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***Editor's note**—Printed in this part is Laws of Fla. ch. 61-2203, filed in the office of the secretary of state on June 22, 1961. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; POWERS**Sec. 1. Abolishment of present municipality.**

The present municipal government existing under the name of the City of Graceville be, and the same is hereby, abolished.

Sec. 2. Title to property reserved to new municipality.

The title, right and ownership of property, uncollected taxes, dues, claims, contracts, judgments, decrees and choses in action, held or owned by the City of Graceville[,] shall pass to and be vested in the municipal corporation organized under this act to succeed the municipality abolished.

Sec. 3. Contracts binding.

No obligation or contract of the said City of Graceville, including bonds heretofore issued, shall be impaired or avoided by this act; but such debts and obligations shall pass to and be binding upon the new municipality which is hereby organized and created.

Sec. 4. Officers hold until successors qualify.

All officers heretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof during the term for which they were elected, unless removed in the manner hereinafter provided and until their successors are elected, chosen, appointed or selected and confirmed under the provisions of this act.

Sec. 5. Present ordinances.

All ordinances heretofore passed by the city council of the City of Graceville, not heretofore repealed, and not inconsistent with this Charter and the general laws of the State of Florida, shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is organized and created.

Sec. 6. Establishment of new municipality.

The inhabitants of the City of Graceville, Florida, as its limits are hereinafter established[,] shall be and continue to be a body politic and corporate to be known and designated as the "City of Graceville" and as such shall have perpetual succession.

Sec. 7. Territorial boundaries.

A municipality to be known and designated as City of Graceville is hereby established in the County of Jackson in the place of the present municipality, the territorial boundaries of which are as follows: Sections 34 and 35 east of Holmes Creek in Township 7 North, Range 13 West; Sections 2 and 3; and N $\frac{1}{2}$ of Sections 10 and 11 east of Holmes Creek, in Township 6 North, Range 13 West; and commence at the NW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36,

Township 7 North, Range 13 West and run south 00 degrees and 42 minutes west 260.0 feet to the centerline of State Road No. 193, said point being the point of beginning. From thence run along the center of said road and along a curve to the left 240.1 feet, thence run north 46 degrees and 45 minutes west 877.16 feet, thence run northeasterly along a curve to the right and along said centerline 511.1 feet, thence run north 54 degrees and 25 minutes east along said centerline 587.2 feet, thence run northeasterly along said centerline and along a curve to the right 394.3 feet, thence run south 88 degrees and 15 minutes east 615.0 feet to a concrete monument, thence run south 00 degrees and 42 minutes west 1320.0 feet to a concrete monument on a fence corner, thence run north 88 degrees and 42 minutes west 3002.0 feet to the centerline of State Road No. 2, thence run north 84 degrees and 33 minutes west along said centerline 2049.0 feet to the old city limits line of Ezell Street, thence run north 00 degrees and 42 minutes east on Ezell Street 2462.0 feet to the point of beginning.

(Ord. No. 76-6, § 1, 10-12-1976)

Editor's note—The above boundary has been amended by subsequent ordinances.

Sec. 8. Organization of government.

The government and corporate authority of said city shall be vested in a mayor and five (5) commissioners to be known as the city commission, city clerk, treasurer, tax assessor, tax collector, municipal judge, a chief of police and such other officers, boards and commissions as may be appointed or elected in pursuance of law and ordinances of said city; the office of city clerk, treasurer, tax assessor and tax collector may be held by one and the same person under the designation of city clerk; all appointive officers, boards and commissions shall serve at the pleasure of the city commission of said city. All elective officers of the city shall be qualified electors of said city. The city clerk shall furnish bond in an amount to be fixed by the city commission and if surety bond is furnished, the premium shall be paid by the said city. All officers of the city shall perform such duties and receive such compensation as may be prescribed by the ordinances of the City of Graceville not inconsistent with the laws of the State of Florida and the provisions of this act.

Editor's note—The office of municipal judge has been abolished.

Sec. 9. General powers.

The City of Graceville hereby created, established and organized shall have the following power and authority:

- (1) *Taxes and assessments.* To raise annually by taxes and assessments in said city such sums of money as the city commission shall deem necessary for the purposes and needs of said city, and in such manner as shall be hereinafter provided.
- (2) *Subdivisions; layout and topographical maps.* To require that all owners of lots or grounds within the limits of the City of Graceville, as now defined, or which hereafter may be defined to be the limits of the City of Graceville, who offer such lots or grounds for sale, shall cause to be made prior thereto an accurate map or plat, together with a topographical map showing drainage and drainage planned, of such subdivision, describing with certainty all grounds laid out or granted for streets, highways, alleys,

parks, parkways, commons or other public uses, and show the nearest section corner, quarter-section corner, or established street monument. Lots sold or intended for sale shall be numbered by progressive numbers or described by the squares in which situated, and the precise length and width shall be given of each lot sold or intended for sale and the precise width shall be given of any street, highway, alley, park, parkway, common or other public use. Such map or plat shall be subscribed by the owner and acknowledged before an officer authorized to take the acknowledgement of deeds, approved by the city commission of the City of Graceville, and recorded in the office of the clerk of the circuit court of Jackson County, Florida, immediately after its approval by the commission. The maps or plats so recorded shall thereupon be a sufficient conveyance to vest in the City of Graceville the fee of the parcel of land described for streets, highways, alleys, parks, parkways, commons or other public uses to be held in the corporation in trust to and for the uses and purposes in the instrument set forth expressed, designated or intended, and the ordinance of the city commission approving said maps or plats shall have the force and effect of a dedication or acceptance of the streets, highways, alleys, parks, parkways, commons or other public uses, therein contained.

- (3) *Occupational licenses.* To license and tax any and all businesses, occupations and professions carried on or engaged in, either wholly or in part, within the corporate limits of the city; to classify and define such businesses, occupations and professions for the purpose of imposing occupational license taxes or fees; and to impose on such classifications reasonable occupational license taxes; and the amount of such occupational license fee shall not be dependent upon, nor related to the general state occupational license for similar classifications, nor the amounts allowed under the general laws for municipalities incorporated under the general state law.
- (4) *Acquisition of property.* To acquire by purchase, gift, devise, condemnation, lease or otherwise, real or personal property or any estate therein, or riparian rights or easements therein, within or without the city, to be used for any municipal purpose, including cemeteries or place for burial of the dead; streets and highways, public parking lots or spaces; bridges and tunnel sites; the construction of a telephone system; plants, works and wells and other equipment necessary for supplying said city with water, ice, gas for illuminating and heating purposes, and electric power for illuminating, heating or power purposes; the location of waterworks and sites for public utility works; the establishment of poor houses, houses of detention and correction; hospitals for the cure or detention of the sick; jails; market houses, public parks, warehouses, promenades; plants for cremating, neutralizing or otherwise destroying sewerage, garbage and refuse; for extension of sewer and drainage pipes and water mains; and for any public or municipal purpose; and to improve, sell, lease, pledge or otherwise dispose of the same or any part thereof for the benefit of the city, to the same extent that natural persons might do, in the manner provided in this charter.
- (5) *Recreational facilities.* To acquire by purchase, gift, devise, condemnation, lease, or otherwise, real or personal property or any estate therein, and on same build, repair,

improve, construct, own, lease, operate and maintain any and all manner of recreational facilities, swimming pools, bathhouses, stadiums, football fields, basketball parks, athletic fields, dance and concert halls, gymnasiums, auditoriums, golf courses, playgrounds, parking lots, tourist camps, trailer parks, tennis courts, shuffleboard courts, bowling courts, libraries and reading rooms, public parks and public recreational facilities of all kinds; to construct, improve, build or maintain facilities of all kinds; to construct, improve, build or maintain all streets, alleys, parks, boulevards or bridges necessary or proper to approach same, or to be used in connection with any of same, and any and all necessary or convenient appurtenances or aids in connection therewith; to regulate the use thereof, including the power to charge, establish and collect reasonable fees, admissions, charges, rentals or moneys to be paid said city by each person, firm or corporation using any of same or receiving a service from the use of same; to employ and pay employees, managers or agents in connection with such operations; to appoint advisory boards or commissions to control and supervise such operations and to make rules and regulations governing the use of the facilities; to grant and license concessions for the sale and dispensing of drinks, food and merchandise in connection with the operation of any such facility by the municipality, or to sell and dispense such commodities itself as part of such operation; to lease from others in accordance with the requirements of the charter, such of said facilities as the municipality may desire or think proper, to prescribe, regulate and at all times control any charge demanded of, paid by or collected from the public in patronizing, enjoying or using any of the privileges afforded by or tendered through any such facility; and in the sole discretion of the municipality and in the public interest, to absolutely discontinue the use, operation or maintenance of any such facility, where no pledge of revenues therefrom has been made; and to pledge the revenue derived from any such facility or any other available funds to pay and discharge any bonds which might have been issued in connection with securing moneys to construct or improve such facilities.

- (6) *Franchises.* To grant franchises of all kinds for the use of the city streets and recreational facilities, lands and ways, in the manner elsewhere provided herein.
- (7) *Public improvements.* To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets and all buildings and streets necessary or appropriate for the use of the city, and to acquire by condemnation or otherwise such lands, rights or easements necessary for such improvement.
- (8) *Expend moneys.* To expend the money of the city for any and all lawful purposes.
- (9) *Borrow money for operating expenses.* To borrow money in anticipation of taxes to be derived from current revenue in an amount not to exceed fifty (50) percent of such current anticipated revenue; and at a rate of interest not to exceed six (6) percent per annum, and to pledge taxes levied and anticipated revenue for the current year for repayment of said loan.

- (10) *Pledge of certain funds as security.* To pledge without an approving vote of the freeholders, any portion of the moneys to be received from cigarette taxes, franchise taxes and similar taxes lawfully appertaining to the City of Graceville as security for money borrowed or proposed to be borrowed by the city, or bonds or certificates issued and sold by the city.

Editor's note—F.S. § 210.03 prohibits a municipal excise tax on cigarettes.

- (11) *Special assessments.* To levy, impose and assess special assessments for benefits for improvements against adjacent or abutting property, specially benefited, to pay all or any portion of the cost of such improvement as hereinafter provided and to enforce payment thereof.

- (12) *Improving, opening, closing streets, sidewalks and parks.* To pave, repave, grade, regrade, macadamize, remacadamize, hard surface, improve, lay out, open, widen, close, curb, vacate, discontinue, extend, demolish, rebuild and otherwise improve streets, alleys, boulevards, avenues, lanes, sidewalks, including any bridges, culverts, fills, grades or other appurtenances which may constitute or form a part of same, and any parks or promenades which are adjacent or contiguous thereto; and to levy and assess liens for the cost of all or any part of such improvements, as hereinafter provided.

- (13) *Use of streets and sidewalks.* To regulate the use of all streets, boulevards, avenues, highways and public ways within the city limits of City of Graceville; to license, control, tax, and regulate traffic and sales upon the streets, sidewalks and public places; to license, cause to be registered, control, tax, regulate or prohibit in designated streets or parts of streets, carriages, omnibuses, motorbuses, motor vehicles, cars, wagons, drays, taxis, or other vehicles for hire; to license, tax, cause to be registered, regulated and control the drivers of all motor vehicles or other vehicles within the city limits; to make, enact, adopt and promulgate regulations governing traffic on the public streets or parts of the streets as may be necessary or convenient; to provide for parking spaces on the streets, and at any time to discontinue the right to use such parking spaces; to install and operate parking meters on, near or adjacent to the public streets or on city-owned or -leased property, regulating the parking of vehicles upon any portion of the public streets of the City of Graceville or on city-owned or -leased property, and to levy and impose a charge or fee for the use of such parking space, by requiring same to be deposited in the parking meter; and generally to exercise any and all powers necessary for the regulation of traffic upon the public streets and highways within the city limits.

- (14) *Regulate transportation.* To regulate the transportation of persons and property for hire over the streets of the city; to own and operate an automobile, or bus transportation system in said city and to make and collect reasonable charges from the users of said system; and to grant to any person, persons, firm or corporation franchises for the use of the streets of said city for the operation of an automobile or bus transportation system, or any public service or utility, and for the operation of taxicabs, cars for hire, U-drive-it cars, buses, subject to the terms and restrictions of any

ordinances of said city. The city shall also have the right to issue certificates of convenience and necessity for the operation of taxicabs, cars for hire, U-drive-it cars and buses or other means of public transportation, in the city, and to limit the number of same that may be operated therein, and to prescribe the maximum fares they may prescribe and collect, for the carriage of persons and property within the city; and to require the owners and operators of all vehicles for hire to execute a public liability bond and/or insurance for the protection of passengers and the public, under such terms and conditions as the city may require, with good and sufficient security.

- (15) *Regulate public uses.* To regulate and control the use and occupancy of streets, thoroughfares, alleys, parks, public lots and other public places in the city, and municipally owned or leased property within or without the city limits; prevent the use of the streets and sidewalks by private persons for business purposes or conveniences; making regulations for the protection of the public where any railroad shall cross or occupy any street, alley or public lot of the city; and to impose and enforce adequate penalties for violation of such rules and regulations.
- (16) *Drainage areas.* To drain, fill in and redrain swamps, marshes and overflowed lands for the purpose of protecting the health of the inhabitants of the city and ridding said city, insofar as practicable, of mosquitoes and other insects and pests that breed in low marshy places; to charge up [sic] the cost of such drainage, filling or redrainage against the lands so drained, filled or redrained, and to have and to hold a special assessment lien against such lands until the cost of such filling, draining or reclamation shall be fully paid by the owner of such property so filled, drained or reclaimed; and to have the power to foreclose said lien in the manner provided by law for the foreclosure of liens.
- (17) *Buildings.* To adopt a building code and suitable regulations governing the construction and erection of buildings in the city, to regulate the moving of buildings from place to place within the city and into the city; to regulate the materials and type of construction of any building erected in the city, or repairs thereto; and to provide reasonable rules regulating the use of such building and the repair thereof, in order to protect the welfare of the city.

State law reference—State minimum building codes, F.S. § 553.73.

