

ORDINANCE 2024-03

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AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WELAKA, FLORIDA, ADOPTED IN ACCORDANCE WITH SECTIONS 101.161 AND 166.031, *FLORIDA STATUTES*, CALLING FOR A REFERENDUM TO BE HELD ON NOVEMBER 5, 2024, PROPOSING TO THE ELECTORATE OF THE TOWN THAT ALL PORTIONS OF THE CHARTER BE REPEALED, EXCEPT THAT PART THEREOF DESCRIBING THE BOUNDARIES OF THE TOWN AND ESTABLISHING THE JURISDICTION OF THE TOWN, AND THAT A NEW TOWN CHARTER BE ADOPTED; PROVIDING FOR GENERAL AND TRANSITIONAL PROVISIONS; PROVIDING FOR EFFECT ON EXISTING LAWS; PROVIDING FOR OFFICERS AND EMPLOYEES; PROVIDING FOR TOWN BOUNDARIES; PROVIDING FOR CONTINUATION OF A FORM OF GOVERNMENT; PROVIDING FOR MUNICIPAL AUTHORITY; PROVIDING FOR THE TOWN COUNCIL AS THE LEGISLATIVE AND GOVERNING BODY AND THE QUALIFICATIONS FOR SERVING ON THE TOWN COUNCIL; PROVIDING FOR A TOWN MANAGER; PROVIDING FOR A TOWN CLERK; PROVIDING FOR A TOWN ATTORNEY; PROVIDING FOR A POLICE DEPARTMENT AND A CHIEF OF POLICE; PROVIDING FOR COUNCIL TO APPOINT THE TOWN MANAGER, THE TOWN CLERK, THE TOWN ATTORNEY, AND THE CHIEF OF POLICE; PROVIDING FOR TOWN ELECTIONS; PROVIDING FOR SUBMISSION OF THE PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE TOWN; SETTING FORTH THE FORM OF THE QUESTION TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Welaka established a Charter Review Committee (“CRC”) by resolution dated July 13, 2021 (Res. No. 2021-06) to review the Town Charter and recommend changes to the Town Charter; and

WHEREAS, the CRC commenced public meetings in October 2021, averaging approximately two meetings per month over the next three years to develop such recommended changes to the Town Charter; and

WHEREAS, the CRC finalized its efforts on June 26, 2024, and now recommends the Town Council call for a referendum election to place the proposed Charter Amendments attached hereto on the ballot for the next general election to be held on November 5, 2024; and

WHEREAS, the Town Council has reviewed and considered the recommendations of the CRC; and

WHEREAS, the Town Council has concluded that the CRC’s recommendation to

1 amend and reorganize the Charter and calling for a referendum election in accordance
2 with the provisions of Section 166.031, *Florida Statutes*, for the electorate of the Town of
3 Welaka to consider such amendments and reorganization of the Charter is in the best
4 interests of the Town of Welaka; and

5
6 **WHEREAS**, the Town Council deems approval of this Ordinance to place the
7 proposed Charter Amendments on the ballot for the consideration of the Town's
8 electorate at the November general election to be in the best interests of the health,
9 safety, and welfare of the residents and citizens of the Town of Welaka and the public at
10 large.

11
12 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE**
13 **TOWN OF WELAKA, FLORIDA:**

14
15 **SECTION 1.** The proposed amendment to the Town's Charter is as follows:

16
17 The proposed new Welaka Town Charter is attached hereto and incorporated
18 herein as Exhibit "A".

19
20 **SECTION 2.** The Charter amendment proposed by this Ordinance shall be
21 submitted to the electors of the Town of Welaka, Florida, at the general municipal election
22 to be held on the 5th day of November 2024, in the form of the following question:

23
24 **TOWN OF WELAKA REFERENDUM QUESTION NO. 1**

25
26 **SHALL THE TOWN CHARTER BE AMENDED TO PROVIDE FOR: REPLACING**
27 **PROVISIONS OUTDATED, UNNECESSARY OR CONFLICTING WITH STATE LAW;**
28 **APPOINTING A TOWN MANAGER; A COUNCIL-MANAGER RELATIONSHIP;**
29 **MUNICIPAL, COUNCIL, TOWN MANAGER AND TOWN CLERK POWERS/DUTIES; A**
30 **POLICE DEPARTMENT; APPOINTING A CHIEF OF POLICE; MERIT SYSTEM;**
31 **COUNCILMEMBER QUALIFICATIONS; ELECTION PROCEDURES; ELECTION**
32 **CYCLE; COUNCIL MEETING PROCEDURES; FILLING COUNCIL VACANCIES;**
33 **INITIATIVES, REFERENDUMS AND CHARTER AMENDMENTS; COUNCILMEMBER**
34 **REMOVAL; TRANSITION UNDER AMENDED CHARTER; AND OTHER CHANGES**
35 **PROVIDED IN EXHIBIT A, ORDINANCE 2024-03?**

36
37 **SHALL THE ABOVE-DESCRIBED QUESTION NO. 1 BE ADOPTED?**

38
39 **YES**

40
41 **NO**

42
43 **SECTION 3.** The Town Clerk shall cause a notice of this election called for the purpose
44 of presenting the subject Charter revision to a vote of the electorate to be published in
45 accordance with the provisions of Section 100.342, *Florida Statutes*, at least twice: once
46 in the fifth week and once in the third week prior to the week in which the

1 referendum is to be held; provided that the first publication shall take place at least
2 30 days before the date fixed for the referendum and shall be published in a newspaper
3 of general circulation within the Town.
4

5 **SECTION 4.** In accordance with the Town Code of Ordinances, the Town Clerk shall
6 cause a notice of election to be published in a newspaper of general circulation within the
7 Town at one time during the fourth week and at one time in the second week preceding the
8 week in which the election is held.
9

10 **SECTION 5.** In accordance with the Town Code of Ordinances, the Town Clerk shall
11 publish a sample ballot in a newspaper of general circulation prior to the day of the election,
12 but no more than ten days prior to the election. Such publication shall be conspicuous and
13 not be included within the legal notices and advertisements being published per Chapter 50,
14 *Florida Statutes*.
15

16 **SECTION 6.** All Ordinances or parts of Ordinances in conflict be and the same are
17 hereby repealed.
18

19 **SECTION 7.** Should any section or provision of this Ordinance or any portion
20 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
21 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.
22

23 **SECTION 8.** Specific authority is hereby given to codify this Ordinance.
24

25 **SECTION 9.** This Ordinance shall become effective immediately upon adoption.
26 The revised language as contained in Exhibit "A" shall become effective as of 12:01 a.m.
27 on the day following the Canvassing Board's certification of the election, if the question
28 to be voted upon provided hereinabove receives an affirmative vote of the majority of the
29 valid votes cast and counted at the election held on November 5, 2024.
30

31 **PASSED** this 9th day of July 2024, upon first reading.
32

33 **PASSED AND ADOPTED** this 13th day of August 2024, upon second and final reading.
34

35 ATTEST:

SIGNED

36
37 _____
38 Meghan E. Allmon, Town Clerk

36
37 _____
38 Jamie D. Watts, Mayor

39
40 APPROVED AS TO FORM AND
41 LEGAL SUFFICIENCY

42
43 _____
44 Patrick Kennedy, Town Attorney

42
43 _____
44 Jessica Finch, Council President

**EXHIBIT A
ORDINANCE 2024-03
PROPOSED CHARTER**



1 **TOWN OF WELAKA**
2 **TOWN CHARTER**

3
4 **PREAMBLE**

5
6 We, the people, of the Town of Welaka, under the constitution and laws of the
7 state of Florida, to secure the benefits of local, self-government and to provide for an honest and
8 accountable local government do hereby adopt this amendment to the charter for the Town of
9 Welaka and confer upon the town the following powers, subject to the following restrictions, and
10 prescribed by the following procedures and governmental structure. By this action, we secure the
11 benefits of home rule and affirm the values of representative democracy, professional
12 management, strong political leadership, citizen participation, diversity and inclusiveness and
13 regional cooperation. This is an amendment to the whole of the existing charter of the Town of
14 Welaka, Florida, except the boundaries thereof as they currently exist and the jurisdictional
15 authority of the town established by Chapter 24975, No. 1361, §6 (House Bill No. 1031) Florida
16 Laws (1947).

17
18 **Article 1**

19 **POWERS OF THE TOWN**

20
21 **Section 1.01. Powers of the Town.** The town shall have all governmental, corporate, and
22 proprietary powers to enable it to conduct municipal government, perform municipal functions, and
23 render municipal services, and may exercise any power possible for a town to have under the
24 constitution and laws of this state, as fully and completely as though they were specifically
25 enumerated in this Charter.

26
27 **Section 1.02. Construction.** The powers of the town under this charter shall be construed
28 liberally in favor of the town, and the specific mention of particular powers in the charter shall
29 not be construed as limiting, in any way, the general power granted in this Article.

1 **Section 1.03. Intergovernmental Relations.** The town may participate by contract or otherwise
2 with any governmental entity of this state, or any other state(s) or the United States in the
3 performance of any activity which one (1) or more of such entities has the authority to undertake.
4

5 **Section 1.04. Description of the Corporate Limits.** The boundaries and corporate limits of the
6 town now existing shall continue to be the corporate limits under the name of the Town of
7 Welaka, and, as such, shall have perpetual succession. The boundary description for the Town of
8 Welaka is on file in the town clerk's office.
9

10 **Section 1.05. Changes in Corporate Boundaries.** The corporate boundaries of the town may be
11 changed in accordance with the general laws of the State of Florida, or special laws relating to
12 the town enacted subsequent to the effective date of this charter.
13

14 [REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

1 **Article 2**
2 **TOWN COUNCIL**

3
4 **Section 2.01. General Powers and Duties.** All powers of the town shall be vested in the
5 council, except as otherwise provided by law or this charter, and the council shall provide for the
6 exercise thereof and for the performance of all duties and obligations imposed on the town by
7 law.

8
9 **Section 2.02. Eligibility, Terms, and Composition.**

10 **(a) Eligibility.** Only persons registered to vote in the town who can demonstrate they have been
11 a resident and registered voter in the town for no less than six (6) months and one (1) day shall
12 be eligible to qualify for and hold the office of council member or mayor.

13
14 **(b) Term of Office.** The term of office for all elected town officials shall be two (2) years.

15
16 **(c) Composition of the Council.** The council shall be composed of four (4) members elected at
17 large by the voters of the town in accordance with provisions of Article 6 and a mayor elected as
18 provided in section 2.03(b).

19
20 **Section 2.03. Mayor.**

21 **(a) Powers and Duties.** The mayor shall be a voting member of the council and shall attend and
22 preside at meetings of the council, represent the town in inter-governmental relationships,
23 appoint members of town boards and committees with the advice and consent of the council, and
24 assign agenda items to the committees subject to the advice and consent of the council. The
25 mayor shall be recognized as head of the town government for all ceremonial purposes and by
26 the Florida governor for purposes of military law but shall have no administrative duties.

27
28 **(b) Election of Mayor and Vice Mayor.** The voters of the town shall elect a mayor at large for a
29 term of two (2) years pursuant to the regular election cycle on even years as established under
30 Article 6 of this charter, subject to transition to the November election cycle as described in
31 Article 6. At the first regular council meeting following each regular election cycle, the council

1 shall elect, from among its members a vice- mayor, who shall act as mayor during the absence or
2 disability of the mayor and, if a vacancy occurs, shall become mayor until the vacancy is filled.
3 The mayor shall not participate in the selection of the vice mayor unless it is necessary to break a
4 tie vote.

5
6 **Section 2.04. Compensation and Expenses.** The council may determine the annual salary of the
7 mayor and council members by ordinance, which may be paid out monthly or in accordance with
8 the pay periods established for town employees, but no ordinance increasing such salaries of the
9 mayor and council members shall become effective until the date of commencement of the terms
10 of council members elected at the next regular election. The mayor and council members shall
11 receive their actual and necessary expenses incurred in the performance of their duties of office,
12 pursuant to a maximum expenditure amount established with the adoption of the town’s annual
13 budget.

14
15 **Section 2.05. Prohibitions.**

16 **(a) Holding Other Office.** Except where authorized by law, no council member shall hold any
17 other elected public office during the term for which the member was elected to the council. No
18 council member shall hold any other town employment or office during the term for which the
19 member was elected to the council. No former council member shall hold any compensated
20 appointive office or employment with the town until two (2) years after the expiration of the term
21 for which the member was elected to the council, unless granted a waiver issued in writing from
22 the Florida Commission on Ethics and by a public vote of the sitting council after said member
23 has left office.

24
25 Nothing in this section shall be construed to prohibit the council from selecting any current or
26 former council member to represent the town on the governing board of any regional or other
27 intergovernmental agency.

28
29 **(b) Appointments and Removals.** Neither the council nor any of its members shall in any
30 manner control or demand the appointment or removal of any town administrative officer or
31 employee whom the town manager or any subordinate of the town manager is empowered to

1 appoint, but the council may express its views and fully and freely discuss with the town
2 manager anything pertaining to appointment and removal of such officers and employees.

3
4 **(c) Interference with Administration.** Except for the purpose of inquiries and investigations
5 under section 2.09 the council or its members shall deal with town officers and employees who
6 are subject to the direction and supervision of the town manager solely through the town
7 manager, and neither the council nor its members shall attempt to give orders to or otherwise
8 direct or supervise the conduct of any such officer or employee, either publicly or privately.

9
10 **Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

11 **(a) Vacancies.** The office of a council member shall become vacant upon the member's death,
12 resignation, or removal from office or forfeiture of office in any manner authorized by law.

13
14 **(b) Forfeiture of Office.** A council member shall forfeit that office if the council member:

- 15
16 (1) Fails to meet or maintain the residency requirements,
17 (2) Violates any express prohibition of this charter,
18 (3) Is convicted of a felony or a crime involving moral turpitude, or
19 (4) Fails to attend three (3) consecutive regular meetings of the council without being
20 excused by the council.

