

1  
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~~  
31



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.

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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.

31

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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31

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 ~~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~~

1 ~~Communist party or any affiliate thereof; and~~  
 2 ~~that he has not violated any of the laws of the~~  
 3 ~~city or state relating to elections or the~~  
 4 ~~registration of voters therefor.~~

5 (      )

6 Candidate

7  
 8 Sworn to and subscribed before me this \_\_\_\_\_  
 9 day of \_\_\_\_\_, A.D. 19\_\_\_\_\_, in the City  
 10 of Lake Butler, Florida.

11 (      )

12 City Clerk

13  
 14 Section 32. Names to be placed on ballot for regular  
 15 election.--The names of all candidates so qualified for  
 16 election for the offices of city commissioner ~~councilman~~ shall  
 17 be placed upon the ballot in alphabetical order. In such  
 18 election the number of candidates corresponding to the number  
 19 of vacancies to be filled in the city commission ~~council~~ who  
 20 shall receive the greatest vote in such election shall be the  
 21 duly elected commissioners ~~councilmen~~ of the City.

22 Section 33. Absentee voting; use of voting  
 23 machines.--Absentee voting shall be permitted in city  
 24 elections in the same manner as provided in the laws of the  
 25 State of Florida. The use of voting machines in any city  
 26 election shall be authorized.

27 Section 34. Qualification of electors; prescribing  
 28 method and manner of elections.--No person shall be allowed to  
 29 vote at any election for the purpose of electing city  
 30 commissioners ~~councilmen~~ for the city, who is not a qualified  
 31 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.