- (18) *Pensions.* To provide for life and/or disability insurance for its employees and/or agents and/or officers on a group insurance plan approved by the said city commission, and to pay such portions of the premium or premiums thereon as said city commission by resolution may determine; and to establish and create by ordinance a pension, annuity and retirement system for any or all groups of officers or employees employed by said city.
- (19) *Public utilities.* To furnish any and all local public services, including electricity, gas, water, lights or transportation, and to charge and collect necessary fees or charges therefor; to purchase, hire, construct, own, extend, maintain, operate or lease any public utilities, including electric light system, telephone and telegraph system, waterworks and plants, ice plants and works, gas plants and distribution systems, bus

or transit systems, or other public utility; and to establish, improve and enforce rates and charges for supplying such services or conveniences by the city to any person, persons, firm or corporation.

- (20) *Cleaning lots.* To require owners of property, or other persons interested therein, to clear and clean the same of weeds, undergrowth, rubbish, debris, brush and unsightly and insanitary matters, to set the time of cleaning and the number of times per year, and to fill insanitary excavations and depressions; and if the owner or owners, or persons interested in such property, do not comply with any such requirements within the time limited and fixed by resolution, the city commission shall make or cause said work to be done, and make the cost thereof a charge and lien against such property, of the same extent and character as the lien now granted, or which hereafter be granted, to said city by law for special assessments for the cost of local improvements; which charge and lien shall be forthwith due and payable, unless the time for the payment thereof shall be extended by the city commission, with the same penalties and the same rights of collection and sale and forfeiture as may be provided by law for assessments for local improvements.
- (21) *Sewage disposal.* To collect and dispose of sewage, offal, ashes, garbage, trash, carcasses of dead animals and other refuse, and to acquire and operate other plants for the utilization of such materials or any of them; and to contract for and regulate the collection and disposal thereof.
- (22) *Abatement of nuisances.* To compel the abatement and removal of all nuisances within the city or upon the property owned by the city beyond its corporate limits, at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds, wild growth and rubbish, or to clean and make them so at the expense of the owner or occupants thereof; to regulate or prevent slaughterhouses, noisome or offensive business within the city; to prevent the carrying on of any dangerous or unwholesome business, trade or employment within the city; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, convenience and welfare of the inhabitants of the city.
- (23) *Dairies and stock.* To provide for inspecting and regulating the sanitary condition of all dairies, butcher pens, slaughterhouses, meat markets, or other places within and without the city limits where the products of same are sold within the city limits, and to provide penalties for the violation of such regulations; to regulate and prohibit the keeping of stock, animals, poultry or other fowl within the city limits.
- (24) *Inspection.* To inspect, test, measure and weigh any commodity or article of consumption for use within the city, and to fix a standard for any such commodity or article; and to establish, regulate, license and inspect weights, meters, measures and scales.
- (25) *Enforcing ordinances; maximum penalty.* To make and enforce all police, housing, zoning, sanitary or other ordinances, rules and regulations necessary or expedient for

the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine not exceeding five hundred dollars (\$500.00) or imprisonment at hard labor on the streets or other works of the city for a term not exceeding ninety (90) days, or both.

- (26) *General welfare.* To exercise all the powers of local self-government and to do whatever may be deemed necessary or proper for the safety, health, convenience or general welfare of the inhabitants of said city; to exercise full police powers; to do and perform all acts and things permitted by the laws of the State of Florida, and comprehended as duties in the performance of anything recognized as a "municipal purpose," whether now existing and recognized, or hereafter recognized as a municipal purpose by statute law or court decision. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the City of Graceville shall have and may exercise all other powers which under the constitution and laws of Florida it would be competent for this paragraph specifically to enumerate.
- (27) *Advertising signs.* To regulate the location, size, wording and general construction of all signs within the city and to impose reasonable fees for the erection thereof.
- (28) *To construct, operate, etc., public utilities generally.* The city commission shall have the power, within and without its corporate limits, to construct, condemn, purchase, acquire or lease any interest in any property, and to maintain, conduct and operate within and without the corporate limits reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works, off-street parking lots, transportation systems, cemeteries, gas plants and distribution systems, and any other buildings or facilities as may be required in connection therewith; and shall have the right and power to issue bonds or revenue certificates in the manner provided in this charter, in an amount necessary to carry out any of said powers or purposes. All of the above works are considered as utilities within the meaning of any constitutional or statutory provision, and any existing utility may be combined with another existing utility and jointly improved by one issue of revenue bonds or certificates, and the revenues derived jointly pledged to retire such bonds or certificates.
- (29) *Lights, heat and power for city.* The city commission shall have power to provide for lighting the streets, parks, public buildings and public places of the city; and to purchase or otherwise acquire, establish, maintain and operate plants either within or without the corporate limits of the city for source of power, lighting, heating by electricity, gas, atomic power or other unknown sources of energy or any other method; and to supply the inhabitants of said city with artificial light, heat and power, for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.

- (30) *Water and waterworks system.* The city commission shall have the power to construct, establish and maintain waterworks, and to bore and dig wells, construct reservoirs, lay pipes and do such other thing as may be necessary, essential or convenient for procuring and distributing an abundant supply of good and wholesome water to the inhabitants of said city for domestic and other purposes, and to protect the property of said city and its inhabitants against fire; and to collect reasonable rates, prices and compensations for furnishing and supplying same, except for fire protection which may be provided for the tax levy.
- (31) *Sewerage system.* The city shall have the power to create sewer zones or areas by ordinance and to prescribe the reasonable regulations requiring all persons or corporations living or doing business within such areas to connect, when available, with any sewerage system constructed, erected, operated or serving such zone or area.
- (32) *Service of utilities to consumers outside city.* The city shall have power to supply water, electricity and gas for domestic and other purposes, to individuals, firms, corporations, and other municipalities outside of said city, and to charge and collect reasonable rates, prices and compensation therefor, but the city shall charge a rate not less than twenty-five (25) percent higher to such consumers than is charged for a like class of service to a like class of consumers within the city limits.
- (33) *Public utilities board.* The city commission may create a separate board to have supervision and control of the operation of any or all public utilities and public works, and make all necessary rules and regulations pertaining thereto, or it may designate certain officers of the city to have supervision and control of such utilities.
- (34) *Franchises—Authority of city of grant.* The city commission may by ordinance, after public notice and public hearing, grant public franchises to construct and operate any and all public utilities in the city and in the streets and public grounds of the city or to use public property, but no such grant or renewal thereof shall be made in violation of any of the limitations contained in this charter.
- (35) *Same—Duration; extensions to utilities; liability of holder.* No such grant or franchise shall be exclusive, nor shall it be made for a longer period than thirty (30) years. All grants of rights to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith. All such individuals or corporations performing functions under such franchises shall be liable for damages occasioned by acts, negligence or injuries to the rights of others.
- (36) *Same—Terms and conditions.* The city commission shall, in the ordinance granting or renewing any franchise to construct and operate a public utility or to use public property, prescribe the amount of money, fees, percentage of gross income and consideration which shall be paid for such franchise, the kind and quality of use, service or product to be furnished, the manner in which public streets and grounds shall be used and occupied, and other terms and conditions conducive to the public interest. Such grants or franchise shall provide that the rate to be charged at all times shall be under the supervision, direction and control of the city commission; and no

rate shall be in effect unless same is approved by said city commission; provided the rate allowed shall be sufficient to insure a reasonable return on the investment, and provide further that the provisions of this section or any other section of this charter shall not apply to any public utility, the rates or services of which are subject to the jurisdiction of the Public Service Commission or its successors. All such grants and renewal thereof shall reserve to the city at the expiration of the term of the franchise the right to purchase by the city of all the property and property rights of the utility and the extensions thereof within and without the city, used in or useful in or connected with such utility and including all contracts for service or motive power fairly and reasonably made in good faith by the utility, at a price either fixed in the ordinance or to be fixed in the manner provided in the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any other lawful manner; and all such methods of acquisition shall be alternative to the power to purchase, at the expiration of the term of the franchise, reserved in the grant or renewal thereof as herein provided and in such event said contracts of such utility shall be performed by the city. Upon the acquisition by the city of the property of any utility by purchase, condemnation or otherwise, all franchises, grants or renewals shall at once terminate.

(Ord. of 4-8-1975)

- (37) *Same—Leasing, assigning, etc., rights.* No such grant or franchise or renewals thereof, shall be leased, assigned or otherwise alienated, except with the consent of the city commission expressed by ordinance.
- (38) *Same—Right of city to regulate streets, etc., which affect franchise.* All grants shall be subject to the right of the City of Graceville, whether in terms reserved or not, to control at all times the distribution of any space in, over, across or under all streets, alleys, public grounds or other public places, occupied by public utility fixtures, and when, in the opinion of the city commission, the public interest so requires, all fixtures may be caused to be reconstructed, relocated, altered or discontinued; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the city commission, are required in the interest of the public health, safety, welfare or accommodation.
- (39) *Same—Effect on power of city.* Nothing in this charter contained shall operate in any way, except as herein specifically stated, to limit the city commission in the exercise of any of its lawful powers, respecting public utilities, or to prohibit the city commissioner [commission] from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the constitution of the State of Florida.
- (40) *Sale of public property—Resolution declaring property not needed for public use.* Before any lands, the title to which is vested in the City of Graceville, shall be sold to any

person, firm or corporation, other than a public body as provided herein, the city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by reference to a recorded plat or government survey, its location by street number, if any there be, a description of all improvements located on the land, and shall declare how said land has been used since same has belonged to the city, why it is no longer needed for public purposes, and that the city does declare same surplus and desires to sell the same.

- (41) *Same—Time of sale; notice; sealed bids received.* At any time not less than thirty (30) days, nor more than sixty (60) days, after the adoption of such resolution, the land shall be offered for sale to the public, and a notice shall be posted in three (3) public places within the city, one of which shall be the city hall, setting forth the time, date and place of said sale together with a description of the property to be sold. Sealed bids shall be received accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the bid price. The city shall sell for cash to the highest and best bidder if a sale is made, but the city may reject any and all bids.
- (42) *Same—Protest; referendum.* During the period of not less than thirty (30) days, nor more than sixty (60) days, intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal the resolution declaring the property not needed for public use, if it deems same expedient and proper. If, before the date of the proposed sale, a petition be filed with the city clerk, signed by ten (10) percent of the registered electors, demanding a referendum election upon the question of such sale, no such sale shall be made until after approval of a majority of the voters participating in such election. Such referendum election shall be called and held as provided herein.
- (43) *Same—Authority to sell; cemetery lots excepted.* Subject to the foregoing provision[,] the City of Graceville is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall deem proper. The above restrictions as to sale of public property shall not apply to sale of cemetery plots in municipal cemeteries.
- (44) *Same—Sale of public lands to public bodies.* The City of Graceville is hereby authorized and empowered to enter into contract with and to sell, alienate, give, grant or convey to United States of America or any of its departments or agencies, State of Florida or any of its counties, districts, subdivisions or agencies or to any public body, any public lands, improvements, buildings or other public places now owned by said City of Graceville or hereafter acquired, to be used by such public body or agency for a public purpose under the following conditions, to wit:
- (a) *Resolution of commission; time of sale; hearing.* The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give,

- grant or convey certain public property to a designated public body, and such resolution shall particularly describe the public lands, improvements or places intended to be conveyed, the purchase price to be paid, if any, the public purpose for which such lands will be used by the grantee, and other details of the sale, and designate a day not less than ten (10) days nor more than thirty (30) days after the adoption of such resolution, when a public hearing will be had before the city commission upon such proposal.
- (b) *Publication of resolution.* Such resolution shall be published by posting in three (3) public places in said city, one of which shall be at the city hall, at least four (4) days before such public hearing.
 - (c) *Explanation at hearing.* At the time designated for public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.
 - (d) *Second resolution, confirming or repealing previous resolution.* At such meeting, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions.
- (45) *Authority of city to lease public property; conditions.* The City of Graceville is hereby empowered to lease any lands, improvements, public buildings, recreational parks or facilities, public utility plants or any public works or property of the city to any person, firm or corporation under the following conditions, to wit:
- (a) *Leases or concession rights.* Leases or concession rights on, in or to public property of the City of Graceville operated in a proprietary capacity, for a period of not exceeding one (1) year, may be granted or executed upon a majority vote of the city commission at any time, or by any board or commission designated in [an] ordinance duly adopted. Including [Included] in properties operated in a proprietary capacity are public recreation facilities, golf courses, tennis courts, recreation halls, stadiums, football fields, baseball fields, playgrounds and swimming pools; and the list enumerated is not exclusive but merely indicative of the class of public property deemed to be operated in a proprietary capacity.
 - (b) *Lease on [sic] portion of public property.* Leases of a portion of public property of the City of Graceville, operated in a proprietary capacity, in order to permit the lessee to construct thereon buildings or improvements to be used in connection with an existing facility, and in a manner not detrimental or harmful to the operation of the proposed facility, may be authorized for a period of time not exceeding twenty (20) years by ordinance of the city commission duly enacted by approval of a majority of the city commission at three (3) consecutive regular meetings of the city commission.
 - (c) *Lease on [sic] all or part of public property.* Leases of all or any portion of public property used presently or which has been used by the city within a period of thirty (30) days for governmental purposes or in a governmental capacity, shall

not be executed or authorized until a resolution declaring such property or portion thereof is not needed for public use has been adopted and the same procedure followed as is provided for the sale of public property.

- (d) *Execution of lease.* All leases shall be for a definite period of time, shall be in writing, executed in duplicate, with one copy retained by the City of Graceville. The form of lease shall be approved by the city attorney. Such leases shall be signed by the officers of the city designated by charter to sign same, except that leases or concession rights for a period of not exceeding one (1) year may be signed in the name of the city by the officer, agent or board designated by ordinance to do so.

(46) *Hospitals.* In the event there is a hospital district created by legislative act that locates a public hospital within the incorporated limits of the City of Graceville then the city commission of the City of Graceville may designate such hospital as the city hospital of said city, and for the purpose of operating, managing, acquiring, owning and maintaining such hospital within the city limits of the City of Graceville. By such designation the City of Graceville may issue bonds for the obtaining of money to establish and improve such hospital facilities on all of the property within the city limits for the purpose of operating, maintaining, managing and providing such hospital facilities, and said City of Graceville may acquire by gift, purchase, donation, bequests and devises property for use of such hospital facilities to be located in the City of Graceville, and may convey the same to such hospital district.

(47) *Public library.* To own, operate, construct, improve and provide a public library for said city and to make contributions from time to time to such public library. The city commission is authorized to levy a tax upon the taxable property in said city for the purpose of providing public library service for the inhabitants of said city, and the proceeds of such tax shall be used solely for such purpose. Appropriations or payments, made for the furnishing of public library service, may be made either from the proceeds of ad valorem tax levy or from any other funds of said city budgeted in the general fund of said city and not otherwise appropriated. By resolution the city may appoint an advisory board, to be known as the Graceville Library Board, to supervise such public library.