21
22 **(c) Filling of Vacancies.** If the vacancy occurs less than one hundred eighty (180) days prior to a
23 regular called election, the council may opt not to appoint a replacement. If a vacancy occurs
24 more than 180 days prior to the regular called election the council shall, subject to state law, call
25 a special election no more than ninety (90) days after the vacancy. Notwithstanding the
26 requirement in section 2.11(c), if at any time the membership of the council is reduced to less
27 than four (4), the remaining members shall by majority action appoint additional members to
28 raise the membership to four (4) until the person elected to serve the remainder of the unexpired
29 term takes office.

1 **Section 2.07. Judge of Qualifications.** The council shall be the judge of the election and
2 qualifications of its members, and of the grounds for forfeiture of their office. In order to
3 exercise these powers, the council shall have power to subpoena witnesses, administer oaths and
4 require the production of evidence. A member charged with conduct constituting grounds for
5 forfeiture of office shall be entitled to a public hearing on demand and notice of such hearing
6 shall be published in one (1) or more newspapers of general circulation in the town at least one
7 (1) week in advance of the hearing.

8
9 **Section 2.08. Town Clerk.** The council shall appoint an officer of the town who shall have the
10 title of town clerk. The town clerk shall give notice of council meetings to its members and the
11 public, keep the records of its proceedings and perform such other duties as are assigned by this
12 charter or by the council or by state law.

13
14 **Section 2.09. Investigations.** The council may make investigations into the affairs of the town
15 and the conduct of any town department, office, or agency and for this purpose may subpoena
16 witnesses, administer oaths, take testimony, and require the production of evidence. Failure or
17 refusal to obey a lawful order issued in the exercise of these powers by the council shall be a
18 misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), or by
19 imprisonment for not more than sixty (60) days or both. An officer or employee of the town who
20 fails or refuses to obey a lawful order issued in the exercise of these powers may be subject to
21 disciplinary action up to termination.

22
23 **Section 2.10. Independent Audit.** The council shall provide for an independent annual audit of
24 all town accounts and may provide for more frequent audits as it deems necessary. Such audits
25 shall be carried out in accordance with the requirements of state law.

26
27 **Section 2.11. Procedure.**

28 **(a) Meetings.** The council shall meet regularly at least once in each calendar month at such times
29 and places as the council may prescribe by rule. Special meetings or workshops may be held on
30 the call of the mayor or of 3 or more members and, whenever practicable, upon no less than
31 twelve (12) hour notice to each member. Except when necessary and appropriate to meet in

1 executive session without the public present, as governed by state law, all meetings shall be
2 public.

3

4 **(b) Rules and Records.** The council shall determine its own rules and order of business and
5 shall provide for keeping a record of its proceedings that shall, at a minimum, meet the standards
6 established by state law. These records shall be a public record.

7

8 **(c) Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall
9 be recorded in the records. Three (3) members of the council shall constitute a quorum, but a
10 smaller number may adjourn from time to time and may compel the attendance of absent members
11 in the manner and subject to the penalties prescribed by the rules of the council. No action of the
12 council, except as otherwise provided in the preceding sentence and in § 2.06(c) shall be valid or
13 binding unless adopted by the affirmative vote of three (3) or more members of the council.

14

15 **Section 2.12. Action Requiring an Ordinance.** In addition to other acts required by law or by
16 specific provision of this charter to be done by ordinance, those acts of the council shall be by
17 ordinance which:

18

- 19 (1) Adopt or amend an administrative code or establish, alter, or abolish any town department,
20 office, or agency;
- 21 (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a
22 fine or other penalty is imposed;
- 23 (3) Levy taxes;
- 24 (4) Grant, renew, or extend a franchise;
- 25 (5) Regulate the rate charged for its services by a public utility;
- 26 (6) Authorize the borrowing of money;
- 27 (7) Convey or lease or authorize the conveyance or lease of any lands of the town;
- 28 (8) Regulate land use and development;
- 29 (9) Amend or repeal any ordinance previously adopted;
- 30 (10) Adopt, with or without amendment, ordinances proposed under the initiative power; or
- 31 (11) Regulate campaign finance as provided in Article 7 of this charter.

1 **Section 2.13. Ordinances in General.** The procedures for adoption of ordinances shall follow
2 the requirements of state law and the provisions of this section shall govern only to the extent
3 they do not conflict with state law.
4

5 (a) **Form.** Every proposed ordinance shall be introduced in writing and in the form
6 required by state law for final adoption. The enacting clause shall be "Now therefore, be
7 it enacted by the Town Council for the Town of Welaka . . ." Any ordinance which
8 repeals or amends an existing ordinance or part of the town code shall set out in full the
9 ordinance, sections or subsections to be repealed or amended, and shall indicate matters
10 to be omitted by strikeout type and shall indicate new matters by underscoring.
11

12 (b) **Procedure.** Any member of the council may, at any regular or special meetings of the
13 council, introduce a subject for consideration as a proposed ordinance. The council shall
14 only deliberate and adopt a proposed ordinance that is presented in legally sufficient form
15 and placed on the agenda for a regular or special meeting of the council in accordance
16 with state law, including timely and sufficient public notice, and the established meeting
17 procedures of the council.
18

19 (c) **Effective Date.** Except as otherwise provided in this charter or unless a specific date
20 is specified therein, every adopted ordinance shall become effective at the expiration of
21 thirty (30) days from the date of adoption.
22

23 **Section 2.14. Emergency Ordinances and Resolutions.** The Council may adopt one (1) or
24 more emergency ordinances in the manner provided for at law on any subject that is not violative
25 of the law or this charter, but such ordinances shall not levy taxes, grant, renew or extend a
26 franchise, regulate the rate charged by any public utility for its services, or authorize the
27 borrowing of money except as provided in section 5.07(b). An emergency ordinance shall be
28 introduced in the form and manner prescribed by law for emergency ordinances, except that it
29 shall be plainly designated as an emergency ordinance and shall contain, after the enacting
30 clause, a declaration stating that an emergency exists and describing it in clear and specific
31 terms. An emergency ordinance may be adopted with or without amendment or rejected at the

1 meeting at which it is introduced. The affirmative vote of at least three (3) members shall be
2 required for adoption. After its adoption, the ordinance shall be published and printed as
3 prescribed for other adopted ordinances. It shall become effective upon adoption or at such a
4 later time as it may specify. Every emergency ordinance or resolution issued under the town's
5 emergency management authority to address the occurrence of emergencies and disasters
6 resulting from natural, technological, or manmade causes, shall automatically stand repealed as
7 of the sixty-first (61st) day following the date on which it was adopted, unless an earlier date is
8 required by law; but this shall not prevent re-enactment of the ordinance or resolution in the
9 manner specified by state law and this section if the emergency still exists. An emergency
10 ordinance or resolution may also be repealed by adoption of a repealing ordinance or resolution
11 in the same manner specified in this section for adoption of emergency ordinances or resolutions.

12

13 **Section 2.15. Codes of Technical Regulations.** The council may adopt any standard code of
14 technical regulations by reference thereto in an adopting ordinance. The procedure and
15 requirements governing such an adopting ordinance shall be as prescribed for ordinances
16 generally subject to the following:

17

18 (1) The requirements of § 2.13 for distribution and filing of copies of the ordinance shall be
19 construed to include copies of the code of technical regulations as well as of the adopting
20 ordinance, and

21

22 (2) A copy of each adopted code of technical regulations as well as of the adopting
23 ordinance shall be authenticated and recorded by the town clerk pursuant to § 2.16(a).
24 Copies of any adopted code of technical regulations shall be made available by the town
25 clerk for distribution or for purchase at a price set forth by Florida Statute.

26

27 (3) Certain technical regulations established by the state and mandated by the state to be
28 adopted by the town, such as the Florida Building Code and the Florida Fire Prevention
29 Code, need only be referenced in the adopting ordinance and do not need to be included
30 verbatim in the adopting ordinance, nor shall the town be responsible for making such state

1 established technical regulations available for copying through the town clerk when they
2 are available from the state for review and copying, except to the extent mandated by law.

3
4 **Section 2.16. Authentication and Recording; Codification; Printing of Ordinances and**
5 **Resolutions.**

6 **(a) Authentication and Recording.** The town clerk shall authenticate by signing and shall
7 record in full, in a properly indexed book kept for the purpose, all ordinances and resolutions
8 adopted by the council.

9
10 **(b) Codification.** Upon immediate adoption of this charter and at least every year thereafter, the
11 Council shall provide for the preparation of a general codification of all town ordinances and
12 resolutions having the force and effect of law. The general codification shall be adopted by the
13 council by ordinance and shall be published, together with this charter and any amendments
14 thereto, and other rules and regulations as the council may specify. This compilation shall be
15 known and cited officially as the Welaka Municipal Code. Copies of the code shall be furnished
16 to town officers, placed in the town's public offices for viewing by the public, and, if available,
17 placed on a web site for free public reference and made available for purchase by the public.

18
19 **(c) Printing of Ordinances and Resolutions.** The council shall require each ordinance and
20 resolution having the force and effect of law and each amendment to this charter to be printed
21 promptly following its adoption. The printed ordinances, resolutions and charter amendments
22 shall be made available for viewing and purchase by the public in accordance with Florida's
23 public records laws. Following publication of the first Welaka Municipal Code and at all times
24 thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially
25 the same style as the code currently in effect and shall be suitable in form for integration therein.
26 The council shall make such further arrangements as it deems desirable with respect to
27 reproduction and distribution of any current changes in or additions to the provisions of the
28 constitution and other laws of the state of Florida, or the codes of technical regulations and other
29 rules and regulations included in the code.

1 **Article 3**
2 **TOWN MANAGER**

3
4 **Section 3.01. Appointment; Qualifications; Compensation.** The council by a majority vote of
5 its total membership shall appoint a town manager for a term set by the council and fix the
6 manager's compensation. The town manager shall be appointed solely on the basis of education
7 and experience in the accepted competencies and practices of local government management.
8 The manager need not be a resident of the town or state at the time of appointment. However, the
9 manager shall reside in the state prior to commencing to work for the town, and it shall be left to
10 the discretion of the council whether to allow the manager to reside outside the town limits while
11 in office.

12
13 **Section 3.02. Removal.** The town manager works at the will and pleasure of the council.

14
15 **Section 3.03. Acting Town Manager.** By letter filed with the town clerk, the town manager
16 shall designate a town officer or employee to exercise the powers and perform the duties of town
17 manager during the manager's temporary absence or disability; the council may revoke such
18 designation at any time for any reason and appoint another town officer or employee of the town
19 to serve until the town manager returns.

20
21 **Section 3.04. Powers and Duties of the Town Manager.** The town manager shall be the chief
22 executive officer of the town, continuously responsible to the council for the management of all
23 town affairs placed in the manager's charge by or under this charter and any additional duties
24 assigned by the contract defining the terms of the manager's employment. The town manager
25 shall:

- 26
27 (1) Appoint and suspend or remove all town employees and appointive administrative
28 officers provided for, by or under this charter, except as otherwise provided by law, this
29 charter or personnel rules adopted pursuant to this charter. The town manager may authorize
30 any administrative officer subject to the manager's direction and supervision to exercise these

1 powers with respect to subordinates in that officer's department, office, or agency;

2
3 **(2)** Direct and supervise the administration of all departments, offices and agencies of the
4 town, except as otherwise provided by this charter or by law;

5
6 **(3)** Attend all council meetings. The town manager shall have the right to take part in
7 discussion but shall not vote;

8
9 **(4)** Faithfully execute all laws, provisions of this charter and acts of the council, subject to
10 enforcement by the town manager or by officers subject to the manager's direction and
11 supervision;

12
13 **(5)** Prepare and submit the annual budget and capital program to the council, and implement
14 the final budget approved by council to achieve the goals of the town;

15
16 **(6)** Submit to the council and make available to the public a complete report on the finances
17 and administrative activities of the town as of the end of each month and a full assessment at
18 the end of each fiscal year;

19
20 **(7)** Make such other reports as the council may require concerning operations;

21
22 **(8)** Keep the council fully advised as to the financial condition and future needs of the town;

23
24 **(9)** Make recommendations to the council concerning the affairs of the town and facilitate the
25 work of the council in developing policy;

26
27 **(10)** Provide staff support services for the mayor and council members;

28
29 **(11)** Assist the council to develop long term goals for the town and strategies to implement
30 these goals;

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(12) Encourage and provide staff support for regional and intergovernmental cooperation;

(13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and

(14) Perform such other duties as are specified in this charter or may be required by the council.

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1 **Article 4**

2 **DEPARTMENTS, OFFICES AND AGENCIES**

3
4 **Section 4.01. General Provisions.**

5 **(a) Creation of Departments.** The council may establish town departments, offices, or agencies
6 in addition to those created by this charter and may prescribe the functions of all departments,
7 offices, and agencies. No department, office, or agency created by this charter may be
8 discontinued except by referendum.

9
10 **(b) Direction by Town Manager.** Except as otherwise provided in this charter, all departments,
11 offices, and agencies under the direction and supervision of the town manager shall be
12 administered by an officer appointed by and subject to the direction and supervision of the town
13 manager. With the consent of the council, the town manager may serve as the head of one (1) or
14 more such departments, offices, or agencies or may appoint one (1) person as the head of two (2)
15 or more of them.

16
17 **Section 4.02. Personnel System.**

18 **(a) Merit Principle.** All appointments and promotions of town officers and employees shall be
19 made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or
20 other evidence of competence.

21
22 **(b) Merit System.** The council shall, in a manner consistent with all applicable federal and state
23 laws, provide for the establishment, regulation, and maintenance of a merit system governing
24 personnel policies necessary to effective administration of the employees of the town's
25 departments, offices and agencies, including but not limited to classification and pay plans,
26 examinations, force reduction, removals, working conditions, provisional and exempt
27 appointments, in-service training, grievances and relationships with employee organizations.

28
29 **Section 4.03. Town Attorney.**

30 **(a) Appointment.** There shall be a town attorney who shall be appointed by and work at the will
31 and pleasure of the council.

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(b) Role. The town attorney shall serve as chief legal adviser to the council, the mayor, town manager and all town departments, offices and agencies, shall represent the town in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

Section 4.04. Police Department.

(a) Creation. There shall be a Police Department operated and overseen by the council, which shall not be abolished or replaced by an outside agency except by a referendum to amend this Charter put forward in the manner prescribed by Article 8 of this Charter and Florida law.

