Adoption of regulations governing
8 planning and zoning commission.--Authority is hereby expressly
9 conferred upon the city commission ~~council~~ to do all things
10 necessary to carry out the recommendations that may be made by
11 such city zoning and planning commission, and to adopt such
12 rules and regulations governing the powers and duties of such
13 commission as will carry out the provisions of this act.

14 Section 2. Sections 16, 39, 40, 41, 42, 43, 44, 45,
15 46, 47, 48, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,
16 69, 70, 71, 73, 74, 77, 80, 81, 82, 83, 84, 86, 87, 88, 89,
17 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103,
18 104, and 140 of chapter 63-1499, Laws of Florida, are
19 repealed.

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