(48) *Codify ordinances.* To codify its ordinances into a "Code of Ordinances of the City of Graceville," and by a single ordinance to adopt such "Code of Ordinances of the City of Graceville" as a complete revision of all existing and applicable ordinances on the date of such adoption; to adopt a decimal system similar to that used in Florida Statutes, and to amend such Code, once adopted by reference to any section or sections. The "Code of Ordinances of the City of Graceville" may be amended from time to time by reference to any section or sections, and as many sections as desired may be amended by one ordinance. Such "Code of Ordinances of the City of Graceville," as amended from time to time, may be revised and codified or recodified; and such revised Code may be adopted by a single ordinance, and upon such revision shall be in full force and effect. The city attorney of the City of Graceville shall have the power and authority to

codify any duly adopted ordinance of the City of Graceville and assign proper section numbers and headings to various parts of such ordinances, and thereafter such sections shall be cited in referring to such ordinances.

- (49) *Removal of buildings and nuisances.* To provide by resolution for the removal and/or abatement of any building or structure that constitutes a menace to business, health or safety of the inhabitants of the city, or any building or structure that constitutes a fire hazard or which is unsightly or dilapidated, which said buildings are hereby designated and declared to be a nuisance; and the city commission shall have the power to designate other things that may constitute a nuisance.
- (50) *Personal property tax on structures.* To tax as personal property all buildings or structures owned by private individuals, corporations or firms, located upon public lands, the use of which for private purposes, has been allowed such individuals, corporations or firms under revocable license or other form of grant.
- (51) *Authority to contract with the United States, state or county.* To enter into contracts with the State of Florida or any of its subdivisions or agencies, and with the United States of America or any department or any agency thereof, in order to purchase, lease or acquire property, real and personal, within or without the limits of the territorial boundaries of the city for any municipal purpose, and to sell, alienate, convey, lease or otherwise dispose of same for the benefit and advantage of said city.
- (52) *To convey to United States or State of Florida.* To acquire real estate or any interest therein, located within or without the territorial limits of said city, by purchase, gift, devise, condemnation or otherwise, for the purpose of giving, granting or conveying the same to the United States of America or the State of Florida, or any lawful agency or subdivision thereof, whenever the city commission of said city shall deem it advisable, beneficial and to the best interest of said city so to do, or in order to induce the construction of public institutions and public works of any and all kinds.
- (53) *Authority to acquire, construct, own and operate golf courses.* To acquire, construct, own and operate a golf course or golf courses and all such buildings and improvements as said city may deem necessary or desirable for use in connection therewith, within or without the limits of said city; to use any lands now owned by said city for the purpose of a golf course or golf courses, and to acquire by purchase, lease, condemnation or otherwise for such purposes any lands within or without the limits of said city as it may deem necessary or desirable; to charge reasonable admissions, rentals or fees for the use or enjoyment of such golf course or golf courses by the users thereof; and [to] prescribe reasonable rules and regulations for the use and operation thereof.
- (54) *Plats and maps of city.* To prepare, approve and adopt a plat or map covering all lands within the corporate limits of said city, showing all lands and streets, avenues, parks, public buildings and public ways, to be known as the "Official Map of the City of Graceville"; and to change the names of subdivision streets and avenues thereon from time to time when conflicts exist or changes are deemed necessary. Such plat or map, when adopted and approved by the city commission, shall be prepared in duplicate, one

copy to be filed with the city clerk and one copy to be filed with the clerk of the circuit court of Jackson County, Florida, for public use; and such plat or map, so adopted and filed, shall be the official map of said city.

- (55) *Foreclosure on delinquent taxes.* To institute foreclosure proceedings foreclosing liens for city taxes on any lands in said city, upon which city taxes may be delinquent for a period of two (2) years or more. Such foreclosure suit shall follow the same practice and rules of procedure as foreclosing mortgages on real estate in the State of Florida; and the city shall be authorized to include in such foreclosure suits reasonable attorney's fees and cost of the suit, in addition to the amounts due for taxes. As many different parcels of land as are desired may be included in any such suit.
- (56) *Off-street parking.* To acquire property, both real and personal, improved or unimproved, above, at or below the earth, by purchase, lease, gift, devise, condemnation or otherwise, for the purpose of providing off-street automobile parking; to plan, design, locate, finance, acquire property for, construct, develop, improve, alter, enlarge, use, maintain, operate, lease (either as lessor or lessee), otherwise provide and foster off-street automobile parking facilities, either acting alone or in cooperation with any federal, state or local agency as deemed necessary or desirable; to create automobile parking agencies answerable to the city for the purpose of establishing, operating and maintaining public off-street parking facilities; to provide reasonable rules and regulations for the orderly use of such off-street parking facilities; to fix, levy and collect fees, rents or charges for the use of such facilities; to install, establish, maintain and control parking meters in or on such off-street parking facilities and regulate the use thereof; to prohibit curb parking on streets in the area or vicinity of such off-street parking facilities [if] so desired; to issue general obligation bonds within the legal debt limitation for the purpose of acquiring, developing and improving property for off-street parking of motor vehicles and for the creation of parking facilities; to issue revenue bonds or certificates payable solely out of the revenue derived from the use of such parking facilities; to make general fund appropriations to the extent deemed necessary and desirable; to receive state, federal and local aid by gift, bequest, devise, grant or otherwise; to do all acts and things necessary and convenient to carry out the powers expressly provided herein.
- (57) *Construction and repair of sidewalks.* To order the laying of sidewalks along any or all of the public streets of the city, and to prescribe the width thereof and the materials to be used in the construction; and upon failure of the property owners to lay any such sidewalks so ordered, after thirty (30) days' notice, the city commission shall have the power to cause such sidewalks to be laid, and to assess the cost and expense of laying the same against the abutting property, and such assessment shall create a lien against the property.

ARTICLE II. MAYOR; CITY COMMISSION; OFFICERS; DEPARTMENTS; FINANCE

Sec. 10. City commission.

There is hereby created a city commission consisting of five (5) commissioners, who shall be elected in the manner provided in this charter, and shall take office on the second Tuesday in

November following their election and who shall hold office for a term of two (2) years, and until their successors are elected and qualified. Three (3) members of the city commission shall be elected on even-numbered years and two (2) members of the city commission shall be elected on odd-numbered years, unless a vacancy exists in which event the remaining commissioners shall fill the vacancy for the unexpired term.

The term of T. J. Harris and James A. Martin, who were elected to the city council of the City of Graceville in the year 1959, shall continue to hold office under this charter until the second Tuesday in November, 1961. That from the effective date of this charter until the second Tuesday in November, 1962, E. D. Patterson, Jr., K. V. Ward and M. H. Toole, who were elected to the city council of the City of Graceville in the year 1960, shall hold office as city commissioners.

In the election to be held in 1961 as hereinafter provided, there shall be elected commissioners for groups two (2) and four (4), who shall hold office until the second Tuesday of November 1963. In the election for 1962 there shall be elected commissioners for groups one (1), three (3) and five (5).

Sec. 11. Qualifications; forfeiture of office when qualifications cease.

To be eligible to hold the office of city commissioner of the City of Graceville, or to qualify for nomination or election as such, the candidate shall be a bona fide resident and citizen of the City of Graceville, a resident of the State of Florida and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be a freeholder in the City of Graceville; shall have resided in said city for a period of not less than six (6) months immediately prior to the date of his qualifying for election to said office; shall be otherwise qualified as in this charter provided. Candidates for nomination or election for the office of city commissioner shall comply with all the rules and regulation [regulations] set out in the charter as to their conduct. Any commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his office.

Editor's note—A freeholder requirement for public office has been declared unconstitutional, *Turner v. Fouche*, 396 U.S. 346 (1969).

Sec. 12. Judge of election and qualification of members; affidavit of elector that candidate is unqualified.

The city commission shall be the judge of the election and qualification of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of [the] City of Graceville shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.

Sec. 13. Election of mayor and mayor pro tem.

The mayor shall be elected in the manner provided in this charter, and shall hold office for a term of two (2) years and until his successor is elected and qualified. From the effective date of this charter until the second Tuesday in November, W. M. Moore shall hold the office of mayor. In the election to be held in 1961, or [as] hereinafter provided, there shall be a mayor elected for a term of two (2) years. The commission shall elect a mayor pro tem to serve in the absence or disqualification of the mayor.

Secs. 14—18. Reserved. (Original act contained no such sections.)**Sec. 19. Commission powers generally.**

The commission shall elect one of its members as chairman, who shall be the presiding officer. The commission shall have the power to pass ordinances, adopt resolutions and exercise all other powers herein provided.

Sec. 20. Powers of city vested in commission; exceptions.

All powers of City of Graceville, except such as are vested in the jurisdiction of the municipal court, and except as otherwise provided by this charter or by the constitution of the State of Florida, are hereby vested in the city commission; and except as otherwise provided by this charter or by the constitution of the State of Florida, the city commission may by ordinance or resolution prescribe the manner in which any powers of the said city shall be exercised.

Editor's note—The municipal court has been abolished.

Sec. 21. Interest of commission in contracts of city.

It shall be unlawful for any commissioner to directly or indirectly contract with any association, partnership, firm or corporation in which he is financially interested, for the doing of any work or the furnishing of any material or equipment to or for the City of Graceville, Florida, unless after public advertisement or competitive conditions, such association, partnership, firm or corporation shall be the lowest responsible and competent bidder.

Sec. 22. Forfeiture of office.

Absence by a commissioner for four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission, by resolution setting forth the fact of such excuse, duly entered upon the minutes. Any member of the city commission who shall be convicted of a felony while in office shall thereupon forfeit his office, unless such conviction be reversed.

Sec. 23. Annual organizational meeting.

On the second Tuesday in November following each annual regular election, the city commission shall meet at the usual place for holding the meetings of the legislative body of the

city, at which time the newly elected city commissioners shall assume the duties of their respective offices. They shall elect a chairman and a mayor pro tem, who shall serve for a term of one (1) year.

Sec. 24. Regular meetings.

The city commission shall meet regularly at such times as may be specified by resolution, except that it shall meet regularly not less than once each month.

Sec. 25. Manner of calling special meetings.

The mayor, president of city commission, or any two (2) members of the city commission may call a special meeting of the city commission upon at least four (4) hours' notice to each member. Such notice may be either verbal or written, and the person so notifying each member shall file with the city clerk the date and time of the serving of such notice. If all members of the city commission are present at a special meeting they may waive notice, such waiver to appear in the minutes of the meeting. If less than the full commission is present at any special meeting, then in order for any matter to be acted upon, such matter shall receive a minimum of three (3) affirmative votes in order for it to be valid and binding upon the city. No special meetings shall be called less than twenty-four (24) hours after a regular meeting.

Sec. 26. Meeting place; meeting to be public; access to minutes and records; prescribe own rules; keeping minutes.

All regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; but a special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meeting. Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its own rules, regulations and order of business and shall keep minutes of its proceedings.

State law reference—Public meetings and records, F.S. § 286.011.

Sec. 27. Quorum; minimum votes necessary to pass ordinance or resolution.

A majority of all members of the city commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of three (3) members shall be necessary to pass any ordinance on a reading or adopt a resolution, and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the minutes.

Sec. 28. Recall of mayor or city commissioners—Recall petition; defensive statement; publication; manner of signing petition.

The mayor and any or all of the members of the city commission may be removed from office by the electors of the city by the following procedure: A petition for the recall of the mayor or

any commissioner or commissioners designated, signed by a number of the qualified electors of the city equal to twenty-five (25) percent of the number of qualified voters of the city, and containing a statement in not more than two hundred (200) words of the grounds of the recall, shall be filed with the city clerk and a copy thereof with the mayor or commissioner or commissioners sought to be recalled; and he or they within five (5) days after such notice may file with the city clerk a defensive statement in not exceeding two hundred (200) words. The city clerk shall at once, upon expiration of said five (5) days, cause a sufficient number of typewritten, printed or mimeographed copies of such petition or petitions, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement, if one is furnished him within the time stated, and he shall cause copies of such petition to be placed on file in his office, and provide facilities there for the signing of same, and he shall immediately cause notice to be published by posting a copy of the same in three (3) public places in the city, one of which shall be at the city hall, of the placing of such petition. Such copies of the petition shall remain on file in the place designated for a period of thirty (30) days, during which time any of them may be signed by any elector of the city in person, but not by any agent or attorney. Each signer of any such copy shall sign his name in ink or with indelible pencil and shall place thereafter his residence by voting precinct, if any he has, and street number.

Editor's note—Municipal recall is governed by F.S. § 100.361.

Sec. 29. Same—Certification of petition by city clerk (if and when appointed); electors; removing name.

At the expiration of said period of thirty (30) days, the city clerk (if and when appointed) shall assemble all of said copies in his office as one instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least twenty-five (25) percent of the qualified voters of the city. If such signatures do amount to such percent, he shall at once serve notice of that fact upon the mayor or commissioners designated in the petition, and also deliver to the city commission a copy of the original petition with his certificate as to the percentage of qualified voters who signed the same, and a certificate as to the date of his last mentioned notice to the mayor or commissioners designated in the petition. Any elector signing such petition may serve written demand upon the city clerk to remove his name at any time before the clerk certifies the percentage to the mayor or commissioners, and such name shall be removed by the clerk.

Sec. 30. Same—Resignation of mayor or commissioner being recalled; recall election.

If the mayor or commissioners or any of them designated in the petition, file with the city clerk within five (5) days after the last mentioned notice, his or their written resignation, the city clerk shall at once notify the city commission of that fact, and such resignation shall be irrevocable, and the city commission shall proceed to fill the vacancy or vacancies so created. In the absence of any such resignation[,] the city commission shall forthwith order and fix the day for holding a recall election for the removal of those not resigning. Any such election shall

be held not less than thirty (30) days nor more than sixty (60) days after the expiration of the period of five (5) days last mentioned, and at the same time as any other general or special election held within such period, but if no such other general or special election be held within such period, the city commission shall call a special recall election to be held within such period.

Sec. 31. Same—Form of ballots at election.