(b) Appointment/Role. There shall be a Chief of Police who shall be appointed by and work at the will and pleasure of the council and shall perform any duties prescribed by state law, by this charter or by ordinance.

Section 4.05. Land Use, Development, and Environmental Planning. Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning and controls, the council shall adopt a comprehensive plan that addresses the land use, development and environmental plans for the town, and shall adopt land use regulations consistent with the comprehensive plan to implement the plan. The council, on the advice of the town manager, shall have the discretion to determine whether the land use, development and environmental planning function shall be carried out by an officer, employee or contracted agency. This land use, development and environmental planning function shall operate under and report to the town manager. The town shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

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1 **Article 5**

2 **FINANCIAL MANAGEMENT**

3
4 **Section 5.01. Fiscal Year.** The fiscal year of the town shall begin on the first day of October and
5 end on the last day of September.

6
7 **Section 5.02. Submission of Budget and Budget Message.** On or before the second Tuesday of
8 September of each year, the town manager shall submit to the council a budget for the ensuing
9 fiscal year and an accompanying message.

10
11 **Section 5.03. Budget Message.** The town manager's message shall explain the budget both in
12 fiscal terms and in terms of the work programs, linking those programs to organizational goals
13 and community priorities. It shall outline the proposed financial policies of the town for the
14 ensuing fiscal year and the impact of those policies on future years. It shall describe the
15 important features of the budget, indicate any major changes from the current year in financial
16 policies, expenditures, and revenues together with the reasons for such changes, summarize the
17 town's debt position, including factors affecting the ability to raise resources through debt issues,
18 and include such other material as the manager deems necessary.

19
20 **Section 5.04. Budget.** The budget shall provide a complete financial plan of all town funds and
21 activities for the ensuing fiscal year and, except as required by law or this charter, shall be in
22 such form as the town manager deems desirable or the council may require for effective
23 management and an understanding of the relationship between the budget and the town's
24 strategic goals. The budget shall begin with a clear general summary of its contents; shall show
25 in detail all estimated revenue, indicating the proposed property tax levy, and all proposed
26 expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to
27 show comparative figures for actual and estimated revenue and expenditures of the fiscal year
28 and actual revenue and expenditures of the preceding fiscal year. It shall indicate in separate
29 sections:

1 (1) The proposed goals and expenditures for current operations during the ensuing fiscal
2 year, detailed for each fund by department or by other organization unit, and program,
3 purpose or activity, method of financing such expenditures, and methods to measure
4 outcomes and performance related to the goals;

5
6 (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,
7 detailed for each fund by department or by other organization unit when practical, the
8 proposed method of financing each such capital expenditure, and methods to measure
9 outcomes and performance related to the goals; and

10
11 (3) The proposed goals, anticipated revenue and expense, profit and loss for the ensuing
12 year for each utility or other enterprise fund or internal service fund operated by the town,
13 and methods to measure outcomes and performance related to the goals. For any fund, the
14 total of proposed expenditures shall not exceed the total of estimated revenue plus carried
15 forward fund balance exclusive of reserves.

16
17 **Section 5.05. Town Council Action on Budget.**

18 (a) Notice and Hearing. The council shall publish the general summary of the budget and a
19 notice stating:

20
21 (1) The times and places where copies of the message and budget are available for
22 inspection by the public, and

23
24 (2) The time and place for public hearing(s) on the budget as set by statute.

25
26 (b) **Amendment Before Adoption.** After the public hearing, the council may adopt the budget
27 with or without amendment. In amending the budget, it may add or increase programs or
28 amounts and may delete or decrease any programs or amounts, except expenditures required by
29 law or for debt service or for an estimated cash deficit, provided that no amendment to the
30 budget shall increase the authorized expenditures to an amount greater than total estimated
31 revenue.

1
2 **(c) Adoption.** The council shall adopt the budget on or before the 30th day of September of the
3 fiscal year currently ending.

4
5 **(d) “Publish” Defined.** As used in this article, the term "publish" means to make available for
6 viewing in Town Hall, to post to the town website and to print or post in any other manner
7 required by law.

8
9 **Section 5.06. Appropriation and Revenue Ordinances.** To implement the adopted budget, the
10 council shall adopt, prior to the beginning of the fiscal year, an ordinance or resolution, in the
11 manner prescribed by state law:

12
13 **(a)** establishing and authorizing the annual millage rate, tax levy or levies and setting the tax rate
14 or rates;

15
16 **(b)** making appropriations by department, fund, service, strategy or other organizational unit and
17 authorizing an allocation for each program or activity; and

18
19 **(c)** if relevant to the budget under consideration, authorizing new revenues or amending the rates
20 or other features of existing taxes or other revenue sources.

21
22 **Section 5.07. Amendments after Adoption.**

23 **(a) Supplemental Appropriations.** If during the fiscal year the town manager certifies that there
24 are excess revenues available for appropriation, the council by ordinance may make
25 supplemental appropriations for the year up to the amount of such excess.

26
27 **(b) Emergency Appropriations.** To address a public emergency affecting life, health, property
28 or the public peace, the council may make emergency appropriations. Such appropriations may
29 be made by emergency ordinance in accordance with the provisions of section 2.14. To the
30 extent that there are no available unappropriated revenues or a sufficient fund balance to meet
31 such appropriations, the council may by such emergency ordinance authorize the issuance of

1 emergency notes, which may be renewed from time to time, but the emergency notes and
2 renewals of any fiscal year shall be paid or refinanced as long term debt not later than the last
3 day of the fiscal year next succeeding that in which the emergency appropriation was made.
4

5 **(c) Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the
6 town manager that the revenues or fund balances available will be insufficient to finance the
7 expenditures for which appropriations have been authorized, the town manager shall report to the
8 council without delay, indicating the estimated amount of the deficit, any remedial action taken
9 by the town manager and recommendations as to any other steps to be taken. The council shall
10 then take such further action as it deems necessary to prevent or reduce any deficit and for that
11 purpose it may by ordinance reduce or eliminate one (1) or more appropriations.
12

13 **(d) Transfer of Appropriations.** At any time during or before the fiscal year, the council may
14 by resolution transfer part or all of the unencumbered appropriation balance from one (1)
15 department, fund, service, strategy or organizational unit to the appropriation for other
16 departments or organizational units or a new appropriation, to the extent permitted by law. The
17 town manager may transfer funds among programs within a department, fund, service, strategy
18 or organizational unit and shall report such transfers to the council in writing in a timely manner.
19

20 **(e) Limitation; Effective Date.** No appropriation for debt service may be reduced or transferred,
21 except to the extent that the debt is refinanced, and less debt service is required, and no
22 appropriation may be reduced below any amount required by law to be appropriated or by more
23 than the amount of the unencumbered balance thereof. The supplemental and emergency
24 appropriations and reduction or transfer of appropriations authorized by this section may be
25 made effective immediately upon adoption.
26

27 **Section 5.08. Administration and Fiduciary Oversight of the Budget.** The council shall
28 provide by resolution the procedures for administration and fiduciary oversight of the budget.

1 **Section 5.09. Capital Program.**

2 **(a) Submission to Town Council.** The town manager shall prepare and submit to the council a
3 multi-year capital program no later than three (3) months before the final date for submission of
4 the budget.

5
6 **(b) Contents.** The capital program shall include:

7 (1) A clear general summary of its contents;

8
9 (2) Identification of the long-term goals of the community as expressed through the
10 council;

11
12 (3) A list of all capital improvements and other capital expenditures which are proposed to
13 be undertaken during the fiscal years next ensuing, with appropriate supporting information
14 as to the necessity for each;

15
16 (4) Cost estimates and recommended time schedules for each improvement or other capital
17 expenditure;

18
19 (5) Method of financing upon which each capital expenditure is to be reliant;

20
21 (6) The estimated annual cost of operating and maintaining the facilities to be constructed
22 or acquired;

23
24 (7) A commentary on how the plan addresses the sustainability of the community and the
25 region of which it is a part; and

26
27 (8) Methods to measure outcomes and performance of the capital plan related to the long-
28 term goals of the community.

29

1 The time frame for the above shall cover no less than three (3) years and no more than five (5)
2 years and shall be revised and extended each year with regard to capital improvements still
3 pending or in process of construction or acquisition.

4
5 **Section 5.10. Town Council Action on Capital Program.**

6 **(a) Notice and Hearing.** The council shall publish the general summary of the capital program
7 and a notice stating:

8
9 (1) The times and places where copies of the capital program are available for inspection
10 by the public, and

11
12 (2) The time and place, not less than two (2) weeks after such publication, for a public
13 hearing(s) on the capital program.

14
15 **(b) Adoption.** The council by resolution shall adopt the capital program with or without
16 amendment after the public hearing and on or before the 30th day of September of the current
17 fiscal year.

18
19 **Section 5.11 Independent Audit.**

20 **(a)** The council shall provide for an independent annual audit of all town accounts and may
21 provide for more frequent audits as it deems necessary. An independent certified public
22 accountant or firm of such accountants shall conduct such audits. Such audits should be
23 performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally
24 Accepted Government Auditing Standards (GAGAS).

25
26 **(b)** The Council shall designate no fewer than three (3) of its members to serve as an Audit
27 Committee. This Committee shall:

28
29 (1) Lead the process of selecting an independent auditor;

30

1 (2) Direct the work of the independent auditor as to the scope of the annual audit and any
2 matters of concern with respect to internal controls; and

3
4 (3) Receive the report of the internal auditor and present that report to the council with any
5 recommendations from the Committee.

6
7 (c) The council shall, using competitive bidding, designate such accountant or firm annually, or
8 for a period not exceeding five (5) years, but the designation for any particular fiscal year shall
9 be made no later than thirty (30) days after the beginning of such fiscal year. The standard for
10 independence is that the auditor must be capable of exercising objective and impartial judgment
11 on all issues encompassed within the audit engagement. No accountant or firm may provide any
12 other services to the town during the time it is retained to provide independent audits to the town.
13 The council may waive this requirement by a majority vote at a public hearing. If the state makes
14 such an audit, the council may accept it as satisfying the requirements of this section.

15
16 **Section 5.12. Public Records.** Copies of the budget, capital program, independent audits, and
17 appropriation and revenue ordinances shall be public records.

18
19 [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

1 **Article 6**
2 **ELECTIONS**

3
4 **Section 6.01. Town Elections.**

5 **(a) Regular Elections.** Except as provided for in Section 6.02 to provide for the transition to the
6 election cycle outlined in this Section 6.01(a), beginning in November 2026, the regular town
7 election shall be held on the first Tuesday after the first Monday in November of each year
8 during the hours established by state law; unless it is necessary to adjust the date due to a due to
9 a force majeure event, in which case the election may be held as soon as practicable after the
10 regular election day in accordance with state law.

11
12 **(b) Registered Voter Defined.** All citizens legally registered under the constitution and laws of
13 the state of Florida to vote in the town shall be registered voters of the town within the meaning
14 of this charter.

15
16 **(c) Conduct of Elections.** The provisions of the general election laws of the state of Florida shall
17 apply to elections held under this charter. All elections provided for by the charter shall be
18 conducted by the election authorities established by law. Candidates shall run for office without
19 party designation. The council shall adopt ordinances consistent with law and this charter for the
20 conduct of town elections, for the prevention of fraud in such elections and for the recount of
21 ballots in cases of doubt or fraud, and the election authorities may adopt further regulations
22 consistent with law and this charter and the ordinances of the council. Such ordinances and
23 regulations pertaining to elections shall be publicized in the same manner as all other town
24 ordinances.

25
26 **(d) Canvassing board.** The town shall convene a canvassing board to certify the result of the
27 election as set forth in general law, which shall be comprised of three (3) board members and one
28 (1) alternate. The council shall establish the members of the canvassing board by resolution or
29 ordinance, but in all regular or special elections, the council members, other than those whose
30 names appear on the election ballot, shall serve on the canvassing board unless they have been
31 expressly excused from serving by a vote of the council expressed in the resolution or ordinance

1 establishing the canvassing board or it is necessary to assign the duties to the canvassing board
2 established by the Putnam County Board of County Commissioners to canvass a concurrent
3 regular or special election for statewide or national offices.

4
5 **(e) Beginning of Term.** The terms of council members shall begin fourteen (14) days after the
6 election is certified by the canvassing board.

7
8 **Section 6.02. Methods of Electing Council Members.** For the first regular election following
9 the adoption of this charter the election shall be held in accordance with the prior charter on the
10 first Tuesday after the first Monday in the month of March 2025 during the hours established by
11 state law to select two (2) members of the council and the mayor to succeed those members and
12 the mayor whose terms on the council are expiring under the established election schedule in
13 place immediately prior to adoption of this charter. The two (2) council member candidates
14 receiving the highest number of votes and the mayoral candidate receiving the highest number of
15 votes shall serve for a twenty-month (20-month) term that shall expire with the certification of
16 the November 2026 regular town election as provided for under Section 6.01, which shall be
17 held to fill these two (2) council member seats and the mayor’s seat. Beginning with the
18 November 2026 regular town election, the persons elected to fill these two (2) council member
19 seats and the mayor’s seat shall serve for two-year (2-year) terms.

20
21 For the second regular election following the adoption of this charter the election shall be held in
22 accordance with the prior charter on the first Tuesday after the first Monday in the month of
23 March 2026 during the hours established by state law to select two (2) members to succeed those
24 members whose terms on the council are expiring under the established election schedule in
25 place immediately prior to adoption of this charter. The two (2) council member candidates
26 receiving the highest number of votes shall serve for a twenty-month (20-month) term that shall
27 expire with the certification of the November 2027 regular town election as provided for under
28 Section 6.01, which shall be held to fill these two (2) council member seats. Beginning with the
29 November 2027 regular town election, the persons elected to fill these two (2) council member
30 seats and the mayor’s seat shall serve for two-year (2-year) terms.

31

1 **Section 6.03. Determination of Person Elected.** The persons receiving the highest number of
2 votes cast in a general or special election to elect council members to fill the seats up for election
3 shall be elected to the office. The single person receiving the highest number of votes cast in a
4 general election or special election of the mayor shall be elected to the office. In case two (2) or
5 more persons receive an equal and highest number of votes for the same office, such persons
6 shall draw lots to determine who shall be elected to the office.

7
8 **Section 6.04. Recall, Referendum and Citizen Initiatives.** The powers of recall, citizen
9 initiatives and referendums shall be reserved to the council and the electors of the town
10 consistent with the provisions of state law; and to ensure and maintain the uniquely local nature
11 of such actions, only the electors of the town, members of the council, officers and employees of
12 the town acting in their official capacity, or state and local election officials may carry out the
13 official obligations and responsibilities of the recall, referendum or initiative proceedings.

14
15 **Section 6.05. Matters Initiated by Petition.** For matters that may be presented to the town's
16 electorate for a vote at an election by a petition, except where preempted by state law, the
17 following shall govern.

18
19 **(a) Commencement of Proceeding; Petitioners' Committee; Affidavit.** It shall require five (5)
20 registered voters to commence a referendum initiative, recall or charter amendment, which shall
21 be done by filing with the local elections official an affidavit executed by all five (5) voters that
22 will constitute the petitioners' committee and be responsible for circulating the petition and filing
23 it in proper form, stating their names and addresses and specifying the committee member who
24 shall act as chair of the committee to which all notices to the committee are to be sent and setting
25 out in full the proposed initiative or charter amendment, or in the case of a recall, stating the
26 name and title of the elected officer sought to be recalled accompanied by a statement, not to
27 exceed two hundred (200) words, of the reason(s) for the recall.

28
29 **(b) Petitions – Generally.**

30 **(1) Number of Signatures.** Unless otherwise mandated by state law or this charter,
31 matters initiated by petition pursuant this Article must be signed by at least one hundred

1 (100) electors or ten percent (10%) of the total number of registered electors of the town
2 as of the preceding regular town election, whichever is greater.

3
4 **(2) Form and Content.** All papers of a petition shall be uniform in size and style and
5 shall be assembled as one (1) instrument for filing. Each signature shall be executed in
6 ink or indelible pencil and shall be followed by the address of the person signing.
7 Initiatives and charter amendment petitions shall contain or have attached thereto
8 throughout their circulation the full text of the ordinance or charter amendment proposed.
9 Recall petitions shall contain the name and title of the official sought to be recalled, the
10 statement of grounds for the recall, and the response of the official sought to be recalled,
11 if any. If no response was filed, the petition shall so state.

12
13 **(3) Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed
14 an affidavit executed by the person circulating it stating that he or she personally
15 circulated the paper, the number of signatures thereon, that all the signatures were affixed
16 in his or her presence, that he or she believes them to be the genuine signatures of the
17 persons whose names they purport to be and that each signer had an opportunity before
18 signing to read the full text of the ordinance proposed or sought to be reconsidered.

19
20 **(4) Time for Filing.** Unless a different time is prescribed by state law, all the signed
21 petition forms must be filed no later than thirty (30) days after the date on which the first
22 signature is obtained on the petition.

23
24 **(c) Procedure after Filing – Certificate of Elections Official.** Unless otherwise mandated by
25 state law, within thirty (30) days after the petition is filed, the clerk shall complete a technical
26 sufficiency review, with the advice and consent of the town attorney, and if there are technical
27 insufficiencies, shall issue a notice of insufficiency specifying the particular deficiencies and
28 send a copy to the petitioner’s committee by registered mail or verified email address for
29 purposes of notice. Such a technical review shall not determine the legal sufficiency of what is
30 proposed by the petition and is only intended to make certain the submitted petition(s) is
31 properly verified and meets the technical submittal requirements of this charter. Upon

1 completion of this review, the clerk shall submit such petition(s) to the local elections official to
2 verify the signatures in accordance with state law. The local elections official shall be paid by the
3 persons or committee seeking verification in accordance with state law.
4

5 If the local elections official determines that the requisite number of valid signatures has
6 not been obtained, this determination shall be submitted in writing to the clerk who shall
7 certify this determination to the council, and the proceedings shall be terminated, and the
8 petitions shall be kept as part of the public record but shall not be used again. If the local
9 elections official determines that the requisite number of qualified electors signed the
10 petition, this determination shall be submitted in writing to the clerk indicating the
11 percentage of qualified electors who signed and the clerk shall immediately upon receipt
12 of such written determination certify and deliver same to the governing body; and in the
13 case of a petition for recall, immediately serve notice of that determination upon the
14 person sought to be recalled. The officer that is the subject of the recall shall have the
15 option to submit a written response as provided by state law which shall be included with
16 the petition to be circulated for the signatures necessary to place it on the ballot, and in
17 the absence of direction from state law, said statement shall be submitted within five (5)
18 business days and shall not be more than two hundred (200) words.
19

20 **(d) Council Action on Petitions.**

21 **(1) Action by Council – Initiative Ordinance.** When an initiative petition has been
22 determined sufficient, the council shall promptly consider the proposed initiative in the
23 manner provided in Article 2. If the council fails to adopt a proposed initiative ordinance
24 without any change in substance within sixty (60) days or fails to repeal the referred
25 ordinance within thirty (30) days after the date the petition was finally determined
26 sufficient, it shall submit the proposed or referred ordinance to the voters of the town.
27

28 **(2) Action by Council – Recall.** The town shall hold a recall election in accordance with
29 state law, and in the absence of direction from state law as to the timing of the recall
30 election, it shall be held no less than sixty (60) and no more than one hundred twenty
31 (120) days of the date the recall petition was determined sufficient.

1
2 **(3) Action by Council – Charter Amendments.** When a petition to amend the charter
3 has been determined sufficient, the charter amendment process outlined in Florida
4 statutes and in Article 8 hereof shall ensue.

5
6 **(e) Submission to Voters.** The vote of the town on a proposed or referred ordinance shall be
7 held not less than sixty (60) days and not later than one (1) year from the date of the final council
8 vote thereon. If no regular town election is to be held within the period prescribed in this
9 subsection, the council shall provide for a special election; otherwise, the vote shall be held at the
10 same time as such regular election, except that the council may in its discretion provide for a
11 special election at an earlier date within the prescribed period. Copies of the proposed or referred
12 ordinance shall be made available at the polls.

13
14 **(f) Withdrawal of Petitions.** An initiative, referendum, or recall petition may be withdrawn at
15 any time prior to the fifteenth day preceding the day scheduled for a vote of the town by filing
16 with the town clerk, with a copy to the local elections official, a verified request for withdrawal
17 signed by at least two-thirds (2/3) of the petitioners' committee. Upon the filing of such request
18 the petition shall have no further force or effect and all proceedings thereon shall be terminated.

19
20 **(g) Results of Elections.**

21 **(1) Initiative.** If a majority of the registered voters voting on a proposed initiative
22 ordinance vote in its favor, it shall be considered adopted upon certification of the
23 election results and shall be treated in all respects in the same manner as ordinances of
24 the same kind adopted by the council. If conflicting ordinances are approved at the same
25 election, the one (1) receiving the greatest number of affirmative votes shall prevail to the
26 extent of such conflict. If there is an equal number of votes approving conflicting
27 ordinances at the same election, both shall be considered to have failed for lack of a
28 majority.

29
30 **(2) Referendum.** If a majority of the registered voters voting on a referred ordinance
31 vote against it, it shall be considered repealed upon certification of the election results. If

1 there are an equal number of votes for and against the ordinance, it shall be considered to
2 have failed for lack of a majority.

3
4 **(3) Recall.** Ballots used at recall elections shall read in the form required by state law and
5 in the absence of direction from state law as to the ballot form, it shall read in the form of
6 the following question: “Shall [name of recall official] be recalled (removed) from the
7 office of _____ by recall?”; which shall be followed by the following two (2)
8 propositions:

9 “[name of person] should be removed from office.”

10
11 “[name of person] should not be removed from office.”

12
13 If a majority of the registered voters voting on a proposed recall vote in its favor, the
14 official is removed and the winning candidate for successor, if any, shall be elected as a
15 replacement for the duration of the unexpired term. Otherwise, the vacancy shall be filled
16 in accordance with § 2.06 (c).

17
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1 **Article 7**

2 **GENERAL PROVISIONS**

3 **INTRODUCTION**

4
5 **Section 7.01. Conflicts of Interest; Code of Conduct and Ethics; Investigation.**

6 **(a) Conflicts of Interest.** The use of public office for private gain is prohibited. To the extent
7 certain conduct that violates this prohibition is not already governed by law, the council may
8 implement this prohibition by ordinance, the terms of which shall include, but not be limited to:
9 acting in an official capacity on matters in which the official has a private financial interest
10 clearly separate from that of the general public; the acceptance of gifts and other things of value;
11 and acting in a private capacity on matters dealt with as a public official.

12
13 **(b) Code of Conduct and Ethics.** The council shall, by ordinance, establish a code of conduct to
14 include ethics for elected and appointed officials, appointed board members and town employees
15 which shall, at a minimum, address the following: discriminatory conduct, fraud, sexual
16 harassment, bribery, maintenance of the non-party affiliation of the town elections, and the
17 conduct of appointed officials and employees with regard to local elections.

18
19 **(c) Power to Investigate.** Subject to state law, the council may issue opinions, conduct
20 investigations on its own initiative and on referral or complaint from officials or citizens,
21 subpoena witnesses and documents, refer cases for prosecution, impose administrative action,
22 and hire independent counsel.

23
24 **Section 7.02. Campaign Finance.** In order to protect the ability of town residents to be informed
25 and combat the potential for, and appearance of, corruption, and to preserve the ability of all
26 qualified citizens to run for public office, the council may, to the extent permitted by state and
27 federal law, adopt local campaign finance laws that govern disclosure and reporting of campaign
28 contributions as well as limit campaign contributions and expenditures in connection with local
29 elections.

1 **Article 8**

2 **CHARTER AMENDMENT**

3
4 **Section 8.01. Proposal of Amendment.** This charter may be amended in a manner consistent
5 with state law by an ordinance properly read and adopted by no less than a majority of the
6 council then in office, or by registered electors of the town in the last preceding municipal
7 general election. Where such an amendment is proposed by the registered electors, it shall be by
8 petition containing the full text of the proposed amendment signed by registered voters of the
9 town equal in number to at least ten percent (10%) of the total number of those registered to vote
10 at the last regular town election. The clerk with the advice and consent of the town attorney shall
11 review the petition proposing an amendment to this charter for technical sufficiency and submit
12 to the local election authority responsible for the local electorate role who shall verify the
13 signatures in the manner prescribed by law.

14
15 **Section 8.02. Election.** Upon delivery by the town clerk of an adopted ordinance or a petition
16 determined technically sufficient proposing a charter amendment pursuant to section 8.01, the
17 local election authority shall submit the proposed charter amendment to the voters of the town at
18 the next scheduled general election, or special election called for such purpose. Such an election
19 shall be announced by a notice containing the complete text of the proposed amendment and
20 published in accordance with state law, but no later than thirty (30) days prior to the date of the
21 election. The election shall be held not less than sixty (60) and not more than one hundred twenty
22 (120) days after the adoption of the ordinance or the final determination by the local election
23 authority that there is a sufficient number of valid signatures on the petition proposing the
24 amendment. If no regular election is to be held within that period, the council shall provide for a
25 special election on the proposed amendment.

26
27 **Section 8.03. Adoption of Amendment.** If a majority of those voting upon a proposed charter
28 amendment vote in favor of it, the amendment shall become effective at the time fixed in the
29 amendment or, if no time is therein fixed, thirty (30) days after its adoption by the voters.

1 **Article 9**

2 **TRANSITION AND SEVERABILITY**

3
4 **Section 9.01. Officers and Employees.**

5 **(a) Rights and Privileges Preserved.** Nothing in this charter except as otherwise specifically
6 provided shall affect or impair the rights or privileges of persons who are town officers or
7 employees at the time of its adoption.

8
9 **(b) Continuance of Office or Employment.** Except as specifically provided by this charter, if at
10 the time this charter takes full effect, a town administrative officer or employee who holds any
11 office or position which is or can be abolished by or under this charter, he or she shall continue
12 in such office or position until the taking effect of some specific provision under this charter
13 directing that he or she vacate the office or position.

14
15 **(c) Personnel System.** An employee holding a town position at the time this charter takes full
16 effect, who was serving in that same or a comparable position at the time of its adoption, shall
17 not be subject to competitive tests as a condition of continuance in the same position but in all
18 other respects shall be subject to the personnel system provided for in section 4.02 and
19 established personnel policies consistent therewith.

20
21 **Section 9.02. Departments, Offices, and Agencies.**

22 **(a) Transfer of Powers.** If a town department, office or agency is abolished by this charter, the
23 powers and duties given it by law shall be transferred to the town department, office or agency
24 designated in this charter or, if the charter makes no provision, designated by the council.

25
26 **(b) Property and Records.** All property, records and equipment of any department, office or
27 agency existing when this charter is adopted shall be transferred to the department, office or
28 agency assuming its powers and duties. In the event that the powers or duties are to be
29 discontinued or divided between units or in the event that any conflict arises regarding a transfer,
30 such property, records or equipment shall be transferred to one (1) or more departments, offices
31 or agencies designated by the council in accordance with this charter.

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Section 9.03. Pending Matters. All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under this charter.

Section 9.04. State and Municipal Laws. All town ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter. To the extent that the constitution and laws of the state of Florida permit, all laws relating to or affecting this town or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter.

Section 9.05. Schedule.

(a) Adoption. Within forty-five (45) days after adoption of the charter, the council shall meet for the purpose of adopting ordinances and resolutions necessary to affect the transition of government under this charter and to maintain effective town government during that transition, if any such ordinances or resolutions are needed; at which time the charter shall be in full effect.

(b) Temporary Ordinances. In adopting ordinances as provided in section 9.05(a), the council shall follow the procedures prescribed in section 2.12, except that at its first meeting or any meeting held within sixty (60) days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective town government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner generally prescribed for ordinances. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon

1 adoption or at such later time preceding automatic repeal under this subsection as it may specify,
2 and the referendum power shall not extend to any such ordinance. Every temporary ordinance,
3 including any amendments made thereto after adoption, shall automatically stand repealed as of
4 the ninety-first (91st) day following the date on which it was adopted, renewed, or otherwise
5 continued except by adoption in the manner prescribed in section 2.12 for ordinances of the kind
6 concerned.