The ballots at such recall election shall conform to the following requirements: With respect to each person whose removal is sought, this question shall be submitted—"Shall (name of person) be removed from the office of Mayor or City Commissioner by recall?" And immediately following each such question there shall be printed on the ballot the two propositions in the order here set forth.

"For the recall of (Name of Person)"

"Against the recall of (Name of Person)"

Immediately to the left of each of the propositions shall be placed a square in which the electors by making a cross-mark (X) may vote either of such propositions.

Sec. 32. Same—Filling of vacancies upon recall.

In such election, if a majority of the votes cast on the question of the removal of any commissioner is affirmative, the person whose removal is sought thereupon shall be deemed removed from office upon the announcement of the official canvass of the election, and the vacancy caused by such recall shall be filled by appointment by the remainder of the commission.

Sec. 33. Same—When petition may be filed; when recall or resigned member eligible for reappointment; preserving papers of election.

Except as otherwise herein provided, no petition to recall the mayor or any commissioner shall be filed within six (6) months after he takes office. No person removed by a recall or resigning after petition has been filed against him shall be eligible to be appointed upon said commission within a period of two (2) years after the date of such recall or resignation. The city clerk shall preserve in his office all papers, comprising or connected with a petition for a recall for a period of two (2) years after the same were filed. The method of removing commissioners herein provided is in addition to such other methods as are now or may hereafter be provided by general law of this state.

Sec. 34. Offenses relating to signing of petitions.

No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the city. No person shall sign or knowingly permit to be signed any petition for recall at any place other

than the office of the city clerk. Nor shall any person employ or pay another to accept employment or payment for circulating an initiative, referendum or recall petition upon the basis of the number of signatures procured thereto.

Sec. 35. Form of ordinances and resolutions; votes required for passage; enacting clause; effective date; amending.

Any proposed ordinance or resolution shall be introduced in written or printed form at any regular or special meeting of the commission, read the first time in full and placed upon its passage. Such proposed ordinance or resolution will then lay over until the next regular or special meeting at which it may be read the second time by title only and passed upon second reading by three (3) affirmative votes. The enacting clause of all ordinances shall be "Be It Ordained by the City Commission of the City of Graceville, Florida," and the enacting clause of all resolutions shall be "Be It Resolved by the City Commission of the City of Graceville, Florida"; and all ordinances and resolutions shall become effective upon the date set forth therein or upon the approval of such ordinances and resolutions by the mayor, or in the event he shall disapprove the same by a four-fifths vote of the city commission. Any proposed ordinance or resolution may be amended upon either reading. All ordinances and resolutions shall be copied verbatim in the minute books of the city commission.

Sec. 36. [Reserved.]

Editor's note—Section 36 was repealed by Ord. No. 89-0111, § 1, adopted Jan. 10, 1989.

Sec. 37. Oath of office.

Every official and officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city clerk, which oath shall be in the form prescribed, as follows:

OATH

I do solemnly swear (or affirm) that I am a citizen of the United States, and a resident of the State of Florida and of the City of Graceville, Florida, and have all the qualifications as required by the charter for the office upon which I am about to enter; that I will support the Constitution of the United States, the Constitution of the State of Florida, and the laws and ordinances of the City of Graceville; and that I will faithfully perform the duties of the office upon which I am now about to enter. So Help Me God:

OFFICER

TITLE OF OFFICE _____

Sworn to and subscribed before me this the _____ day of _____, A.D., _____.

 Notary Public State of Florida
 at Large

My Commission expires: _____

Sec. 38. Official bonds.

The city commission shall by resolution determine and fix the bonds of all officers, clerks or employees required to furnish bond, as determined by the city commission. Where bond is required, same shall be procured from a regularly accredited surety company authorized to do business under the laws of Florida. The City of Graceville shall pay the premium on such bonds; all of which shall be payable to City of Graceville and filed in the office of the city clerk.

Sec. 39. City clerk; treasurer, tax assessor, tax collector.

The city clerk, treasurer, tax assessor and tax collector shall be appointed by the city commission of the City of Graceville and shall hold office at the pleasure of the city commission. If the duties of city clerk, treasurer, tax assessor and tax collector are vested in one person[,] he shall act as clerk of the city commission and shall also act as clerk of the municipal court. He shall also act as treasurer, tax assessor and tax collector for the City of Graceville. As clerk he shall have custody of all public records of the City of Graceville; he shall be the official custodian of the seal of said city and shall affix said seal to all instruments requiring the same. He shall give such bond as the city commission shall fix and shall perform all the duties imposed upon the clerk of the city commission, municipal clerk, treasurer, tax assessor and tax collector, not inconsistent with the provisions of this charter, and shall receive such salary therefor as may be provided by the ordinances of the city.

Editor's note—The municipal court has been abolished.

Sec. 40. Chief of police; police officers.

The chief of police and all police officers, shall be appointed by the city commission of the City of Graceville and shall hold office at the pleasure of the said city commission. It shall be his [sic] duty, with the advice and instructions of the city commission, to preserve order and to do all in his power to prevent violations of this charter and the municipal ordinances of the City of Graceville, and to perform such other duties as may be prescribed by ordinances of the city commission or police regulations adopted by the city commission not inconsistent with this charter. The chief of police or any policeman of the City of Graceville may arrest, without warrant, any person violating any of the ordinances of said city, committed in the presence of such officer, and when knowledge of the violation of any ordinance of the said city shall come to the said chief of police or policeman, not committed in his presence, he shall at once make affidavit before the judge of the municipal court against the person charged with such violation, whereupon such judge, or the clerk of said court, shall issue a warrant for the arrest of such person or persons. The chief of police or a member of the police department shall attend

all meetings of the city commission and enforce order; he shall attend the municipal court and execute its processes, orders and commands and shall enforce order in such court under the directions of the municipal judge. The foregoing acts and duties may be performed by any other police officer of the City of Graceville, other than the chief of police when more convenient. The salary of the chief of police and other police officers of the City of Graceville shall be fixed by ordinance of the city.

Editor's note—The municipal court has been abolished.

Sec. 41. Mayor.

The mayor shall see that all ordinances and resolutions of said city are faithfully executed. He may call the city commission together in special session and shall recommend such measures from time to time as may seem proper touching the general welfare of the government of the city. He may also veto any ordinance or resolution of the city commission under the limitations imposed by this charter. He may appoint additional police for special occasions as may be deemed necessary. He shall perform such other duties as may be provided by ordinance or resolution or by order of the city commission.

Sec. 42. Mayor pro tem.

The city commission shall, each year, designate one of its members who shall act as mayor in the absence or disability of the mayor, and in the case of the death, resignation, removal, nonresidence or disability of the mayor. The member of the city commission so designated shall discharge the duties of the said office as acting mayor until his successor for the unexpired term of the said mayor shall be selected.

Sec. 43. President of the city commission.

The president of the city commission shall preside at all meetings of the city commission and in his absence the mayor pro tem. The president of the city commission shall countersign checks and shall execute all instruments of conveyance and legal documents required to be executed by him by ordinances or resolutions of the city commission. He shall perform all duties that may be prescribed by the city commission.

Sec. 44. Municipal judge.

The mayor shall be judge of the municipal court and it shall be his duty to hold weekly terms of the municipal court when there is any business to be transacted by said court, in such place as may be provided by the city commission, for the trial of all persons charged with the violation of any of the ordinances of said city, which trial shall be without jury, and upon conviction of such person or persons, to impose upon him, or them, such penalty as may be provided by ordinance. Said judge of the municipal court shall have power to issue summons, or cause the same to be issued by the clerk of the court for witnesses, to issue warrants for arrest upon affidavit duly filed, to administer oaths, to remit, in whole or in part, fines and imprisonment imposed for violation of municipal ordinances, and to do all other acts necessary for the performance of his duty as judge of the municipal court. He shall have power to punish

for contempt of court to the extent of a fine of five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both; he shall, for his services as such judge, receive such compensation or salary as shall be fixed by the ordinances of the city. The city commission shall also have power to appoint an alternate judge who shall perform the duties of the municipal judge in case of his absence from the city or inability to act, in case of illness or disqualification, and shall receive compensation as fixed by the ordinance of the city.

Editor's note—The office of municipal judge has been abolished.

Sec. 45. City attorney.

The city commission shall appoint a city attorney who shall act as the legal advisor to, and attorney and counselor for, the municipality and all its officers in matters relating to their official duties. He shall furnish the city commission, the head of any department or any officer or board his opinion on any question of the law relating to their respective powers and duties; he shall prepare all ordinances and resolutions for the city commission and shall perform such other professional duties as may be required of him by order, ordinance or resolution of the city commission, or as are prescribed under the general laws of the State of Florida which are not inconsistent with this charter. When required to do so by order or resolution of the city commission[,] he shall prosecute and defend for and in behalf of the city all complaints, suits and controversies to which the city is a party. His compensation for services regularly rendered to the city and its officers shall be fixed by the city commission and his compensation for special services shall be such reasonable compensation as may be agreed upon by the city attorney and the city commission.

Sec. 46. Other officers.

The city commission may employ a city physician, city health officer, sanitary officer, meat inspector, milk inspector, building inspector, electrical inspector, plumbing inspector and such other officers and inspectors as may be necessary for the protection of the health and safety of the citizens of said municipality who, when appointed, shall serve at the pleasure of the city commission, and the city commission may, by ordinance or resolution, prescribe the duties and fix the compensation of any such officer or inspector so appointed.

Sec. 47. Prescribing duties, etc.

The city commission may prescribe the duties, obligations and powers of any officer of the City of Graceville, and create such offices as this charter may provide. The city commission may provide that any of the offices herein created and provided for may be held by one and the same person, or by as many persons as they may determine, and it is not imperative that any of the said offices created as provided herein, shall be filled, and in the event any of the offices provided for herein shall not be filled the city commission shall have authority to designate the officer or officers by whom the duties of such office shall be performed.

Sec. 48. Public buildings and property.

The city commission shall have power to appoint a board of governors for any one or more public municipal buildings or properties of the city, and shall by ordinance or resolution prescribe the number of members of said board and the duties and powers of said board, and said board shall, under the supervision of the city commission, have the control, custody and supervision of said building, buildings or property. Each member of said board of governors shall be a qualified elector of the City of Graceville.

Sec. 49. Fiscal year.

The fiscal year of the city shall begin on the first day of October of each year and end on the last day of September of each year.

Sec. 50. Budget.

The clerk in his annual report covering the operations of the city which it shall be his duty to make and submit to the city commission covering the fiscal year, shall submit a budget and set forth an estimate of the expenditures and revenues of the city for the ensuing year. This budget shall be compiled from detailed information and in its arrangement the classification of expenditures shall be as nearly as possible uniform for the main functional divisions and departments of the city and shall give in parallel columns the following information:

- (a) Detailed estimate of the expense of conducting each department and division of the city government, including all public utilities and enterprises conducted by the city.
- (b) Expenditures for corresponding items during the two (2) fiscal years last past.
- (c) Amount of supplies and material on hand.
- (d) Increase of demands compared with the corresponding appropriation for the last fiscal year.
- (e) Such other information as is required by the city commission or as the city clerk may deem advisable to submit. Sufficient copies of the annual report and budget of the city clerk shall be prepared and there may be copies on file in the office of the city clerk for inspection by the public.

The city commission shall carefully consider such budget before passing an appropriation ordinance fixing the millage for the ensuing year. After such appropriation ordinance shall have been introduced and before passing, the city commission shall cause same as introduced to be published by posting the same in three (3) public places in the City of Graceville[,] one of which shall be at the city hall, and shall state in said publication the time and place same will be acted on finally, and shall also state in such notice that the estimates of the city clerk upon which the same is based is on file for inspection in the office of the said city clerk, and such ordinance shall not be passed by said city commission until after five (5) days after such publication.

Sec. 51. Transfer and reversion of funds.

Upon request of the city clerk of the City of Graceville[,] the city commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient or may authorize a transfer to be made between items appropriated to the same office or department.

At the close of each fiscal year[,] the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated as hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the city commission to such use as will not conflict with any uses for which such revenues specifically accrued.

Sec. 52. Veto.

All ordinances and resolutions passed or adopted by the city commission shall be submitted before going into effect to the mayor or mayor pro tem for his approval. If disapproved he shall return the same, with the objections in writing to the city clerk for presentment to the city commission within three (3) days after the same has been submitted to him. At its next meeting thereafter the city commission shall cause the objections thereto to be spread upon the record of its proceedings, and at said meeting shall proceed to consider said objections and pass said ordinance or resolution as hereinbefore provided. All ordinances passed by the city commission of the City of Graceville shall be published by posting in three (3) public places in the City of Graceville, one of which shall be at the office of the city clerk at the city hall. Provided, further, that nothing herein contained shall prevent the city commission at any time from arranging, codifying, revising, adding to, supplementing or amending any ordinance or ordinances of the City of Graceville; and the city commission may arrange, codify, modify, revise, amend, add to or supplement the ordinances of the city and publish the same in appropriate volume or volumes which shall become the laws of the City of Graceville upon the adoption of said codification by the city commission and approval of the mayor, without publication, provided that nothing therein shall be inconsistent with this charter.

Sec. 53. Departments.

It shall be the duty of the city commission to divide by ordinance or resolution the administration of the city government into such parts as the city commission may deem advisable, and the chairman of the city commission shall place under the supervision of each commission [commissioner] such portion of the administration of the city government as the city commission may determine and provide by ordinance or resolution. Each commissioner shall have the power to appoint such persons as shall be deemed necessary for carrying on the administration of the city government under his department by, and with the consent and approval of the majority of the city commission, and each commissioner shall have the right to suspend any person in his department for nonperformance or negligence in the performance of his duty, or for misconduct in office, or for other cause, and upon making such suspension he

shall report his action to the city commission, with his reason therefor in writing, at its next regular meeting, or as soon thereafter as practicable, and within sixty (60) days after such suspension, and have the approval of the city commission; provided that the suspended officer shall have an opportunity to be heard before the city commission; and provided, further, that it shall require a majority vote of all the members of the city commission to permanently dismiss such officer.

Sec. 54. Supervision of departments.

Each commissioner shall have general supervision of all employees in his particular division or department of the city administration, and shall examine into the condition of the offices, books, records and accounts in his department, and the manner of conducting the business of said department. Each commissioner shall have general supervision of the portion of the administration of the city government assigned to him; provided that a majority of the city commissioners may, at all times, have the power to overrule any act of a commissioner in carrying on his department.

Sec. 55. Recommendations.

Each commissioner shall communicate such information to the city commission from time to time as he may deem proper along with his recommendations touching the general welfare and government of the city.

Sec. 56. Signing and countersigning checks and warrants.

All checks or warrants for the payment of money shall be signed by the president of the city commission and the city clerk; and checks or warrants drawn upon any bond interest or sinking fund shall be countersigned by the mayor or acting mayor in addition to being signed by the city clerk.

Sec. 57. Signing contracts, bonds, certificates of indebtedness, etc.

All contracts, bonds, certificates of indebtedness and legal instruments shall be signed by the city clerk and countersigned by the president of the city commission.

Sec. 58. Disposition of moneys collected by officers and employees of city.

All fees and moneys collected and received by officers and employees shall be immediately paid over to the city treasurer and collector for deposit in the depositories as herein provided.

Sec. 59. Independent annual audit of city books.

Prior to the end of each fiscal year[,] the city commission shall designate a certified public accountant or certified public accountants who, at the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the commission and to the city clerk. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city

government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the commission shall audit the books and documents kept by the City of Graceville.

Sec. 60. City depositories.

The city commission shall from time to time in its discretion designate banks or trust companies as city depositories. Any bank acting as city depository shall make monthly reports to the city commission showing the balance on hand at the beginning of the month, the sums received and paid out during the month, and the balance on hand at the end of the month, and shall return with said report all checks or warrants properly canceled, which the said bank has paid during the said month. The city commission may establish rules and regulations regulating the deposits, withdrawals of funds, security to be posted or provided by the depository and other safeguards for the deposited moneys of the City of Graceville; providing that same shall not be inconsistent with the provisions of this act.

ARTICLE III. TAXATION*

Sec. 61. Property to be taxed; public service corporations; person to whom assessed; homestead exemption; assessing real property together; personal property.

All real and personal property located within the corporate limits of the City of Graceville on January first of a given year, except such as may be exempt by law, shall be valued and assessed for taxes during such current year, according to its value on January first of such year. Railway and railroad companies, telephone and telegraph companies or other public service corporation, shall be subject to taxation on real and personal property owned by them or operated within the corporate limits of the city, in the same manner and at the same rate of valuation as all other property. All property within the city limits shall be assessed and listed for the purposes of general taxation on the city tax assessment roll in the name of the owner or owners, if known by the assessing officer; but, if the owner or owners of any real property are unknown to the tax assessor, and no one has returned same for taxation, then such property may be listed and assessed as "unknown" or in the name of the person last paying taxes, or according to the best information obtained by the tax assessor. Each lot or separate tract of land shall be assessed separately, by lots and blocks when so platted, or by sections, townships and ranges, or in parts or fractions of either, as the case may be, or by metes and bounds, except that at the written request of the owner of the lots or tracts of land adjoining each other, or when the owners make return thereof in such manner, such adjoining tracts of land may be assessed together. Homestead property of an owner, upon which homestead exemption is claimed, shall be taxed under one assessment and listing. Where real estate is assessed together under the conditions mentioned, the tax levied and assessed must be paid without splitting or division. Personal property shall be assessed separate from real estate, but in a similar manner, and it shall be the duty of the tax assessor to make a diligent

*State law reference—Municipal assessment rolls, F.S. § 193.116.

search and inquiry to ascertain the description, and ownership of all personal property subject to taxation, and assess all of such property in the name of the owner. Taxes assessed against real estate shall constitute a lien upon such real estate, and taxes assessed against personal property shall become a lien against and upon the personal property assessed, as well as a personal debt of the person assessed, and may be collected as authorized by law.

Sec. 62. Preparation of tax roll.

The tax roll shall be prepared as follows:

- (a) *Duties of tax assessor.* It shall be the duty of the tax assessor, between the first day of January and the first day of May of each year, to ascertain by diligent inquiry all taxable property, real and personal, railroads, telegraph and telephone lines, within the city, and the name of the person, firm or corporation owning the same on the first day of January of each year, and to make an assessment of all such taxable property. The tax assessor shall visit and inspect all real estate unless personally acquainted therewith and with the improvements thereon, and shall fix the valuation of the same and shall require the owner or owners of personal property to return the same and fix the valuation thereof under oath; the tax assessor shall place a valuation thereon to the best of his or her knowledge, information and belief; and any person or persons failing or refusing to make such returns under oath on or before the first day of April of each year shall not be permitted afterwards to reduce the valuation placed thereon by said tax assessor for the current year. The tax assessor is hereby authorized and empowered to administer oaths to all persons returning their personal property for assessment as herein provided.
- (b) *Errors and omissions in assessments.* If the tax assessor, in making his assessment, shall discover that any land and/or improvement thereon in the city was omitted in the assessment roll of either or all of the three (3) previous years, or where a tax assessment or sale has been considered invalid for any other cause than lack of power to levy such tax, and is then liable to taxation, he shall assess such land for the current fiscal year, and shall also assess the same separately for each year or years as may have been omitted, or was illegally sold for taxes, at the cash value thereof at the time when assessment should have been made, noting distinctly the year or years when such omission occurred, and such assessment shall have the same effect as if made in the year or years when assessments were omitted, and taxes shall be levied and collected thereon in like manner, together with the taxes for the year in which assessment is being made, but no land and/or improvement thereon shall be assessed for more than three (3) years of back taxes, and all lands and/or improvements thereon shall be subject to be assessed into whomsoever's hands they may come.
- (c) *Returns.* All persons, firms or corporations owning property, whether real or personal, subject to taxation by the City of Graceville, shall be required to make return of the same before the first day of April of each year to the tax assessor. Such return shall be made upon and in conformity with blanks prepared and to be supplied for such purpose through the office of the city tax assessor, and such return shall contain a complete list

of all the property taxable by the city belonging to such person, firm or corporation, for which such return is made, together with the full cash value thereof, giving separately an intelligent description and the full cash value of each separate lot and parcel of real property; which description and valuation thus returned may be considered by the assessing officer in making assessments, but he or she shall not be bound thereby. Should any person, firm or corporation omit to make such return, as above required, the assessing officer shall assess the property not thus returned in the name of the owner, if the owner shall be known to him, and where the name of the owner is not known, he may assess it in the name of the supposed or reputed owner, or occupant, or as belonging to an unknown owner, and in no case, where the real owner has failed to make return of his property as herein required, shall the assessment thereof be declared invalid or as not lawfully made, or the enforced payment of taxes therein be refused by reason of such property being assessed otherwise than in the name of the real owner.

- (d) *Rate of assessment.* The percentage of taxation herein authorized shall in such case be upon the valuation of the taxable property in said city, as set forth in the city assessment roll, provided that all taxes shall be uniform upon the same classes of property within the corporate limits of the city.
- (e) *Extension.* If, in the judgment of the city commission, it shall be necessary or expedient to extend the time within which the said tax assessor shall complete his said assessment roll, beyond the first day of May in each year, the same may be extended by resolution for not more than thirty (30) days.
- (f) *Present roll to board of equalization.* When the assessment roll has been completed, the tax assessor shall present same to the board of equalization at its meeting.

Sec. 63. Board of equalization—Notice of annual meeting; duty to equalize and revise assessments; right of property owners to be heard; tax assessor to attend meetings.

The city commission shall, on the first Monday in July in each year, sit as a board of equalization of taxes; and not less than ten (10) days' notice of said meeting shall be given by publication in three (3) public places in the city, one of which shall be at the office of the city clerk at the city hall. At such meeting the commission, sitting as a board of equalization as aforesaid, shall have before it the assessment roll to be returned by the tax assessor, and shall proceed to equalize and revise the said assessments. The city commission at such time shall have the right to make all inquiries necessary, and take testimony, if deemed advisable, for the purpose of determining the value of any property so assessed. All persons owning property, real or personal, in the City of Graceville, shall have the right to appear before the board of equalization, and to be heard; and the said board shall remain in session from day to day for as long as may be necessary to hear such complaints and to equalize and revise such assessments; provided that the said board shall not be required to remain in session for longer

than three (3) successive days. The tax assessor or city clerk as ex officio tax assessor shall attend such meetings from day to day, and correct all mistakes, inaccuracies or changes in said roll.

Sec. 64. Same—Certification of assessment roll; recording.

After the board of equalization has completed its work, it shall append to such roll its certificate that it has equalized and revised the assessment roll and the same is correct, which certificate shall also be recorded in the minutes of the city commission.

Sec. 65. Same—Returning certified assessment roll to assessor; changes.

After said assessment roll shall have been revised and equalized as hereinabove provided, the same shall be returned to the tax assessor with a certificate of the mayor that the same has been revised and equalized by the board of equalization, and thereafter the value fixed upon the said assessment roll shall not be changed, except that the tax assessor may certify to the commission any errors appearing in such roll, and the city commission by resolution may order such errors corrected.

Sec. 66. Levying and certifying taxes as equalized.

After the roll has been revised and equalized, the city commission shall levy the taxes authorized against the values on said revised and equalized roll, and the taxes so levied shall be certified forthwith by the tax assessor. To the assessment roll he shall attach a certificate substantially in the following form:

I, _____, Tax Assessor or City Clerk and Ex Officio Tax Assessor of the City of Graceville, as the case may be, do hereby certify that the foregoing is the assessment roll, of the taxable property in the City of Graceville, valued at its full cash value, and that it contains a true statement and description of all personal and real property in the said City of Graceville, subject to taxation by said city; and liable to be assessed therefor; that the listing and valuation are as corrected by the board of equalization and as approved and adopted by the city commission and that all requirements of law and ordinance relating to the making of the assessment roll of the City of Graceville have been complied with.

Date

Tax Assessor (or City Clerk and Ex Officio Tax Assessor)

And he shall also attach a warrant in substantially the following form:

State of Florida
City of Graceville

To

City Treasurer and Tax Collector, City of Graceville

You are hereby commanded to collect out of the property and from each of the persons, corporations and firms, named in the annexed roll, the taxes set down in such roll, opposite each name, corporation or firm, or parcel of land described, and in case the taxes are not paid at the time prescribed by law, the same shall be collected in such manner as is provided by law, and all sums collected you are to hold and account for as required by law and ordinances.

Sec. 67. Payment of taxes—Due date; discounts.

Taxes shall become due and payable in the City of Graceville on the first day of November of each year, and the city treasurer and collector shall proceed to collect the same. All persons paying current taxes during the month of November in each year shall be allowed a discount of four (4) percent; all persons paying current taxes during the month of December in each year shall be allowed a discount of three (3) percent; all persons paying current taxes during the month of January in each year shall be allowed a discount of two (2) percent; all persons paying current taxes during the month of February in each year shall be allowed a discount of one (1) percent; but thereafter no discount shall be allowed upon any taxes due to the said city. All persons paying current taxes during the month of March shall pay the net amount due.

Sec. 68. Same—Delinquency date; penalty.

All taxes not paid on or before the first day of April after same are levied shall be delinquent, and a penalty of one (1) percent per month shall be added thereto; and all persons offering to pay taxes after such first day of April shall be required to pay the said penalty of one (1) percent.

Sec. 69. Preparation of list of delinquent real property taxes.

Beginning April first of each year the city treasurer and collector shall prepare a list of all real property upon which the current taxes have not been paid, showing the description of the lot or tract, the name of the owner shown on the assessment roll, and the amount of taxes due thereon, which list shall be completed on or before May first and posted on a bulletin board in the office of the city clerk. In the event such list is not completed by May first of each year, same shall not affect the validity of the proceedings, but the same shall be completed and posted as quickly as possible after such date.

Sec. 70. Notice of sale of lands for unpaid taxes.

The City of Graceville shall, in ample time before the tax sale required by law, publish a clear and understandable notice of sale of lands because of nonpayment of past due municipal taxes, by causing the same to be posted in three (3) public places within the city, one of which shall be at the office of city clerk at the city hall. In such notice it shall be plainly stated that all real estate in the said city on which municipal taxes are past due and unpaid will be sold in conformity with law, and the time and place of the sale shall be clearly stated. The said notice need not be in any particular form, but it shall be brief and simple and shall plainly state the facts and give fair notice of the sale. That notice shall contain a description of the real

estate upon which taxes are due together with the name or names of the person or persons to whom said property was assessed, and if on the assessment roll, the name of the owner appears to be unknown, then said notice shall so state. It shall also state the amount of delinquent taxes plus any interest or penalties due and the date and place said sale will be conducted.

Sec. 71. Conduct of tax lien foreclosure sale.

On the first Tuesday in June of each year, beginning at 11:00 a.m., Central Time, the tax collector shall commence the sale of all tax liens on those lands on which taxes have not been paid as aforesaid, and shall continue sale from day to day until such tax liens, costs and penalties on each parcel thereof shall be sold. The City of Graceville may, by resolution of the city commission, be a bidder at any sale held under a foreclosure decree in a suit in which the city is the complainant, foreclosing one or more of its tax liens, and may be represented for this purpose by any official or person who may be designated or delegated to perform the duty; but no bid made in behalf of the city shall exceed the aggregate sum decreed to be recovered with respect to the parcel bid upon, plus twenty-five (25) percent of such aggregate sum. Said taxes or tax liens shall be struck off to the person who will pay the amount of taxes, costs and penalties, and in case there are no bidders, same shall be bid off by the tax collector for City of Graceville. The tax collector shall require immediate payment by any person to whom any taxes and tax liens may be struck off. Such certificates evidencing such taxes and tax liens shall bear interest from date at the rate of twelve (12) percent for the first year from date of sale, but not less than five (5) percent of the face of the certificate for any period of time. The tax collector shall have the right to enforce reasonable rules and regulations concerning the manner of bidding, and in case of competition on bidding, such bidders shall have the right to bid for a lesser rate of interest, but not less than five (5) percent per annum, and the city tax collector shall sell to the first person bidding five (5) percent interest.

Sec. 72. List of lands sold to be filed.

Immediately after any tax sale, the tax collector shall make out a list in duplicate of all the taxes and tax liens sold and of the tax sale certificates issued, showing the date of the sale, the name of the purchaser, the description of the land and the amount for which sale was made, and shall append to each of said lists a certificate setting forth the fact that such sale was made in accordance with law. One of such lists shall be retained by him, and one of such lists shall be filed in the office of the city clerk.

Sec. 73. Form of certificate of sale.

At the sale aforesaid, the tax collector shall give to the purchaser a tax sale certificate describing the tax liens purchased and the amount paid therefor. The certificate shall be substantially in the following form:

TAX SALE CERTIFICATE NO. _____

Office of Tax Collector
City of Graceville
Jackson County, Florida.