7

8 **Section 9.06. Severability.** If any article, section, subsection, sentence, clause, or provision of
9 this charter is held to be invalid for any reason, such holding shall not be construed to affect the
10 remainder of this charter or any ordinances made thereunder. If the application of the charter or
11 any of its provisions to any person or circumstance is held invalid, the application of the charter
12 and its provisions to other persons or circumstances shall not be affected.

CHAPTER 24975 NO. 1361
(HOUSE BILL NO. 1032)

AN ACT to Abolish the present Municipal Government of the Town of Welaka in Putnam County, in the State of Florida, and to Create, Establish, and Organize a Municipality in the County of Putnam, in the State of Florida, to be Known and designated as the Town of Welaka and to define its Territorial Boundaries and to provide for its Government, Jurisdiction, Powers, Franchises, and Privileges.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

~~ABOLISHMENT OF PRESENT MUNICIPALITY~~

~~Section 1. That the present municipality and municipal government existing under the name of the Town of Welaka be, and the same is hereby abolished.~~

~~Section 2. That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees, liens, suits, actions and choses in action, held or owned by the existing municipality, shall pass to and the same hereby are vested in the municipal corporation organized under this law to succeed the municipality abolished.~~

~~Section 3. That no debt or contract of the present municipality shall be impaired or avoided by this Act, and such debts and obligations shall pass to and be binding upon the new municipality hereby created.~~

~~Section 4. That all officers heretofore elected or appointed and holding office under said municipality shall continue in office, in the performance of their duties, until provisions have been~~

~~otherwise made in accordance with this Act for the performance or discontinuance of any of the duties of any such officers or until their successors are elected and qualified under the provisions of this Act; and all existing ordinances of said municipality not in conflict with the provisions of this Act shall continue in effect and unimpaired until repealed, amended or modified by the new municipality which is hereby created.~~

ESTABLISHMENT OF NEW MUNICIPALITY

~~Section 5. The inhabitants comprehended within the territorial limits hereinafter described shall be and continue to be the body politic, and body corporate to be known under and by the name of the Town of Welaka and as such shall have perpetual succession and shall have and use a common seal and change the same at its pleasure.~~

Section 6. The corporate limits of the Town of Welaka as herein established shall constitute all of that territory in Putnam County, Florida, embraced within the following boundaries and is hereby fixed, defined, and established to include the same, to-wit:

Beginning at the point of intersection of the South boundary of Section 33, Township 11 South, Range 26 East, with the East bank of the St. Johns River and running thence East and along the South boundary of Sections 33 and 34, Township 11, South, Range 26 East, to the Southeast corner of the Southeast quarter of said Section 34, and thence South along the East boundary of Section 33, Township 12, South, Range 26 East to the North boundary of the Triay Grant and from thence West along said North boundary of said Triay Grant to the margin of the St. Johns River and thence northerly along the margin of said river to the place of beginning.

And the jurisdiction and power of the Town of Welaka is extended over all streets, alleys, sewers, parks, and all lands within said area whether platted or unplatted, and to and over

all waters, waterways, streams, bays, bayous, submerged land, water bottoms and wharfs, and to and over all persons, firms, corporations, property and property rights, occupations, business, and professions whatsoever within said boundaries.

The title to and jurisdiction over all streets, thoroughfares, parks, alleys, public lots, and sewers within the town and all public and municipal plants of the town now owned, possessed, or operated by it and all property of every kind and character which the town may hereafter acquire within or outside the town, or, which may vest in it or be dedicated to it for its use or public use shall be vested in the Town of Welaka as created under this act. The title to all tide waters and other lands and all creeks and all waters, waterways, and water bottoms and all riparian rights within and adjacent to the town limits now owned by the State of Florida shall be vested in the Town of Welaka for municipal purposes only.

The State of Florida does hereby surrender and grant to said town any claim or control which it might have over all tide waters and other lands and all waterways and water bottoms and all riparian rights within and adjacent to said town limits for municipal purposes only.

~~Section 7. The Town of Welaka hereby created, established and organized shall have full power and authority to acquire, take, hold, control, and dispose of property, real, personal, and mixed both within and without its corporate limits, and for the use, benefit, welfare and best interest of said municipality, by purchase, lease, grant, gift, devise, condemnation or otherwise; to issue and sell bonds upon its property both within and without its corporate limits, or on the earnings thereon, or both, and any lawful municipal property; to adopt and enforce local police, housing, zoning, sanitary, and other similar regulations, not in conflict with the laws of the State of Florida; to do whatever is necessary and proper for the safety, health, convenience, and~~

~~general welfare of its inhabitants, and to exercise all power of local self government; to borrow money in anticipation of taxes to be derived from current assessments for general revenue, in amount not to exceed 50% thereof.~~

~~The Town of Welaka in addition to the general powers set forth in this act shall be and is hereby granted the following special powers.~~

~~a. To own, operate, and maintain all manner of recreational facilities including piers, swimming pools, bath houses, dance and concert halls, golf courses, tennis and bowling courts, football, basketball, and baseball fields, parks and grounds to lease from others or to others but in no case longer than a term of five years such facilities as heretofore described; to regulate and at all times control any charges demanded or paid by or collected from the public in patronizing, enjoying or in using any of the privileges afforded by or tendered through any such facilities. The Legislature in making this grant of power finds and determines that the municipality herein created comprises a community and area frequented as a tourist and recreational resort; that as a municipality of said class and character a just consideration for its needs, progress and public welfare require that the rights, privileges, and franchises embraced in this grant of power should be conferred upon and exercised by it and that the same are municipal in character.~~

~~b. To acquire, to take, hold, control, and dispose of real property within and without its corporate limits by purchase, lease, grant, and condemnation or eminent domain proceedings for the use by said town as public parks, memorials and for sites for public and departmental buildings, for preparatory schools, universities and any of the institutions of the State of Florida.~~

~~c. To levy annually a special tax to create a publicity and advertising fund for said town included in the maximum amount of millage hereinafter prescribed.~~

~~d. To regulate or prohibit the keeping within the corporate limits of the town and to regulate or prohibit the running at large within the corporate limits of poultry, horses, mules, cattles, swine, sheep, goats, dogs, and other animals and to impound the same. The town shall have power and authority to provide for and authorize the sale of such animals or poultry impounded or any portion thereof upon public notice for the penalties imposed by any ordinance and the cost and fees and expenses of such proceedings.~~

~~e. To regulate the location and use of buildings, structures and land for trade, industry, residence and other purposes and to establish building lines; and to promulgate and enforce reasonable building restrictions.~~

~~f. To establish, impose, and enforce water rates and rates for charges for gas, electricity, and other public utilities or other services or by any other person, persons, firm, or corporation and to enact ordinances for the correction of abuse and to correct unjust discrimination and exercise charges by persons and corporations engaging in the sale of water, gas, electricity, and all other public utilities service.~~

~~g. To purchase, hire, construct, own, maintain, operate, or lease, local public utilities including electric lights, telephone, telegraph, and works for supplying the town and inhabitants with water, ice, gas, and illuminating and heating benefits and electrical energy for illuminating, heating, and power purposes.~~

~~h. That the heretofore enumeration of particular powers by this act shall not be deemed or held to be exclusive, but in addition to the powers hereby expressly granted, and those implied therefrom, or appropriate to the exercise thereof the said town shall have and may exercise all other powers, which under the constitution and laws of Florida, it would be competent and appropriate for this section to specifically enumerate.~~

TOWN COUNCIL

~~Section 8. The governing body of the town shall consist of a Town Council of five members who shall serve without pay and who shall be elected at large in a manner hereinafter provided and shall have powers as hereinafter provided, to pass ordinances, adopt regulations, and to exercise all other powers herein provided.~~

~~Section 9. The councilmen shall be qualified electors and freeholders, of said town who shall hold office for two years beginning on the 3rd day after their election as provided for under this act; provided that at the first election held under this act the two candidates for councilman receiving the highest number of votes shall serve for two years and the year thereafter the three candidates receiving the highest number of votes shall serve for two years; and each and every year thereafter an election shall be held to elect councilmen to succeed those whose terms expire that year.~~

~~Section 10. All powers of the town except such as are vested in the jurisdiction of the municipal court and except as are otherwise provided by this charter, or by constitution of the State of Florida are hereby vested in the town council; and, except as otherwise provided by this act or by the constitution of the State. The Town Council may by ordinance or resolution prescribe the manner in which any power of the town shall be exercised.~~

~~Section 11. The members of the Town Council shall be residents of the town and have the qualifications of electors and freeholders therein. Officers and employees of the town may hold~~

~~more than one office but shall not be interested in the profit of any contract, and any such contract in which any member is or may be interested shall be declared void by the Town Council.~~

~~Section 12. The Town Council shall be the judge of the election and qualifications of its membership and all officers subject to the review by the courts. Any member of the council who shall be convicted of a crime while in office shall thereby forfeit his office.~~

~~Section 13. Any vacancies in the council shall be filled until the next municipal election by the vote of the remaining membership of the council.~~

~~Section 14. The Town Council shall, each year after the election as provided for in section nine, organize and proceed to elect one of its members president, who shall preside over the council. The president so elected shall, in case of absence, sickness, or other disability of the mayor, act as mayor for the time being and while so acting shall be disqualified from presiding over the council and in such case the council shall elect a president pro tem., to preside so long as the disability of the mayor may exist.~~

~~Section 15. The Town Council shall fix by ordinance the salary or compensation of all officers provided for by this act except as is otherwise provided for in section 8 of this act.~~

~~Section 16. All ordinances passed by the Town Council shall be submitted before going into effect, to the mayor or the person acting as such for his approval. If approved he shall sign the same, when it shall become a law. If disapproved, he shall return the same with his objection in writing to the Town Council, at their next regular meeting, who shall cause the same to be entered in full upon the record of their proceedings, and~~

~~proceed to consider the mayor's objection, and to act upon the same. If, upon consideration, the town council shall pass the same by a three-fourths vote of the members present, which vote shall be entered upon the records, the ordinance or ordinances shall become a law, the mayor's objection to the contrary notwithstanding. Any ordinance which shall not be returned to the town council at the next regular meeting of the council after its passage, shall become a law in like manner as if signed by the mayor or person acting as such.~~

~~Section 17. The Town Council shall give an opportunity for competitive bidding by advertising in a newspaper of general circulation in Putnam County, Florida, any sale of property of the town by the council or purchase to be made by the Town Council, under such conditions as may be provided for by ordinance should the value of such property exceeds the sum of \$500.00 unless otherwise provided for by this act.~~

~~Section 18. The mayor shall be a resident of the Town of Welaka and have the qualifications of electors and freeholders therein and shall be elected for the term of one year and shall be elected in the manner and at the time as provided for the election of councilmen in Section 9 of this act.~~

~~Section 19. The mayor shall have such administrative or judicial function of mayor and shall be the judge of the Municipal Court of the Town of Welaka, Florida, as hereinafter created, and such further powers and duties as shall be conferred upon him by the Town Council in pursuance with the provisions of this act and the laws of the State of Florida not in conflict herewith.~~

~~TOWN ATTORNEY~~

~~Section 20. The Town Council may appoint a Town Attorney who shall act as legal adviser to and attorney for and counselor for the municipality and all its officers in matters relating to their official duties, he shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned. When required to do so by resolution of the Town Council he shall prosecute and defend for and in behalf of the town all complaints, suits, and controversies in which the town is a party. He shall furnish the Town Council or any officer his opinion on any question of law relating to their respective powers and duties.~~

~~Section 21. The Town Attorney shall be a lawyer with at least five years experience, admitted to and having authority to practice in all the courts of the State of Florida.~~

~~MUNICIPAL JUDGE~~

~~Section 22. There shall be and there is hereby established in the Town of Welaka, Florida, a Municipal Court to be known as "Municipal Court of the Town of Welaka, Florida," for the trial of all offenders against the municipal ordinances, such court shall be presided over by the mayor as Municipal Judge.~~

~~Section 23. The Municipal Judge shall have power by his warrants to have brought before him any person or persons charged with the violation of the town ordinances and shall have exclusive original jurisdiction over all proceedings of a criminal nature and the violation of any ordinances of the town. In the proper exercise of the functions of the Municipal Court within its jurisdiction as herein defined, the Municipal Judge shall have power and authority to issue and cause to be served any and all writs and processes which are issued and used by Justices of the~~

~~Peace in the State of Florida, and the Town Marshal is authorized and it is made his duty to execute and serve any and all writs and processed issued out of said Municipal Court by said Municipal Judge and to make proper returns upon the same to such court and in the same manner as is required of constables and sheriffs in execution of similar papers. The Municipal Judge shall have power and authority to take bail for the appearance of an accused person, to administer oaths, to take affidavits and to inquire into the truth and falsity of all charges preferred; to decide upon the guilt or innocence of the accused as are required and provided for under the ordinances of the town and to have all powers incident and usual to the due enforcement of such town ordinances.~~

~~Section 23a. Any person convicted in the Municipal Court of any offense shall have the right of appeal to the Circuit Court, in and for Putnam County, Florida. The same practice and procedure provided by law for appeals from the County Judge's Court of this State, shall govern the practice and procedure and appeals from said Municipal Court.~~

~~Section 24. All persons convicted in the Municipal Court shall forthwith pay all fines and costs assessed against them and in any defaults of payments thereof may be committed to prison. The Municipal Court shall have authority to preserve and order and decorum and shall be vested with the same power, to that end, by fines and imprisonment as are possessed and now authorized to be exercised by County Courts within the State. All fines, penalties, and fees collected in the Municipal Court and by the Town Marshal shall be a part of the revenue of the town and shall be paid to the treasurer on the day collected.~~

~~Section 25. The Town Marshal shall have authority to take from persons arrested bonds or securities for appearance before the Municipal Court in such sums and under such conditions and~~

~~regulations as may be provided by ordinances; and should such person fail to appear the Municipal Court shall declare such bond or security estreated and in such case the Municipal Judge may issue capias for the re-arrest of the accused person.~~

~~Section 26. All persons imprisoned after conviction in the Municipal Court may be required to work for said town at such labor as his health and strength may permit within and without the limits of said town not to exceed eight hours per day, and for and not exceeding 60 consecutive days for each offense.~~