No. _____ A.D., _____

I, the undersigned, Tax Collector for the City of Graceville, in the State of Florida, do hereby certify that on the date stated above, at public auction, pursuant to notice given as required by law and by the charter of said City, I did sell to _____ the certain tax liens upon the land herein described for the sum of _____ Dollars and _____ cents, said sum being the amount due and payable for taxes, costs and penalties on the described lands for the year ____; that the purchaser, or his assigns, will therefore be entitled to make application for a tax deed of conveyance of such lands in accordance with the law, or to foreclose this lien as provided by law, unless the same shall be redeemed by payment of such amount, and interest and costs thereon, within two (2) years after date hereof.

Said lands situate and being in City of Graceville, Jackson County, Florida, and described as follows:

Witness my hand at Graceville, Jackson County, Florida, this _____ day of _____, A.D., ____.

City Tax Collector
City of Graceville, Florida

Sec. 74. Record of tax sale certificates.

It shall not be necessary for any tax sale certificate issued by the City of Graceville to be recorded in the office of the clerk of the circuit court of Jackson County, Florida. The record of such certificate, kept in the office of the city tax collector of City of Graceville, Florida, shall be all the notice or record required to be kept to evidence the lien of such tax sale certificates.

Sec. 75. Issuance of duplicate certificates.

If application be made to the city commission for issuance of a duplicate tax sale certificate in lieu of a certificate alleged by affidavit to be the property of affiant and to have been lost or destroyed, the city commission may, upon such reasonable terms, conditions and assurances as it may require, authorize the city tax collector to issue a duplicate certificate, plainly marked or stamped "Duplicate" to the affiant, and the city tax collector shall thereupon issue the same upon payment of a fee of one dollar (\$1.00), shall note the entry of such duplicate issuance on the tax sale list opposite the entry of the sale for which the lost or destroyed certificate was issued, and shall keep and preserve the bond or guarantee executed by the applicant in connection with the issuance of such duplicate certificate.

Sec. 76. Transfer of certificates.

All tax sale certificates heretofore or hereafter issued, whether to the City of Graceville or individuals, shall be transferable by endorsement on the certificate, or transfer appended thereto, at any time before they are redeemed or a tax deed is issued thereon. Record of the transfer and assignment of a tax sale certificate by an individual may be made upon payment of the fee of twenty-five cents (\$0.25) for each certificate assigned.

Sec. 77. Certificates owned by city to be held by city tax collector; where redemption to be made.

All tax sale certificates issued to the City of Graceville shall be held by the city tax collector for redemption or sale, as hereinafter provided. All redemption of tax sale certificates or tax liens certified or sold to the city or to individuals shall be made at the office of the city tax collector.

Sec. 78. Redemption of land from lien or tax sale certificate—Procedure.

Any person, or agent of any person, owning or claiming such lands, or any interest therein, upon which taxes or tax liens have been sold, may redeem the same from the lien of such taxes, tax sale certificates or tax liens at any time after such sale and before a tax deed is applied for, or foreclosure proceedings commenced, by paying to the city tax collector of the City of Graceville the face amount of the certificate of sale, and interest thereon, as well as the face amount of prior and subsequent taxes and interest, together with the fee of one dollar (\$1.00) for each certificate and subsequent taxes so redeemed; provided, however, that no one shall be required to pay in redemption of a tax sale certificate more than the amount paid the City of Graceville for such certificate, together with interest, costs and other legal charges. Interest on certificates sold, whether to the city or to an individual, shall be at the rate of twelve (12) percent per annum for the first year and eight (8) percent per annum for the time after the first year from the date of sale, but not less than five (5) percent of the face of the certificate for any period of time. When any land shall have been so redeemed, the tax collector shall turn over to the city clerk the amount received for redemption of same, less the fee of one dollar (\$1.00); and such cancellation shall be forthwith entered on the duplicate copies of the tax sale list on file in the office of the tax collector and on file in the office of the city clerk.

When any tax sale certificate has been redeemed, which is shown by the records of the city tax collector to be owned by individuals, the tax collector shall pay over to the city clerk, to be kept in a trust account, the amount received for redemption of the same, less the fee of one dollar (\$1.00) and shall promptly notify the record owner of such certificate by mail that same has been redeemed, stating the amount received in redemption, and requesting that the owner present such redeemed certificate to the city clerk within thirty (30) days from the date of such notice. The city clerk shall preserve such funds in a trust account and pay same over to the owner of the certificate so redeemed upon surrender of same. The city clerk, if on the first day of January of each year he shall have on hand any funds in said trust account and which said funds have remained unclaimed for longer than three (3) months, shall publish a notice by

posting the same in three (3) public places within the city, one of which shall be at the city hall, to the effect that he has on hand such funds and that, unless the persons entitled thereto shall apply for same on or before thirty (30) days from the date on which the notice is published, such funds will be paid into the general funds of the city. After the funds have been paid into the general funds of the city, the person entitled thereto may, within one (1) year from the date of sale, make application to the city commission for such funds, and the city commission may, if satisfied that the applicant is entitled to the funds, order a warrant to be drawn for the amount due the applicant, less the sum of one dollar (\$1.00) on each hundred dollars or fraction thereof, which shall be retained by the city to cover the expenses of the city. If no application for payment of such funds be made within the specified period, all claims to such funds are hereby declared to be forever barred; and such funds shall become the property of the city.

Sec. 79. Same—Receipt.

Whenever any land, covered by certificates in the hands of individuals or of the city, shall be redeemed as provided for in the foregoing sections, the city tax collector shall give to the person making such redemption a receipt showing the amount paid for such redemption, a description of the land redeemed, and the date, number and amount of certificate or certificates, from which the same is redeemed which shall be substantially in the following form:

RECEIPT FOR REDEMPTION OF DELINQUENT TAXES AND CERTIFICATES

<i>Certif. No.</i>	<i>Year</i>	<i>Lot</i>	<i>Block</i>	<i>Subdivi- sion</i>	<i>Principal</i>	<i>Credit Discount</i>
_____	_____	_____	_____	_____	_____	_____

Interest _____

Please examine this receipt carefully and report any discrepancy to the City Clerk within ten (10) days.

CITY OF GRACEVILLE, FLORIDA

City Tax Collector

Sec. 80. Manner of purchasing certificates held by city.

At any time any person may purchase all tax certificates and other taxes against any parcel of land, so long as same are held by the City of Graceville, by paying to the city tax collector the amount of such certificates and tax liens for subsequent and omitted years, and interest thereon from the date of certificates at the rate or rates which would be required to be paid for the redemption of the certificates, and the fee of one dollar (\$1.00) for the transfer and assignment of each certificate and tax lien for subsequent or omitted years. Provided, however, that any person desiring to purchase any certificate held by the city against any parcel of land shall be required to purchase all certificates held by the city against said parcel of land, and all tax liens for subsequent or omitted years; and the tax collector of said city shall give proper receipt and assignment for such tax liens for subsequent or omitted years. The purchaser shall not be required to redeem outstanding tax sale certificates held by individuals. In every

instance endorsement of the city tax collector shall be made upon the tax certificate sold, stating the name of the assignee, the date of the transfer, and the amount received therefor.

Sec. 81. Disposal generally of certificates held by city.

Any and all tax sale certificates which are issued by said city for nonpayment of its taxes, and which may be held and owned by said city, and which have been issued for a period of two (2) years or more, may be disposed of by the city in any of the following ways:

- (a) The city may sell such certificates at public sale to the highest and best bidder for cash, after notice of such sale has been published by posting a copy of the same in three (3) public places within the city, one of which shall be at the city hall, such advertisement to give the date when the certificates will be offered for sale and description of property upon which the tax sale certificates are liens;
- (b) Foreclosure such certificates in the manner hereinafter set out;
- (c) Sell same upon demand at full cash value.

Sec. 82. Power to collect taxes.

The City of Graceville shall have the power to proceed in the manner provided in the foreclosure section to enforce the collection of any delinquent taxes due said city under this or its former charter, together with all legal interest, expenses and costs, in addition to having such power with respect to all taxes that may become delinquent hereafter.

Sec. 83. Appeal from foreclosure of tax liens.

No appeal from a final decree entered in a suit brought under the provision of this charter for the foreclosure of a tax lien shall operate as a supersedeas, unless the appealing defendant or defendants shall first pay into the registry of the court the full amount or amounts found to be due by and from them under the decree appealed from.

Sec. 84. Authority of city or holder of tax sale certificate to foreclose; procedure.

The City of Graceville, or any holder of a City of Graceville tax sale certificate, is hereby authorized to file a bill in chancery to foreclose the lien of such tax sale certificate, pursuant to the practice, pleading and procedure for foreclosure of mortgages on real estate, except that no personal judgment shall be given. No suit shall be brought on any tax sale certificate until after the expiration of two (2) years from the date of the certificate. A complaint shall be sworn to, and shall briefly set forth the fact of the issuance of the city tax sale certificate and a statement of searches, and the fact that complainant has paid and redeemed all omitted and subsequent City of Graceville taxes and tax liens, and interest thereon, whether held by the city or by an individual. The complaint shall briefly set forth the fact of the issuance of the tax sale certificate and shall allege the amount required to redeem the same, including all omitted subsequent taxes and interest thereon. As many tax sale certificates may be included in one suit as the complainant may desire, and as many parties may be made defendants as may be necessary. The complainant shall be entitled to recover abstract costs, title search costs and a

reasonable attorney's fee not to exceed twenty-five dollars (\$25.00) per parcel and ten (10) percent of the amount found to be due, such fee to be fixed by the court. Suits on tax sale certificates held by the city shall be brought by the city attorney in the name of the city for its own use, and the cost of suits and attorney's fees, if not paid out of the proceeds of sale, shall be paid by the city.

Sec. 85. Final decree ordering certificate foreclosure sale.

The final decree in any such action shall determine the amount due on the tax sale certificate and omitted subsequent taxes and subsequent tax sale certificates, including a reasonable attorney's fee and costs, and the property described in the certificate shall be ordered sold and shall be sold to satisfy the decree, in the same manner as in the foreclosure of mortgages on real estate and such decree shall have the force and effect of a decree foreclosing a mortgage on real estate. Any surplus remaining from any such sale shall be deposited with the clerk of the circuit court, and shall be disbursed under order of the court.

Sec. 86. Certificate foreclosure; sale of land to city; cost to be paid from general fund; writ of possession.

At any sale under final decree in any such action commenced by the City of Graceville, if no one bids a sufficient sum to pay the full amount of such decree, interest thereon and subsequent costs, the special master conducting the sale shall announce that the land is sold to the City of Graceville, a municipal corporation of Jackson County, Florida, for the amount of the decree, interest and costs, and such sale shall be reported to the court and shall be confirmed, and deed made to the said city. In such event the costs and expenses of such suit and sale shall be paid by the city from the general fund. The city shall be entitled to writ of possession as in the case of a sale under a decree foreclosing a mortgage.

Sec. 87. Purchaser at certificate foreclosure sale entitled to clerk's certificate of title.

The purchaser at any sale in suits for the foreclosure of tax certificates shall be entitled to a clerk's certificate of title and the same process and remedies to obtain possession of the premises as in suit for the foreclosure of mortgages. Title to the land conveyed by such clerk's certificate of title shall be indefeasible as to all parties defendant in the action.

Sec. 88. Sale of certificate foreclosure lands by city.

After the city has obtained a clerk's certificate of title the city may sell and dispose of such lands for such amount as the city commission shall determine, and issue deeds therefor.

Sec. 89. Validation of previous tax levies and collections.

All levies and collections of taxes heretofore done, made and performed by the City of Graceville are hereby legalized and declared valid and of full force and effect, binding both in

law and equity; and sale shall not be set aside or invalidated for any error, defect, informality or omission which shall not amount to a want of due process of law under the constitution of the state or the constitution of the United States.

Sec. 90. Admissibility of tax sale certificates in evidence.

Tax sale certificates signed by the city tax collector shall be admissible in evidence and shall be prima facie valid.

ARTICLE IV. PLANNING; ZONING; PUBLIC IMPROVEMENTS; CITY LIABILITY

Sec. 91. City plan—Established.

There shall be a city plan for the development of the city, with a view of the general improvement and probable future growth and demands of the city, which plan shall take into consideration and [an] extension of the city works into adjacent territory; improvements and changes in public utilities and lines of transportation; the location, width and grades of streets, avenues and highways in the city; the development and improvement of bridges; the location and design of public buildings; municipal decoration and ornamentation; establishment of and extension and additions to the parks and recreation systems; and any and all public improvements necessary.

Sec. 92. Same—Financing.

The city commission may in its annual budget appropriate a definite sum each year to the "City Plan Fund" and levy a tax of not exceeding two (2) mills on the dollar for the purpose of carrying into effect portions of such plan. Other funds may be appropriated or transferred from time to time to the "City Plan Fund," and any sum so appropriated or transferred shall be expended only for the purposes designated in the city plan. Nothing herein is to be construed as prohibiting the city commission from appropriating and levying other moneys for public improvements not included in the city plan.

Sec. 93. Zoning—Authority of city.

For the purpose of promoting health, safety, morals, future development or the general welfare of the community, the city commission of the City of Graceville is hereby empowered to regulate the use of all real estate and improvements in the city, and to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, and density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

Sec. 94. Same—Dividing city into districts.

For any and all of said purposes[,] the city commission may by ordinance divide the municipality into districts of such number, shape and area as may be deemed best suited to

carry out the purposes of this article, and shall specify what lands or areas shall be included in each district; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings in each district, but the regulations in one district may differ from those in other districts.

Sec. 95. Same—Purpose.

Such regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other damages; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, the growth and development of the city, and with a view to conserving the value of buildings and encouraging the most appropriate use of lands throughout such municipality.

Sec. 96. Same—Present ordinances to remain in effect.

The present zoning ordinances and regulations of the City of Graceville, not inconsistent with the provisions of this act, shall constitute the zoning regulations and restrictions of the city, until amended in the method provided in this article.

Sec. 97. Same—Amending, repealing zoning ordinances; hearing.

The city commission may by ordinance from time to time amend, supplement, change, modify or repeal any existing zoning regulation or restriction, after fifteen (15) days' notice has been given by posting same in three (3) public places within the city, one of which shall be at the city hall, notifying the public of the proposed changes and fixing the time of public hearing before the commission, at which hearing parties in interest and citizens shall have an opportunity to be heard.

Sec. 98. City planning and zoning board—Created; composition; appointment; term; qualifications; election of officers; advisors; compensation; meetings; minutes.

The "City Planning and Zoning Board" of the City of Graceville, Florida, consisting of five (5) members is hereby created and established. The city commission may increase the number of members on the board. Said members shall be appointed by resolution of the city commission and each shall serve at the pleasure of the city commission. The members on the board shall be a resident and freeholder and qualified voter of the City of Graceville, Florida. Such board shall elect a chairman, vice-chairman and secretary from its members. The city clerk, city building inspector, city attorney, and other city officials are considered as advisors to the city planning and zoning board, and may be called on from time to time to meet with said

board. Said board shall serve without compensation. Regular meetings of said board shall be held monthly at times specified, and minutes of said meetings shall be kept and preserved, but special meetings may be called oftener, if desired.

Sec. 99. Same—Duties generally.

The duties of the city planning and zoning board shall be as follows:

- (a) To act in an advisory capacity to the city commission on questions relating to zoning, and to conduct investigations and hearings on matters or proposals to change zoning regulations, and report its findings and recommendations on such proposals to the city commission;
- (b) To study an existing city plan, with the view of improving same so as to provide for the development, general improvement, and probable future growth of the city, and from time to time make recommendations to the city commission for changes in the existing city plan so as to incorporate new developments or for the adoption of a new city plan;
- (c) To investigate and approve or disapprove all new plats to be presented to the city commission for approval;
- (d) To perform such other duties as may from time to time be assigned to such board by the city commission.

Sec. 100. Same—Rules and regulations for conduct of meetings; employment of stenographer, etc.; miscellaneous expenses.

Such board shall adopt reasonable rules and regulations for the presentation of matters before such board, for conducting and holding hearings; for appointment of committees to assist in research work or planning work, and for calling in advisors or assistants from time to time as needed, which are not inconsistent with any ordinance relating thereto. From time to time, the board shall have the right to recommend to the city commission that stenographers, typists and clerical help be employed from time to time within the limits of the funds provided. The board shall have the right to pay miscellaneous expenses from time to time in preparing city plans or amendments thereto, and zoning provisions and amendments thereto; but no member of the board shall draw any compensation for his services.

Sec. 101. Same—Appropriation for administration fund.

For the purpose of defraying the expenses of the board, the city commission shall appropriate to the administration fund of the planning and zoning board each year an adequate sum.

Sec. 102. Same—Designation of clerk; compensation, duty to record minutes and keep records.

Upon recommendation of the city planning and zoning board, the city commission shall designate a clerk of said board who shall receive such compensation as may be fixed and determined. It shall be the duty of the clerk to keep an accurate record of the minutes of the meetings of the board and to keep and preserve any and all records of the board.

Sec. 103. City planner.

There may be selected by the city commission a city planner to serve at the pleasure of the city commission at such compensation as the city commission may fix, whose duty it shall be to meet with the city planning and zoning board in the capacity of advisor and counselor, and aid and assist in carrying out any city plan that may from time to time be in effect.

Sec. 104. Board of adjustment—Created; composition; term; vacancies; election of officers; compensation; meetings.

The board of adjustment of the City of Graceville, consisting of five (5) members is hereby created and established. Said members shall be appointed by resolution of the city commission and each shall serve at the pleasure of the city commission. Each member shall be a resident and freeholder and qualified voter of the City of Graceville, Florida. Said board from its membership shall elect a chairman, vice-chairman and secretary; and each member of said board shall serve without compensation. The city building inspector shall meet with said board in an advisory capacity, but shall have no vote. Such board of adjustment shall meet regularly once each month at a time other than the regular meeting of the city planning and zoning board, but may call special meetings from time to time.

Sec. 105. Same—Substitute members.

In case of temporary absence or disqualification of any member of the board, the chairman of the board shall have the right and authority to designate any member of the city planning and zoning board to serve as a substitute on the board of adjustment during the continuance of such absence or disqualification; but no substitute shall serve in such capacity for a longer period than three (3) months, nor shall more than two (2) substitutes serve on the board of adjustment at any time. In cases where substitutes are designated to serve for such limited periods, such fact shall be recorded in the official minutes of the board of adjustment before such substitute shall act in any matter presented to the board, and, while serving, substitutes shall have the same powers as regular members.

Sec. 106. Same—Procedure before board; rules and regulations; employment of stenographers, etc.; miscellaneous expenses; meetings to be public; minutes.

The city commission may by ordinance fix and determine procedure before the board of adjustment, and such board shall adopt reasonable rules and regulations consistent with the provisions of such ordinance for the presentation of matters before such board, for notifying interested parties, for charging and collecting an application fee, for conducting and holding hearings and for calling in advisors or assistants. The board shall have power and authority to hire stenographers, typists and clerical help within the limits of the funds provided, and to pay miscellaneous expenses from time to time. No member of the board shall draw any compensation for his services. All meetings of the board shall be open to the public, and the board shall keep minutes of its proceedings showing the vote of each member upon each

question submitted to it, or, if a member is absent or fails to vote, such fact shall appear upon its minutes. Copies of its minutes shall be immediately filed with the city clerk and shall become a public record.

Sec. 107. Same—Purpose.

The board of adjustment is created for the purpose of receiving applications and hearing testimony in appropriate cases, and, subject to appropriate conditions and safeguards, to make special exceptions to the terms of zoning ordinances of the city as will not be contrary to the public interests, where owing to special conditions, a literal and exact enforcement of the provisions of zoning regulations will result in unnecessary hardship to the applicant; and to hear, determine and decide appeals by any person from any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations.

Sec. 108. Same—Financing.

For the purpose of defraying the expenses of the board, the city commission may appropriate to the administration fund of the board of adjustment each year an adequate sum. All application fees paid by applicants presenting matters to the board shall be deposited in the city depository to the credit of the administration fund of the board of adjustment, and the city commission shall supplement such fund with appropriations from other sources from time to time as needed.

Sec. 109. Same—Designation of clerk; compensation; duty to record minutes and keep records.

Upon recommendation of the board of adjustment, the city commission may designate a clerk of the board of adjustment, who shall receive such compensation as may be fixed and determined. It shall be the duty of the clerk to keep an accurate record of the minutes of the meetings of the board and to keep and preserve any records of the board. He or she shall transcribe and type the decisions of the board in all cases.

Sec. 110. Same—Duties generally.

The board of adjustment shall have exclusive jurisdiction to perform the following duties:

- (a) To grant temporary permits for nonconforming use of buildings or lands in the city, but such temporary permits shall expire September thirtieth after their issuance;
- (b) To modify or reverse the ruling or decision, where it is alleged there is error, in any order, requirement, decision or determination made by an administrative official in the enforcement of zoning regulations of the city;
- (c) To authorize variance and special exceptions to the terms of zoning ordinances in specific cases where such variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinances will result in unnecessary hardship to the applicant;

- (d) Such other duties as the city commission may from time to time by ordinance delegate to such board.

Sec. 111. Same—Decisions.

The decision of the board of adjustment in every case submitted to it for consideration shall be in writing, and shall set out with sufficient clarity and succinctness the exact right or privilege given and the particular decision made by such board and all such decisions shall be on an appropriate form in triplicate, so that one copy shall be kept by the board of adjustment, one copy shall be forwarded to the city clerk to become a public record, and one copy shall be forwarded to the applicant. No decision of such board shall be of any force or effect unless four (4) of the members agree and concur in such decision.

Sec. 112. Same—Appeal from decisions to circuit court.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, may present to the circuit court of the county by an action in chancery a petition duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality, provided same is filed within thirty (30) days after such decision. Upon presentation of such petition, the court may allow a writ of certiorari, directed to the board of adjustment, to review such decision of the board and shall prescribe therein the time which such return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from unless the court, on application and notice to the board, shall provide that the appeal shall act as a supersedeas. The board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereon of such portions as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified by the chairman or vice-chairman of the board. If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may direct and report the same to the court with his findings of facts and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the board, unless it shall appear to the court that the board acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

Sec. 113. Plats and subdivisions.

The city may require the owners of lots or parcels of land within the corporate limits of the City of Graceville as now defined, or as hereafter defined to be the limits of the City of Graceville, who shall subdivide or lay out such lots or grounds into a subdivision, to make an accurate map or plat and an accurate topographical map showing the present and proposed drainage of such subdivision in the manner provided by state statutes, describing with certainty all lands included in the subdivision and all grounds laid out or graded for streets,

highways, alleys, parks, parkways, common or other public uses, showing the nearest section corner, quarter-section corner or established monument, and establishing accurate connections therewith by angles and distances, and showing the location of all adjacent or intersecting streets in the adjacent platted subdivision, if any. All lots sold or intended for sale shall be designated by numbers or letters, and the precise length or width of each lot and the width of each street, highway, alley, park, parkway, common or other public use shall be shown. All streets and highways shown on said plat shall conform so far as possible to the location of established intersecting and adjacent streets. Such map or plat shall be subscribed by the owners of all lots subdivided thereby, and shall contain without reversionary clause an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, common [commons] or other public uses shown thereon, which plat and dedication shall be subscribed by the owner or owners and acknowledged before an officer authorized to take acknowledgements of deeds. Said completed plat or map shall be submitted to the city commission for approval; and upon approval by ordinance by the city commission, said plat may be recorded in the office of the clerk of the circuit court in and for Jackson County, Florida, immediately after its approval. The map or plat so recorded shall thereupon constitute a sufficient conveyance to vest in the City of Graceville the fee title to the parcels of land described for streets, highways, alleys, parks, parkways, commons or other public uses, to be held by the city in trust for the uses and purposes in the instrument set forth, expressed, designated and intended, and the ordinance of the city commission approving said map or plat shall have the force and effect of an acceptance of the streets, highways, alleys, parks, parkways, commons or other public uses therein contained. No plat shall be accepted by the City of Graceville or approved by the city commission unless and until all taxes and improvement liens levied against the lands included in said plat shall have been paid and discharged, and until same has been submitted to the city planning and zoning board.

Sec. 114. Opening, paving, vacating of new streets—Dedication; width.

No street or alley which might ever be dedicated for public use can be constructed, improved or extended without approval of the City of Graceville and under its supervision. No such dedicated street or alley may be constructed except on street grades established by the City of Graceville, and adequate easements and right-of-way shall be provided for the installation of sewers and the extension of water mains and utilities. The city shall have the right to specify how the streets shall be constructed, and no public street shall be opened which contains less than a forty-foot dedicated right-of-way.

Sec. 115. Same—Authority of commission.

Whenever it may be deemed necessary, the city commission may cause any street, alley or public highway to be opened, straightened, diverted, widened, narrowed or vacated. Before any street, avenue, alley or other public place, appearing on any plat of record and dedicated to the public use, can be vacated or abandoned the person or parties so desiring the vacation or abandonment shall make application to the city commission of the City of Graceville for such vacation and abandonment whereupon such application for vacation of street or alley shall be

referred to the city planning and zoning board for its recommendation, and thereafter the city commission shall cause a public hearing to be held on such matter at a regular meeting of the commission not less than fifteen (15) days after the presentation of such application, and notice of such public hearing shall be posted in three (3) public places within the city, one of which shall be at the city hall.

Sec. 116. Illegal erection of buildings, structures.

In case any building or structure is erected, constructed or reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of any ordinance or other regulation made under authority conferred by this act, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises, regardless of whether a permit for such construction has been issued or not; and in case of failure of the City of Graceville to take proper action within a reasonable time, any taxpayer may do so.

Sec. 117. City map.

The city commission may by ordinance provide for the preparation of a city map, showing thereon any or all of the lands of the city, each lot and block, tract or parcel of land being thereon so indicated by number or other designation, and for the filing thereof in the office of the clerk of the circuit court for Jackson County, Florida, as a part of the public records of Jackson County, Florida; and after such filing thereof, the lands therein indicated may be described and assessed upon the city tax assessment roll by reference to such map, which shall be plainly endorsed "Graceville City Map" as a sufficient designation.

Sec. 118. Suits for damage—For failure to maintain streets, sidewalks, viaducts, in proper condition; notice; investigation.

No suits shall be maintained against the City of Graceville for damages arising out of its failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street, waterworks, electric light plant, or other public works or places or by reason of any imputed negligence or other tortious action or actions sounding in tort, of said city, in any case, unless it shall be made to appear that the damage alleged is attributable to the negligence of the city and that written notice of such damage was within thirty (30) days after receiving of the alleged injury, given to the city commission, with such reasonable specifications as to time and place and witnesses as would enable the proper city officials to investigate the matter. Upon receiving such notice, the city commission shall have the right to investigate the matter, and it may make such reasonable settlement of any damages as may be agreed upon by the city commission.

Sec. 119. Same—For negligence of officers or employees of city; notice; investigation.

No person shall have a cause of action for damages against the City of Graceville for damage, injury, death or loss in case of accident, unless such accident shall have been caused by the negligence of the City of Graceville or its duly authorized officials or employees, and unless such negligence was the predominant cause of the injury, death or loss for which the action is brought, and unless it shall be made to appear that written notice of such damage or loss was, within thirty (30) days after the receiving of the injury alleged, given to the city commission with such reasonable specifications as to time, place and witnesses as would enable the proper city officials to investigate the matter. Upon receiving such notice, the city commission shall have the right to investigate the matter, and it may make such reasonable settlement of any damages as may be agreed upon by the city commission.

ARTICLE V. REGISTRATION AND ELECTIONS*

Sec. 120. Definitions.

- (a) *Registration file* means a card index registration file, upon which shall appear the name of the registered voter and all necessary information pertaining to him, with the oath of the voter thereon.
- (b) *Duplicate registration file* shall mean a duplicate of the registration file.
- (c) *Registration list* shall mean a list prepared by the city clerk of qualified registered voters whose names appear on the registration file.
- (d) *City clerk* for the purpose of registration of electors[,] shall mean the city clerk of Graceville, or any authorized deputy clerk, working under his supervision.

Sec. 121. New registration under charter.