~~Section 27. There shall be a Town Marshal who shall be appointed by the mayor with the approval of the Town Council and he shall serve during the pleasure of the mayor. Town Marshall shall attend all meetings of the Town Council and aid in the enforcement of order under the direction of the presiding officer. He shall execute the commands of the Town Council and all processes issued, by authority thereof which shall be issued to him by the mayor. He shall attend in person the Municipal Court, during deliberation, executing the commands and processes of said court, aid in the enforcement of order therein and perform such other duties appropriate to his office as may be imposes upon him by law, and the ordinance of the town consistent with this act.~~

~~TOWN CLERK~~

~~Section 28. There shall be a Town Clerk who shall be appointed by and serve during the pleasure of the Town Council. The Town Clerk shall issue all warrants for the payment of money by the town, shall keep an accurate account of all taxes and assessments; of all money due to, and all receipts and disbursements by the municipality; of all its assets and liabilities and all appropriated matters by the Town Council. He shall submit to the Town Council a comprehensive report covering all receipts and~~

~~expenditures, and of the financial condition of the town when ever required to do so by the Town Council. The Clerk shall inquire and keep a list of the outstanding bonds to whom issued and for what purpose, when and where payable and the rate of interest they respectively bear.~~

~~Section 29. The Town Clerk shall make or cause to be made estimates of expense of all work to be done by the town, shall countersign all contracts made in behalf of the town, and all certificates of work authorized by the Town Council or any other town official. No contract made in behalf of the town or to which the town is a party shall be valid unless countersigned by the Town Clerk; and the Town Clerk shall keep regular books of account, in which shall be entered all indebtedness of the town and which shall at all times show the financial condition of the town. The Town Clerk shall countersign all bonds, orders, certificates, or other evidences of indebtedness of the town and keep accurate account thereof.~~

~~Section 30. No contract, agreement, or other obligation involving the expenditure of money shall be entered into nor shall any ordinance, resolution, or order for the expenditure of money be passed by the Town Council unless the money required for such contract, agreement, obligation, or expenditure is in the treasury to the credit of the fund from which it is drawn and the appropriation is not for any other purpose. For the purpose of this section money to be derived from the lawful authorized bonds sold and in process of delivery shall be deemed in the treasury to the credit of the appropriated fund.~~

~~Section 31. All claims and demands against the town before they are allowed by the Town Council shall be examined and adjusted for their correctness and certification by the Town Clerk.~~

~~Section 32. The Town Clerk shall use a uniform system of keeping books of account and shall prescribe the form of vouchers and other evidences of receipt of money from the town on or for the establishment of demands against the town. The Town Clerk shall at the end of each fiscal year cause the books of account to be audited and upon the completion of the audit, deliver to each member of the Town Council and the mayor a copy of said audit and retain a copy on file in the office of the Town Clerk for the inspection of any person desiring to do so.~~

~~Section 33. Upon death, resignation, removal or expiration of the term of any officer, the Town Clerk shall have his accounts audited and if found indebted to the town, shall at once give notice thereof to the Town Council and proceedings shall be instituted to collect the sum of such indebtedness. Once a year the Town Council may, if it desires, cause the books of accounts of the town to be audited by independent public accountant.~~

~~Section 34. The Town Clerk, in his capacity as clerk of the town, shall attend all meetings of the Town Council and shall keep a journal of its proceedings and he shall be custodian of the seal of the town and all papers of general character pertaining to the affairs of said Town.~~

~~Section 35. The Town Clerk shall be ex-officio assessor of taxes of the town.~~

~~Section 36. In addition to the duties specifically imposed under this Act, the Town Clerk shall perform such other duties as may be required of him by ordinance or resolution of the Town Council, as well as such duties as may be required of Town of Welaka Auditors, Clerks, Tax Assessors by the general laws of the~~

~~State of Florida when applicable to municipalities and not inconsistent with this Act or with any ordinance or resolution passed by the Town Council.~~

~~TOWN TREASURER~~

~~Section 37. The Town Treasurer and Collector of Taxes shall be elected annually, shall have the qualifications, and shall be elected in the same manner as the Mayor. As Town Treasurer, he shall be custodian of all current funds of the town and shall keep and preserve the same in such manner and in such place or places as shall be determined by the Town Council; provided that it shall be his duty to invest or deposit in banks in this State, as savings accounts or otherwise, any and all moneys belonging to the town, and collected and held as sinking funds. In making investments of funds collected, the Town Treasurer may purchase only interest bearing bonds, United States, State, County, School District, or Municipal Bonds or improvement certificates and revenue certificates of the Town of Welaka, but no bond shall be purchased for a higher price than its market value at the time of purchase. In making deposits of sinking funds or investment of funds collected, the town Treasurer, upon approval of the Town Council as The Sinking Fund Commission, shall obtain the highest prevailing rates of interest for such deposits and shall when possible take from institutions as security for such deposits, negotiable interest-bearing United States, State, County, School District, or Municipal Bonds or Security Bonds in an amount not less than the amount of such deposits, provided, that no such deposit shall be made for a longer period than one year.~~

~~Section 38. All moneys due as interest upon investments or deposits shall be collected by the Town Treasurer and Collector of Taxes and placed to the credit of the proper fund of the Town, and any and all bonds and securities taken for investments and deposits shall be held by the Town Treasurer and Collector for safe keeping for the benefit of the Town.~~

~~Section 39. The Town Treasurer and Collector of taxes shall receive and collect all moneys belonging to the Town, including taxes, license moneys, fines, and income from all other sources and he shall collect all special assessments as provided for under this Act and keep an accurate account thereof.~~

~~Section 40. The Town Treasurer and Collector of taxes shall pay out money only on the warrants of the Town Clerk, except bonds and interest-bearing coupons which when due may be paid upon presentation or in case the same are payable in some other place other than the Town of Welaka, then the money for their redemption shall be sent to the place of payment.~~

~~Section 41. The accounts of the Town Treasurer and Collector of taxes shall be examined at the end of each month by the Town Clerk, to whom the Town Treasurer shall turn over all warrants, interest coupons, bonds or other evidence of indebtedness which may have been redeemed by him during the month, taking the receipt of the Town Clerk therefore and all such warrants, interest coupons, and bonds or other evidences of indebtedness of the Town so turned over shall be cancelled by the Treasurer and shall have been written or stamped thereon the date of their payment or redemption.~~

~~Section 42. At the first meeting of the Town Council in each month, the Town Treasurer and Collector of Taxes shall submit a detail report of the receipts and disbursements.~~

~~Section 43. All warrants shall be paid in the order in which they are presented out of moneys in the respective funds on which they are drawn, but no warrant for the payment of money shall be issued on any fund of the Town unless and until there are moneys to the credit of the fund to be drawn on with which to pay said warrant.~~

~~Section 44. The Treasurer and Collector of Taxes shall keep a separate account of each fund or appropriation and of the debits and credits pertaining thereto. He shall prepare receipts in duplicate for all moneys paid into the Town Treasury, delivering the original receipt to the person paying the same and retaining the duplicate to be turned over to the Town Clerk at the time of his monthly report heretofore provided in Section 42.~~

~~Section 45. All moneys received on account of any special assessment shall be held by the Town Treasurer and Collector of Taxes as a special fund from which payment shall be made only on account of the improvement for which such assessments was made, and such money shall be used for no other purpose whatsoever.~~

~~TRUSTEES OF THE SINKING FUND~~

~~Section 46. There is hereby created a Sinking Fund Commission of the Town of Welaka. The members of it shall constitute the trustees of the sinking fund of said Town which commission shall be composed of the mayor and all members of the Town Council; that said sinking fund commission shall manage and control the sinking fund created and accumulated for retirement and payment of the principal and interest of all bonds hereafter~~

~~issued by said Town; that shall be the duty of said Sinking Fund Commission to invest such sinking funds to the best advantage of said Town provided, however, that said funds shall be invested only as is now provided for by this act and pursuant to a vote of the members of said Sinking Fund Commission.~~

~~FINANCES AND TAXATION~~

~~Section 47. The fiscal year of the Town shall begin on the first day of November of each year and end on the last day of October of each year.~~

~~Section 48. The Town Clerk shall make an annual report covering the fiscal year and shall set forth an estimate of expenditures and revenues of the Town for ensuing year. This estimate shall be compiled from detailed information and in its arrangement, the classification of expenditures shall be as uniform as possible for the main divisions and departments of the Town. The estimate so given shall constitute the recommendation of the clerk as to the amounts necessary to be appropriated for the ensuing year.~~

~~Section 49. The Town Council shall carefully consider such estimates before passing the appropriation ordinance for the ensuing year; after such appropriation ordinance has been introduced and before final passage, the Town Clerk shall post the same, as introduced, in three conspicuous places and shall state the time and place the same will be finally acted upon. Such ordinance shall not be passed by the Town Council until after five days after such posting. The Town Council 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.~~

~~Section 50. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it is appropriated and shall be subject to future appropriations. Any accruing revenue of the Town not appropriated as herein above provided and any balance at any time remaining after the purpose of appropriation shall have been satisfied or abandoned may, from time to time, be appropriated by the Town Council to such use as will not conflict with any users for which such revenue specifically accrued; no money shall be drawn from the treasury of the Town nor shall any obligations for the expenditures of money be incurred except pursuant to the appropriations made by the Town Council.~~

~~Section 51. The Town Council shall have the right to raise by taxation on the taxable property within the Town limits of the Town of Welaka and on licenses such amounts as may be necessary to carry on the government of said Town, not to exceed fifteen mills on the dollar of the assessed valuation of such taxable property and in addition thereto shall have the right to levy such additional taxes as may be necessary to pay the interest on and to provide a sinking fund for the ultimate redemption of any outstanding bonds, as may be from time to time, issued in accordance with law, and to pay any lawful judgment which may be secured against the Town and which the Town may be compelled to satisfy. The Town Council shall also have the right to raise by taxation on all taxable property within the town limits of the Town of Welaka in excess of the limitations hereinbefore provided not to exceed one and one-half mills on the dollar, to provide for any anticipated improvements and the funds so raised by such taxation shall be kept in a special fund and shall not be appropriated or used for any other purpose except improvements of a value or cost of not less than five hundred dollars.~~

~~Section 52. The percent of taxation herein authorized shall in such case be upon the valuation of the taxable property in said town, as set forth in the Town assessment roll, provided that all taxes shall be uniform upon the same classes of property within the corporate limits of the Town and that all property shall be assessed at its full cash valuation. The term "full cash valuation", as used herein shall be construed to mean the price at which the property will sell if voluntarily offered for sale by owner, thereof, upon such terms as like property is usually sold and not at a price which might be realized if sold at forced sale.~~

~~Section 53. All property within the Town taxable for county purposes shall be assessed and listed for the purpose of general taxation on the Town Tax Assessors Roll in the name of the owner when the name of the owner is known to the assessing officer, but real property, the owner or owners of which are unknown to the assessor, shall be listed as the assessing officer shall, from his best information, believe to be the names of the owner or owners thereof. Each lot and separate tract of land shall be assessed separately, except that at the written request of the owner of lots or tracts of land adjoining each other or when such owner makes return thereof in such manner, such adjoining lots or tracts of land may be assessed together.~~

~~Section 54. All property shall be assessed as of the first of January of the fiscal year for which the assessment is made.~~

~~Section 55. Upon completing the preliminary assessment roll of the Town Clerk as ex-officio Tax Assessor shall indicate in some convenient manner, the property subject to taxation for each of the purposes for which taxation is authorized. Said assessment roll shall be the assessor and submitted to the Equalizing Board on the first Monday in September of each year.~~

~~Section 56. If the Town Clerk, as ex-officio assessor of taxes, in making the assessments shall discover that any land in the Town was omitted in the assessment roll of either or all of the three previous years, or that any land was illegally sold for taxation and is then liable for taxation, he shall assess such lands for the next fiscal year and shall also assess the same separately for each such year or years as may have been omitted or was illegally sold for taxes at the cash value at the time, noting distinctly the year or years when such omission occurred, or the land illegally sold and such assessment shall have the same effect as if made in the year or years when assessments were omitted, or the land illegally sold, and taxes shall be levied and collected thereon in a like manner together with the taxes for year in which the assessment is being made; but no land shall be assessed for more than three years arrears of taxes, and all lands shall be subject to be assessed regardless of any change in ownership during the period of the arrears in taxes.~~

~~Section 57. All persons, corporations, or firms owning property, whether real or personal, subject to taxation by the Town of Welaka shall be required to make a return of the same before the first day of April each year to the Town Clerk and ex-officio assessor of taxes of the Town of Welaka and such return shall contain a complete list of all the property taxable by the Town, belonging to such persons, corporations, or firms 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 shall not be bound thereby. The Assessing Officer shall assess the property in the name of the owner if the owner shall be known to him and where the name of the owner is not known to him, he may assess in the name of the supposed or reputed owner or occupant or as~~

~~belonging to an unknown owner, and in no case shall the assessment thereof be declared invalid or not lawfully made, or the enforced payment of the taxes thereon be refused by reason of such property being assessed otherwise than in the name of the real owner.~~

~~Section 58. Telephone and telegraph companies and transportation companies shall be subject to taxation on all real and personal property owned by them or operated within the limits of the municipality in the same manner and at the same rate of valuation as other property. Franchises and privileges owned by the transportation companies, telephone, and telegraph companies and other corporations, part of which is and part of which is not subject to taxation for the various purposes other than municipal purposes shall be assessed as to the valuation or part of the whole valuation, subject to taxation for each purpose. In assessing transportation, telephone, and telegraph companies, the Town Clerk in his capacity as ex-officio assessor of taxes shall specify what property is assessed as right-a-way by such description that will clearly define the property covered by that assessment and their property other than that so described and assessed shall be separately assessed by sufficient description as is other property, each lot, part of lot, or tract being assessed separately, except that the assessor may at the request of company or its agents assess several pieces together as provided for in Section 57 of this act.~~

~~Section 59. The Town of Welaka shall have the right to tax as personal property all buildings or structures owned by private individuals, corporations, or firms that are located on public lands, the use of which for private purposes has been allowed such individuals, corporations, or firms. The collection of all personal tax assessments shall be enforceable at any time more than sixty days after the posting of the notice as hereinafter provided of the opening of the Town Tax Books.~~

~~Section 60. The Town Council is authorized to levy and impose license taxes by ordinance for the purpose of regulation and revenue upon all occupations and upon any and all privileges, and to determine and fix the amounts to be paid, which amounts shall not be limited or restricted by the general revenue laws of the State; to provide for the collection of the same and to provide penalties for the failure or refusal to pay such license tax. All such license taxes so imposed, shall continue a legal indebtedness to the Town which may be recovered in any court of competent jurisdiction, and no property of such debtor shall be exempted from forced sale, after due process of law, for such indebtedness. The Town Council may, by ordinance, provide for the licensing of the keeping of dogs and for the destruction of dogs. The owner and keeper thereof who shall not comply with the regulations prescribed by ordinance shall be punished, as provided for in said ordinance.~~

~~Section 61. Licenses shall be issued for periods and be transferable as provided for by general law for State Licenses. The agent or agents of non resident proprietors shall be severally responsible for carrying on their business in a like manner as if they were proprietors. The exhibiting of a sign or advertisement indicating engagement in a business profession or occupation shall be conclusive evidence that such person, firm, or corporation is liable to pay a license tax.~~

~~EQUALIZING BOARD~~

~~Section 62. The Town Council shall sit as an Equalizing Board on the first Monday of September of each year. The Town of Welaka Clerk shall be the clerk of such Board and keep an accurate record of all changes made in the valuation of property and all other proceedings of such Board. The Board may adjourn from day to day until its work is completed and three members shall constitute a quorum to transact business.~~

~~Section 63. Annually, not earlier than fifteen days and not later than five days prior to the meeting of the Town Council sitting as an Equalizing Board as provided for in Section 62, the Town Clerk shall cause to be posted in three conspicuous places within the city limits of the Town of Welaka, a notice that the assessment roll will be submitted to the Equalizing Board for approval on the date and at the place and time fixed for such meeting and requiring all persons desiring to have corrections made in such roll, whether in listing valuation of property or otherwise, to file with him, or appear in person at the meeting of such Equalizing Board, to set forth their objections to such assessment, and the corrections which they desire to have made.~~

~~Section 64. All petitions for the correction of assessments so filed with the Town Clerk shall be delivered by him to the Equalizing Board with the town assessment roll at the first meeting of said Board in September and said Board shall receive, consider and act upon said petition, or objections and give such persons or their agents permission to be heard in person or by their attorney, in open session, until a proper and equitable determination of the merits of the complaint or complaints may have been made.~~

~~Section 65. The Equalizing Board shall have the right to change the valuation or assessment of any real and personal property upon the roll by increasing or decreasing the assessed valuation thereof as shall be reasonable and just to render taxation uniform.~~

~~Section 66. The Equalizing Board must place upon and add to the assessment roll any property, real or personal, subject to taxation, which may have been omitted therefrom by the owner or tax assessor and enter the same at such valuation that it will bear~~

~~an equal and just proportion of taxation. The meetings of the Equalizing Board shall be open to the public. Any person, firm, or corporation who is not satisfied with the decision of the Equalizing Board with reference to the assessment, may appeal such decision to the Circuit Court, provided that such person, firm or corporation shall have first filed a petition or appeared before said Board requesting the correction of the assessment as required by Sections 63 and 64.~~

~~Section 67. As soon as practicable after the receipt of the assessment roll, the Town Council shall determine the amount and make the annual tax levy for the current year. The town Clerk shall note severally the levies on the assessment roll and reject in his calculation the fraction of the cent when less than half and count as one cent when any fraction is half or over. He shall enter upon assessment roll such recapitulation as may be necessary to show clearly and concisely the totals of the various tax levies made and shall make a copy of said assessment roll with the levies extended thereon and deliver the same to the Town Treasurer and Tax Collector, retaining the original roll in his office. To the assessment roll and copy thereof delivered to the Town Treasurer and Collector of Taxes, he shall attach a certificate substantially in the following form:~~

~~“I, _____, Town Clerk, as Ex-Officio Tax Assessor of the Town of Welaka, do hereby certify that the foregoing is the assessment roll of the taxable property in the Town of Welaka, valued at its each value and that it contains a true statement and description of all personal and real property in the Town of Welaka, subject to taxation by the Town and liable to be assessed therefore; that the listing and valuation was corrected by the Equalizing Board and approved and adopted by the Town Council and that all other requirements of law and ordinance regulating the making of the assessment roll for the Town of Welaka have been complied with.”~~

~~“Date _____”~~

~~“_____”~~

~~“Town Clerk, Ex-Officio Assessor”~~

~~“State of Florida, Town of Welaka,”~~

~~“To _____”~~

~~“Town Treasurer and Collector of Taxes”~~

~~Town of Welaka~~

~~“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 or parcel of land described; and in case taxes are not paid at the time prescribed by law, you are to collect the same in such manner as is provided by law, and all sums collected, you are to hold and account for as required by law and the Town Ordinances.~~

~~“Given under my hand this _____ day of _____~~

~~A.D., 19_____.~~

~~“_____”~~

~~“Town Clerk, Ex-Officio Assessor.”~~

~~Section 68. If, in any year, The Town Clerk, as Ex-Officio, tax assessor shall fail to make the assessments, or if the Town Council shall fail to pass an appropriation ordinance or a levy ordinance or if the assessments, or levy ordinance in any year shall be invalid or inoperative, the assessments and levies for taxes for that fiscal year shall be the same as it was the year before, item for item.~~

~~Section 69. For the purpose of assessment, soil shall be known as "land" and everything attached thereto shall be known as "improvements", when owned by the tenant, may be assessed in his or her name apart from the land. Articles other than "land" or "improvements" shall be known as "personal property".~~

~~Section 70. All taxes shall be due and payable on the first day of November of each year or as soon thereafter as the assessment roll may come into the hands of the Town Treasurer and Collector of Taxes of which he shall give notice by posting within said Town in three conspicuous places that the taxes are then due and payable and the date, after which they will be collected by levy and sale.~~

~~Section 71. The tax book shall close on the first day of April, and the Town Treasurer and Collector of Taxes shall proceed as hereinafter provided.~~

~~Section 72. The Town Treasurer and Collector of Taxes shall have power to issue distress warrants and alias and pluries distress warrants in the name of the Town to enforce collection of taxes on property and privileges. Such warrants may be executed by the Town Marshall or by any Constable or Sheriff.~~

~~Section 73. Taxes and assessments, together with interest for delinquency and cost of collection, shall be and continue a lien upon~~

~~the property assessed, superior to all other liens or claims, until the same shall be paid. Every tax on personal property shall also be a lien upon real property of the owner thereof. All such liens shall be enforced as are all other liens.~~

~~Section 74. Within ninety days after any one or more than any one of the following events, respectively;~~

~~1.~~

~~After the expiration of two years from the date any tax certificate issued and held by the Town of Welaka for the sale of delinquent taxes on all such lands as are bid off by the Town Treasurer and Collector of Taxes for the Town and have not been redeemed or purchased:~~

~~2.~~

~~After the expiration of two years from the date any tax becomes delinquent which is imposed by the Town of Welaka but upon which no certificate is required to be issued; or~~

~~3.~~

~~After the expiration of two years from the date any special assessment or installment thereof becomes due and payable.~~

~~The Town Clerk shall prepare a complete schedule or list in triplicate of such lands, and upon which such taxes, and assessments are due as aforesaid, and he shall retain one such list or schedule in the files of his office, and he shall deliver one such schedule or list to the Town Council, duly certified by him, the receipt of which schedule or list shall be noted in the minutes of the said Town Council. Within 90 days after such receipt, the Town Council may cause the filing of a Bill of Complaint in the Circuit Court of Putnam County, in the name of the Town of Welaka, Florida, against any and all of the lands described in such schedules as defendants, which Bill of Complaint shall briefly describe assessment or the levies and non-payment of assessments or taxes which are delinquent for the periods aforesaid; and there shall be~~

~~attached to such Bill of Complaint, a true copy of such schedule or list of lands furnished and duly certified by the Town Clerk. It shall not be necessary to name as a defendant to such Bill of Complaint, or proceeding any person or persons owning or having any interest or lien upon such lands. At the time such suit is directed to be filed, the Town Council is empowered to employ additional counsel and attorneys and agree upon his or their compensation for conducting such suit or suits, and to pay such compensation from their general funds, although such funds may not have been appropriated for such purposes.~~

~~A certificate of the Town Clerk shall be attached to the Bill of Complaint stating the names of the owners and mortgagees at the time of the expiration of the two year period heretofore mentioned in this section. It shall not be necessary that the Town Clerk's certificate state the separate parcels of land owned by any person or persons or upon which the mortgagees have a claim but such certificates shall state the last known address of each owner and of each mortgagee. It shall be sufficient if the names and addresses of the owners are stated as they appear on the tax roll for the year in which the taxes were last extended on such property, or, if the names and addresses so not appear thereon, then the certificate shall state the names of the person or persons last paying the taxes on such lands as appear on the receipt book of the Town Collector of Taxes. In case of mortgagees it shall be sufficient if the names and addresses stated as appear in the record of the mortgage in the office of the Clerk of the Circuit Court of Putnam County on the date of the expiration of the two year period heretofore mentioned in this section.~~

~~A certificate of the Clerk of the Circuit Court shall be filed in the case to the effect that copies of the notice of publication have been mailed as hereinafter required and it shall not be necessary in such certificate to set forth the names of the parties to whom each~~

~~notice was mailed, and such certificate shall be prima facie evidence thereof.~~

~~Jurisdiction of all said lands and all the parties interested therein or having any lien thereon, at the date of filing such suit shall be obtained by publication of notice, to be issued as of course on the request of the plaintiff by the Clerk of the Circuit Court of Putnam County, Florida, directed in terms to all persons, firms, or corporations having any interest in or lien upon any of the lands described in said notice, and said Bill of Complaint. It shall not be necessary in said notice to set forth the names of such parties. Said notices shall describe the lands involved and require all such parties to appear, and show cause before said Circuit Court on or before a day certain specified in said notice which day shall not be less than 15 days, or more than 30 days, after the date of publication of such notice. Such notice shall be published one time in a newspaper of general circulation published in the county in which the lands are situated, such publication to be made not later than 30 days after filing of said Bill of Complaint. The necessary charges for the publication of such notice shall be at the rate and be in the size type prescribed by general law regulating legal advertisement. On or before the return day of said notice any person, firm, or corporation shall have the privilege of purchasing from the Town Clerk all tax liens, tax sales certificates, and subsequent and omitted taxes upon said lands for the amount due at such time of purchase, including penalties and charges allowed by law. On the day following the return day of the notice, the Town Clerk shall file in said court a certificate under his hand and official seal separately describing each and every parcel of land, the taxes, and tax liens upon which have been so purchased, or redeemed, as aforesaid, which lands shall by final decree be excluded from such suit and the operation of said final decree. Upon the return date of such notice each and every person or persons formerly interested in or having a lien upon any of said lands described in the Bill of Complaint, shall be~~

~~charged with the duty of appearing and showing cause before the Circuit Court why the fee simple title to said lands should not be decreed to be sold; to pay such liens for taxes as are set forth in the Bill of Complaint. Decree pro confesso shall be entered by the Court on or as of the day following the return day of such notices as in other chancery causes. If no sufficient cause is shown on said return day, and only such cause which may be shown by any defendant is limited and described as follows to-wit: that the taxes had been paid previous to the sale, or that the property had been redeemed prior to the expiration of the period set out in this section, or that the property was not subject to taxation. The Circuit Judge shall thereupon enter a final decree which shall recite briefly the filing of the Bill of Complaint, the publication of the notice herein provided, and the due compliance with this section, and shall decree the title to said land forever quieted and confirmed against the claims and interest of the defendants and the fee simple title in and to the lands described in said Bill of Complaint to be sold to pay the tax liens, tax sales certificates, and all subsequent and omitted taxes and the costs and expenses of this suit, and if the rights of any taxing units or of individuals, owners, holders, or assignees whose tax liens are of equal are adjudicated, the decree shall provide for a pro ration of the proceeds of the sales as hereinafter provided. The provision for such decree shall not be construed to confer upon any person, firm, or corporation which might have held an interest in the lands prior to the expiration of such two year periods, any right whatsoever of redemption after the return date of such notice, except the right to purchase or redeem such taxes or tax liens as herein granted. Such decree shall be recorded as other decrees in the Chancery Order Book of said Court.~~

~~The inadvertence, omission, or error of the Clerk of the Town of Welaka, in failing to include in said list, lands upon which taxes are delinquent for the period herein provided, and which lands~~

~~should therein be included, shall not operate to defeat or impair the right and duty of the Town Council to follow the proceedings herein prescribed, but the Clerk of the Town at any time may compile supplementary or additional lists of such omitted lands in the same manner, and proceedings shall be taken as to the same as herein provided for in the original proceedings. After the expiration of the two year period hereinbefore described the rights of individual owners, holders, or assignees or any other taxing unit, in their respective tax liens upon such lands shall be restricted and confined solely to the right to participate in the proceeds received from said lands upon the sale thereof to any person, firm, or corporation as provided herein, or if bid in by the Town of Welaka upon the sale thereof by the Town Council. Such participation shall be pro rate and in the same proportion which the amount of the tax lien represented by such individual tax sale certificates or lien bears to the amount of the tax liens of equal dignity held by said Town or other taxing units at the time of the expiration of such two year period; provided, however, that in no event shall such individual tax sale certificate, or lien participate in such proceeds and receive a larger amount than would have been required to be paid to redeem such certificate on the date the said two year period expired.~~

~~Upon the entry of the chancery decree provided for in this section all rights, titles, interests in, or liens upon said property except liens for general taxes and county tax liens of equal dignity with municipal tax liens unless the same are not adjudicated in said decree shall be cut off and extinguished and forever declared null and void, and the title to such lands when conveyed by sale as hereinbefore provided or sold by the Town Council as hereinafter provided the title conveyed shall in all respects be construed as a new, original title subject only to such liens for general taxes of equal dignity with municipal liens for general taxes as are hereinbefore excepted.~~