It is hereby provided and prescribed that there shall be a new registration of all persons desiring to vote in primary, general or special elections in the City of Graceville after the city elections of October 1961, and after said election, a card of notification shall be mailed to every person whose name appears on the voters' registration in effect immediately prior to the said election of October 1961. Every person possessing the qualifications herein prescribed shall be entitled to register whether heretofore registered or not. On and after said election of October 1961, only such persons as have been duly registered in accordance with the provisions of this act shall be eligible or permitted to vote in any municipal election, and in the event that additional qualifications for voting on any specific question are required by law, no person, although registered, who does not possess such additional qualifications shall be allowed to vote on such questions. It shall not be necessary for any person who has once registered under

***State law reference**—Permanent single registration system established, F.S. § 97.105.

the provisions of this act to register again thereafter, unless his name shall be removed from the registration files and registration list by the city clerk in the manner herein provided or unless he desires to correct or change the information on the registration file.

Sec. 122. Procedure for registration; information to be shown on registration cards; oaths; filing of cards.

For the purpose of effecting the new registration provided herein, the city commission of the city shall adopt a form of official registration card upon which the legal registration of each person qualified to register hereunder is to be a sheet of paper or a card of such size, shape and printed content as will enable the city clerk to record readily thereon all data and information required by this act to effect the registration of the person desiring to register, and such appropriate additional data and information as the city clerk may require to effectuate the purpose of this act; provided, however, that the city commission from time to time shall have the power and authority to change the size, shape, form, material and substance of such official registration cards and files thereof, if deemed necessary. The original and duplicate registration cards shall be numbered consecutively and shall be incorporated in a bound volume. The original cards shall be scored on the top and bottom and on the side, next to the binding for easy removal. When all entries are completed, the original shall be removed and filed as herein directed. The duplicates are not to be scored and are to remain in the bound volumes as a permanent record.

Upon completion of registration by a qualified voter, each such voter shall be given a card measuring approximately two and one-quarter ($2\frac{1}{4}$) inches by three and three-quarters ($3\frac{3}{4}$) inches by the recording official showing the person's name, address, date of birth, race, sex, color of hair and eyes, height, weight, date of registration, registration number and voting precinct; and said voter shall sign the card in the presence of the recording officer.

At the time of registration of each person qualified to register under the provisions hereof, an original and a duplicate, or carbon, copy of the official registration card shall be filled out by appropriate entries made thereon in the presence of the city clerk, showing the registration number; the date of registration; the name of the elector; his address and residence; his business or occupation; his date of birth, sex, color, height, weight, and color of eyes; the state or county of his birth; if born in a foreign country and now a naturalized citizen, the date and place of naturalization and number of naturalization papers; name of state where last registered; whether able to write and read; and whether a freeholder and a description of real estate owned; and the elector shall thereupon take and subscribe to the oath printed upon such card in words and figures, as follows:

OATH

I, having been duly sworn, say upon oath that the statements entered above, as to my qualification as an elector, are true; and further, I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and of the State of Florida; that I am eighteen years of age; that I am a citizen of the United States of America; that I have been a resident of the State of Florida for twelve months, and have been a resident of the

City of Graceville for six months immediately preceding this date; that I am otherwise qualified to vote under the Constitution and the Laws of the State of Florida, and do not intend to vote in any other City so long as I am registered here. So Help Me God.

Signature of Elector

Sworn to and subscribed before me this _____ day of _____, A.D., ____.

Notary Public State of Florida at Large

My Commission Expires: _____

City Clerk

The city clerk shall file such original of the official registration cards in a file or files in alphabetical order, and shall safely preserve in the bound volumes, the duplicate of the official registration cards. The original registration file shall be so designed, made and equipped with lock or other fastening device that no official registration card or cards can be placed therein or removed therefrom without the personal knowledge of the city clerk, in whose custody and control, actual or constructive, all such files shall at all times be kept. The duplicate copy of the official registration cards of all persons who have registered shall be maintained by the city clerk in his office as the master list of all registered voters. The necessary equipment and facilities to establish and maintain such files shall be provided by the city commission. From time to time as the condition changes, any registered voter has the right to appear before the city clerk, and under oath correct or change any information contained or appearing on the registration file, including address, freeholder status, change of name by marriage or other pertinent information.

Sec. 123. Registration cards and files to constitute official registration books, files.

The completed official registration cards and files, maintained in accordance herewith at all times by the city clerk, shall constitute a complete official record of the registration of all qualified electors of the city as of such time, and shall for all purposes whatever constitute, be, and be known, as the official registration books, records, files and lists of the City of Graceville. A list of names of electors appearing upon such books and records shall be called a list of registered electors of the city.

Sec. 124. When registration books open.

For the purpose of enabling all qualified persons to register conveniently and expeditiously, the registration books and records shall always be open during regular business hours for the registration of voters, except during a period of five (5) days preceding a primary, regular or special municipal election of the City of Graceville, when registration shall not be permitted.

The city clerk shall not accept the registration of any person who, in his judgment, is ineligible for registration under the provisions of this act, the laws of the State of Florida and of the United States of America unless ordered by a competent court to do so.

Sec. 125. Checking registration list by election board at election.

At every municipal election, whether general, primary or special, it shall be the duty of the city clerk to furnish to the election board a list or file of registered electors qualified to vote in such election. Should said election be one at which only freeholders may vote, the city clerk shall prepare and furnish a list or file of qualified registered freeholders entitled to vote in such election. It shall be the duty of the election board to check on a copy of such registration list or file so furnished the names of all persons voting at such election, and within thirty (30) days after such election, the city clerk shall post such information on the official registration card.

Sec. 126. Cancellation of registration.

The city clerk is hereby authorized and directed to cancel the registration hereunder of any person who, as shown by the official registration and election records, shall fail to vote during a continuous period of four (4) years at a primary, general or special election of the municipality held in the municipality; provided, however, that prior to such cancellation of registration the city clerk shall mail a notice to such person at the address shown upon the official registration card as his place of residence or address, notifying him that his registration will be canceled unless within thirty (30) days of the date of such notice he shall make application for a continuance of his registration by filling out, signing and returning the blank form enclosed for that purpose with each such notice. In the event that the person to whom such notice is sent shall not make application for, and present facts warranting, a continuance of this registration within such thirty (30) days, the city clerk shall, at the end of that period, remove the official registration card of such person from the active files, and shall, after making an appropriate factual certificate thereon, place and preserve such registration card in an inactive file, which shall be established and maintained for that purpose.

Sec. 127. Removing names from registration list.

When the city clerk shall ascertain or when it shall be brought to his attention that any person, subsequent to his registration under the provisions of this act, has died or has removed his legal residence from the municipality, or has become disqualified, the city clerk shall thereupon mail a notice to such person at the address shown upon the official registration card as his place of residence, notifying him that his registration will be canceled thirty (30) days from and after the date of such notice for the reason of disqualification thereon indicated, unless within such thirty-day period he shall establish to the satisfaction of the city clerk that his registration should not be canceled, and in the event he should within such thirty-day period so fail to establish his right to have his registration continued in effect, the city clerk shall at the end of such period remove the official registration card of such person from the active files, and shall, after making an appropriate factual certificate thereon, place and preserve such registration card in an inactive file which he shall establish and maintain for

such purpose. Such inactive card or cards shall thereupon cease to be a part of the registration books. The city clerk shall remove from the official registration file the name of any person registered thereon, upon written request of such person, and transfer the official registration card to the inactive file.

Sec. 128. Effective date of new registration under charter.

The new registration authorized and provided herein shall become effective on the fourth Tuesday of October 1961, at which time all registration under any previous act shall become null and void and shall have no further legal force or effect in enabling any person to vote in any municipal elections held in the municipality.

Sec. 129. Altering, tampering with registration books.

No person shall with wrongful intent remove, add to, change, alter, deface, mutilate, destroy or in any manner wilfully impair the correctness, authenticity or verity of the registration record or books of the City of Graceville.

Sec. 130. Adoption of general laws of state; absentee voting in municipal elections.

All general laws of the State of Florida relating to elections and to the registration of persons qualified to vote therein, which are not inconsistent or in conflict with the provisions of this act, be and the same are hereby adopted as parts hereof. Absentee voting shall be permitted in Graceville municipal elections; and the city commission shall, by ordinance, provide for the method and manner of absentee voting in the City of Graceville municipal elections.

(Laws of Fla. ch. 80-502, § 1)

Editor's note—The state election laws include many mandatory provisions that apply to municipalities.

State law references—Electors and elections, F.S. ch. 97 et seq.; authority of city commission to change election dates, F.S. § 100.3605(2).

Sec. 131. Authority of commission to establish election precincts.

To provide for the registration of all persons who are qualified to register for and to vote in all primary, regular or special municipal elections of the city, the city commission is hereby authorized and empowered to establish from time to time hereafter by ordinance, such number of election precincts for and in said city as said city commission shall deem necessary and desirable, [and] to define the boundaries of each such precinct for holding primary, regular or special municipal elections of the City of Graceville.

Sec. 132. Primaries—When regular annual municipal election held.

The regular annual municipal primary election for the purpose of nominating the mayor and members of the city commission shall be held on the first Tuesday in November. At such primary election the city commissioners shall be nominated by group for an election to be held on [the] first Tuesday in November.

Sec. 133. Same—When primary election unnecessary.

Whenever for any primary election there are two (2) or less candidates for each group to be filled, and the office of mayor, then, in that event, no primary election shall be held, even though previously called, and when the time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission; and the city commission shall declare such persons to be nominated for the office of city commission and have their names printed on the ballot for the next regular or special municipal election. However, if candidates for any particular group are greater than two (2), then it shall be the duty of the city commission to hold such primary election.

Sec. 134. When regular annual municipal election held.

The regular annual municipal election, for the purpose of electing members of the city commission, shall be held on the first Tuesday in November. At such election the candidate receiving the highest number of votes in each group shall be elected for a two-year term beginning [the] second Tuesday in November.

Sec. 135. Special elections for other purposes.

A special election, for a purpose other than the nomination or election of city commissioners[,] may be called by resolution at any time by the city commission, provided fifteen (15) days intervene between the date of the adoption of the resolution and the date of the election, unless a different time be otherwise provided in this act or in the act under authority of which the election is called. Any matter or matters, which by the terms of this charter or act may be submitted to the electors of the city at any special election, may be submitted and voted upon any regular biennial municipal primary or election.

Sec. 136. Time of opening and closing polls.

The polls at every municipal election shall be open without intermission from 7:00 a.m. Central Time until 7:00 p.m. Central Time.

Sec. 137. Calling elections; general election law of state to apply.

All elections shall be called by resolution of the city commission, and shall be conducted, except as otherwise specifically provided, under the rules of elections prescribed by the general election laws of the State of Florida, when not inconsistent with the provisions of this charter. Should the city commission fail or refuse to call any biennial primary or election in due time, the city clerk shall do so.

Sec. 138. Arrangements for elections; declarations of results; inspectors and clerks; publication of resolution calling election.

The city commission shall make all necessary arrangements for holding all city elections, and shall declare the result thereof. The city commission shall appoint three (3) inspectors and a clerk to each election board, except that, if the commission shall fail to appoint them at least

two (2) days before the date of any election, the city clerk may appoint them. The city commission shall adopt a resolution calling any biennial primary or election or special primary or election or special primary or election [sic], except as otherwise provided for, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided, and shall cause the same to be published by posting the same in three (3) public places within the city, one of which shall be at the city hall, two (2) weeks immediately preceding the date of election.

Sec. 139. Canvass of returns; certificates of election.

The result of the voting at each polling place, when ascertained, shall be certified by return in duplicate, signed by the clerk and [a] majority of the inspectors of election, returns being delivered by such clerk and inspectors to the city clerk, who shall transmit such returns to the city commission at a meeting to be held at 7:00 p.m. on the day following the election. At such meeting the city commission shall canvass the returns, and the results as shown by such returns shall be by the city commission declared to be the result of the election. The city clerk shall furnish a certificate of election to each person shown to have been elected.

Sec. 140. Ballots.

Voting machines may be used, but if not used the ballots shall conform as nearly as possible to the form of ballots prescribed by the general election law of the State of Florida; but [the] City of Graceville shall not be required to print more than as many ballots as there are qualified voters plus two hundred (200), and shall not be required to conform to other conditions of state elections where such conditions or regulations are inconsistent with or not necessary to serve the interest of the city.

Sec. 141. Nomination and election; tie vote; primary election to fill one vacancy.

The names of the candidates for nomination to the office of city commission, who shall receive the greatest number of votes in a regular primary election, shall be placed upon the ballot at the next regular election in a number equal to twice the number of vacancies to be filled in the city commission. At the regular municipal election, the candidates, equal to the number of places to be filled, who shall receive the greatest number of votes at such regular municipal election shall be declared elected. A tie between two or more candidates for the office of city commissioner shall be decided by special election to be called for the following Friday.

ARTICLE VI. LEGAL STATUS PROVISIONS

Sec. 142. General laws applicable.

All general laws of the State of Florida applicable to municipal corporations, now existing or which may hereafter be enacted, and which are not in conflict with the provisions of this act or the ordinances or resolutions now in force or hereafter enacted by the city commission, shall be applicable to this city; provided, however, nothing contained in this act shall be construed

as limiting the power of the city commission to enact any ordinance or resolution not in conflict with the constitution of this state and of the United States, or with the express provisions of this act.

Sec. 143. Saving clause.

The provisions of this act are severable; and if any section, part of section, paragraph, sentence or clause of this act shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion thereof, but shall be restricted and limited in its operation and effect to that specific portion hereof involved in the controversy in which such decisions shall have been rendered.

Sec. 144. Conflicting laws.

All laws or parts of laws, insofar as they are in conflict or inconsistent with the provisions of this act, be and the same are hereby repealed.

Sec. 145. Referendum for annexed area.

The electors residing in that part of the territorial boundary designated in section 7 of this act, namely the north $\frac{1}{2}$ of sections 10 and 11, Township 6 North, Range 13 West, shall express their desire to be annexed and this act shall become effective as to them only upon its approval by a majority of the electors voting in a referendum election to be held in Graceville, Jackson County, on or before August 3, 1961. In the event such election is not held as authorized and provided, this act shall be void as applicable to the residents residing in the above area.

Sec. 146. Effective date.

This act shall become effective only upon its approval by a majority of the electors voting in a referendum election to be held in the City of Graceville, Jackson County, on or before August 3, 1961. In the event such election is not held as authorized and provided, this act is void. In the event the residents in the area described in section 145 express a desire not to be annexed, the territorial boundaries of the City of Graceville shall be the same as appear in Laws of Fla. ch. 29100 (1953).