~~Any person, firm, or corporation of the Town of Welaka, who may be a purchaser at the sale hereinbefore provided under this Act, and acquire lands for delinquent taxes as herein provided, shall be entitled to the immediate possession of the lands described in such deed or decree, and after making demand for possession, if the same is refused, may file a written petition in the Circuit Court of Putnam County, Florida, and therein obtain an order to show cause from the Circuit Judge, returnable in five days directed to the persons so refusing to deliver possession requiring them to show cause why right of possession should not issue. Upon the filing of the answer on the rule day to show cause, the matter shall proceed as in chancery cause. If, upon hearing, no cause is shown, an order may issue from the Circuit Judge to the Sheriff of Putnam County, directing him to put the purchaser in possession of such lands. The fee of the Clerk for the filing of the petition and other pleading aforesaid shall be \$2.50, and the fee of the Sheriff for serving the order to show cause shall be \$1.00, and for serving the writ of possession, \$1.00, plus mileage allowances as are now provided by law.~~

~~The Town Council shall within 90 days after entry of a final decree provided for in this section, determine the price of each of such parcels of land, which has been bid in by the Town which price shall not be less than 20 per cent of the amount of the last assessed value appearing on the Town Tax Roll; in the performance of this duty the Town Council is empowered to incur the necessary expenses in obtaining expert appraisal and information to assist it in determining such price, and may provide for such expense by annual appropriations. Upon the fixing of the price of such land as herein provided, the same shall be evidenced by resolution adopted by the Town Council, describing each parcel of land, and the price fixed thereon; upon the adoption of such resolution it shall be entered in the minutes of the Town Council. The Town Council shall sell and convey such lands and propose the sale in the following manner; any person desiring to purchase any parcel of~~

~~land shall deposit with the Town Clerk of the Town of Welaka, the amount of the initial bid which shall not be less than the price determined by the Town Council plus the estimated cost of advertising the same for public sale, and all fees and costs incident thereto. Upon receipt of such deposits the Town Clerk of the Town of Welaka shall immediately publish a notice in a newspaper of general circulation published once a week for one week, one publication being sufficient which shall notify all concerned that such land is being offered for public sale to the highest bidder for cash at the front door of the Town Hall in the Town of Welaka. Said sale may be held on any day of the week except Sunday; and any time specified in said notice between the hours of 11 A.M. and 2 P.M. on said day of sale. On the day and at that time specified in the notice of the Town Clerk of the Town of Welaka shall offer said land at public outcry free and clear of all liens but subject to drainage liens or liens for general taxes of other taxing districts which are of equal dignity unless such liens have been adjudicated as herein provided for this Act. The amount deposited with the Clerk by the person desiring to purchase the land shall be taken and considered as the first bid, and if no other bids are made the land shall be sold to him by the Clerk for the amount of such bid, but if other bids are made the land shall be sold to the highest bidder for cash and if the person who made the deposit is the highest bidder, the land shall be sold to him and the amount deposited by him shall be applied on his bid. The successful bidder forthwith must pay the amount of his bid in cash or cashier's check or certified check following the sale; in the failure or default the Clerk shall re-offer the land in the manner herein provided. The person making the deposit in order to have a sale of land advertised for sale shall not be permitted to withdraw his bid or deposit from the Clerk unless he is not the highest bidder of the sale, in which event his deposit shall be refunded to him by the Clerk.~~

~~Upon completion of such sale the Town Clerk shall prepare a deed of conveyance substantially in the form as hereinafter provided, which deed shall be signed by a majority of the members of the Town Council attested by the Town Clerk. Upon delivery of such deed to the purchaser the Clerk shall make a notation of the date and the fact of such sale opposite the description of said lands in the resolution fixing the price. All such conveyance shall be free and clear of liens of municipal taxes for the Town of Welaka and subject to liens and general taxes of any other taxing district which are by general laws of equal dignity with a lien under which the Town acquired title unless the same have been adjudicated as hereinafter provided.~~

~~After the Town acquires title to such lands, as provided herein, neither the County Tax Assessor or the Town Tax Assessor shall assess the same for taxes nor extend taxes upon the rolls during the period of time such lands are owned by the Town; however, such lands shall be assessed as of January 1, of the year following such sale in the same manner as all other lands subject to taxes or assessed as provided by law.~~

~~The Town Council shall have power in its discretion to dedicate to public use and purpose any of the lands to which the Town acquires title aforesaid and upon resolution of dedication duly adopted by the Town Council, such lands shall not thereafter be assessed for taxes so long as the same remain devoted to public use. Deeds of conveyance to lands, the title to which is in the Town of Welaka by virtue of the foregoing proceedings shall be substantially in the following form via:~~

~~This deed made this the _____ day of _____ A.D., 194__ by the
Town of Welaka, Florida, party of the first part and
_____ the party of the second part.~~

~~WITNESSETH: That said party of the first part for and in
consideration of the sum of \$ _____ to it in hand paid by the
party of the second part; the receipt whereof is hereby
acknowledged has granted, bargained, and sold to the party of the
second part, his heirs and assigns forever, the following described
lands to-wit:~~

~~IN TESTIMONY WHEREOF, and by virtue and authority
vested by law in the Town Council of the Town of Welaka and for
and in behalf of the Town of Welaka we are undersigned as
members of the Town Council of the Town of Welaka, Florida,
aforesaid have executed this deed and have hereunto set our official
seals attested by the Town Clerk of the Town of Welaka this the
_____ day of _____ A.D., 1949__.~~

~~MEMBER OF TOWN COUNCIL~~

~~MEMBER OF TOWN COUNCIL~~

~~MEMBER OF TOWN COUNCIL~~

~~ATTEST: _____~~

~~TOWN CLERK~~

~~In the foreclosure of the tax and special assessment liens against the lands being proceeded against, or any portion thereof, and reserving from the proceeds of any foreclosure sale in such proceeding, a proper and proportionate share in the proceeds in satisfaction of the tax liens adjudicated, the taking unit or the individual owner, holder, or assignee of any tax lien, however, evidences, of equal or inferior dignity with those of the Town of Welaka on or against the lands being proceeded against, or any portion thereof, may be included as and made a party defendant in such proceeding by service of process on such party defendant in the manner provided by law for the service of process on defendants in chancery. This paragraph is intended to permit the adjudication of tax liens of equal dignity in the proceedings hereinbefore provided for and shall be liberally construed to affect such purposes.~~

~~Section 75. The Town Council shall have power to provide ordinances, for the manner in which and the amount of discount to be allowed upon the payment of taxes before they become delinquent and for the method and manner in which lands may be offered for sale for the non-payment of taxes including the interest to be imposed for delinquency and the issuance of tax certificates and tax deeds, provided however, that any ordinance passed in pursuance with this section shall not be contrary to or inconsistent with any of the other provisions of this Act. Until such ordinances shall have been adopted the Town Treasurer and Tax Collector shall proceed substantially in the same manner in the collection of taxes and the sale of lands and personal property for the non-payment of taxes and licenses as do County Tax Collectors under the State Law; and he shall be subject to the same penalties as prescribed by the State Law of any violation of the duties imposed on him by this Act.~~

~~Section 76. Where sales are made, the Town Treasurer and Tax Collector shall make his reports in duplicate in substantially the same manner as provided for by law, to be pursued by Tax~~

~~Collectors and shall file the other with the Clerk of the Circuit Court of Putnam County, who shall record the same in the record of tax sales in his office. No report or notice of such sale shall be required to be filed with the State Comptroller, nor shall additional copies of said notice be required to be filed by the publisher with the Clerk of the Circuit Court. Where at any sale of property for taxes made by the Town Treasurer and Tax Collector there is no bidder who is willing to take the property and pay the taxes, cost, and charges thereon. The Town Treasurer and Collector of Taxes shall bid in the property for the Town and shall issue to the Town a Tax Sale Certificate on such property. He shall be the custodian of such certificate and the same shall be redeemed through him. Any person may purchase from the Town Treasurer and Collector any certificate of any land sold or certified to the Town for taxes as certificates of land sold or certified to the County for taxes are purchased from the Clerk of the Circuit Court.~~

~~BONDS, ASSESSMENTS, AND LIEN CERTIFICATES~~

~~Section 77. the Town Council shall have the power to provide by ordinance for the issue and sale of negotiable bonds of said Town for the purpose of constructing, maintaining, operating, improving, enlarging, and extending waterworks and sewerage systems in said Town and for the purpose of building, reconstructing any part thereof; where the construction, repairing, altering, enlarging, improving, and furnishing any and all public buildings for said Town; for grading and curbing or grading, curbing, and paving and altering, widening, paving, and repaving any and all streets, avenues, and thoroughfares of said Town and doing the necessary drainage in connection with such work; for sanitary and storm drainage and the construction of canals, ditches, and sewers for such drainage within or without the corporate limits of said Town; for the constructing, altering, and repairing of bridges; for the constructing and repairing and enlarging of a Town incinerator or~~

~~incinerators; for the constructing, repairing, and enlarging of hospitals, libraries, airports, and aviation facilities; for acquisition and establishment of any local public utilities, including light, water, gas, telephone, and telegraph; for the acquisition of lands for public parks and the sites for public buildings; but negotiable bonds of said Town shall never be issued in amount greater than twenty percent of the assessed valuation of the real and personal property of said Town and not until previously approved by a majority of the votes cast in a special election called and held for such purpose after at least thirty days notice thereof, by posting the same in three conspicuous places within the Town limits of the Town of Welaka, in which a majority of the freeholders who are qualified electors residing in said Town shall participate. The words "freeholders who are qualified electors in said Town" shall include only those who are qualified electors under State Law who have resided in the Town of Welaka for six months next preceding such election, and who have duly registered for said election in a special registration book provided for said election; which registration book shall be open for purpose of registration of freehold electors therein at the Clerk's office within said Town twenty days before holding of any election to authorize the issue and sale of said bonds of said Town, and shall remain open for the registration of such electors for fifteen days thereafter between the hours of 10 A.M. and 12:00 noon and 2 P.M. and 4 P.M. each of said days except Sunday. The Town Clerk shall require each person applying to be registered to take the following oath, which shall be administered by the Clerk; "I do solemnly swear or affirm that I am a bona fide resident of the Town of Welaka; that I am a freeholder of said Town; that the kind and quality of freehold interest vested in me is _____; that I possess all the qualifications of an elector as prescribed by law for said election." Any person taking such oath who shall swear falsely shall be guilty of perjury. The name of each person so registered shall be entered in a book prepared particularly and only for such election, which book shall show, under appropriate~~

~~heading, the age, color, occupation, and exact place or residence of the person so registered.~~

~~Section 78. The Town Council shall have the power to provide by ordinance for the issuance and sale of revenue certificates payable solely and only from the revenues to be derived by the Town from the operation of any utility or facility owned and operated by the Town or to be acquired or established by the Town, or the combination of any such utilities and facilities, for the same purposes for which the Town may issue general bonds as enumerated in Section 77, or performing any of the works or other matters set forth in the Act, and no election shall be required to authorize the Town to issue any such revenue certificates. The certificates heretofore provided for shall be payable solely from the net revenues of any utility or facility of the Town, and no tax levy for the payment of such revenue certificates or interest thereon is hereby authorized.~~

~~Section 79. The Town Council shall have the power to order the laying of sidewalks along or all of the public streets of the Town, and to prescribe the width thereof, and the material to be used in their construction, and upon the failure of the property owners to lay any such sidewalks so ordered, after thirty days notice, the Town Council 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. The Town may issue lien certificates, bearing interest not exceeding five percent per annum in payment of the cost of such work, dividing the amount into annual installments, and such certificates shall be enforceable in equity against the property.~~

~~Section 80. The Town Council shall have power to grade and curb, or to curb, grade and pave any street, avenue or thoroughfare of said Town, and when, at any time, the Town Council shall decide to grade and curb or to grade, curb, and pave any street, avenue or thoroughfare, they shall pass a resolution or ordinance authorizing the same to be done, and thereupon shall cause the Town Clerk to advertise for bids for doing such grading and curbing or grading, cubing and paving. And in such advertisement, they may reserve the right to reject any and all bids; and any drainage that may be required in doing such work shall be considered and taken as part thereof. The Town Council may request separate bids on grading, curbing, and paving and enter into separate contracts therefore. And as soon as practicable after the Town Council shall have accepted any bid or bids for such work as hereinbefore provided in this section including necessary drainage, they shall at a regular or special meeting called for such purpose, assess against the property abutting on such street, avenue, or thoroughfare, so to be improved, two-thirds of the cost of such improvement, one-half of the said sum to be assessed against the property on each side of said street, avenue, or thoroughfare, in proportion to its frontage on said street, avenue, or thoroughfare and other the other third of the cost of such improvement, where there are abutting owners, and the entire cost of the intersection of streets, shall be paid by the Town; and where there is any public property not legally assessable for such improvements, abutting on the street, avenue, or thoroughfare, the Town shall pay the proportion of the cost that would be assessable against such property where it is privately owned.~~

~~Section 81. Before paving, or otherwise surfacing or resurfacing any street or alley of the Town, the Town Clerk shall determine the time within which sewer, gas, water, or other connection shall be constructed, and shall give notice thereof to the person or corporation required to make the same, and if any person or corporation fail to make any such connection when so requested,~~

~~no permission to make the same shall thereafter be granted within five years after the completion of any street, improvement, unless for special reasons approved by the Town Council and expressed by resolution adopted at a regular meeting of the Town Council. nothing herein shall be construed to prohibit the Town Council from providing that such connections may be made by the Town and the cost thereof assessed to the lots and lands benefited thereby.~~

~~Section 82. The Town Council, as soon as the assessment against the abutting property has been made, shall issue certificates of indebtedness against the lots assessed for the amount of the assessment, which certificates shall contain a description of the land, the amount of the assessment, and state the general nature of the improvement for which the assessment is made, which certificates shall constitute and be a prior lien to all other liens, except the lien for taxes, and for the construction and repair of sidewalks, and shall have equal dignity with them as to the real property so assessed. The said certificates shall be payable to bearer in not exceeding ten annual installments, with interest at a rate not greater than five percent per annum payable annually; and the payment of such certificates, with interest as specified, shall be guaranteed by the Town of Welaka, and in case of non-payment of annual interest, or of principal at maturity, by the property owner, the same shall be redeemed by the Town at the option of the holder of such certificates; but such redemption by the Town shall not discharge the lien of such assessment or certificate against the abutting property. The certificates when issued shall be turned over to the Town Treasurer and Tax Collector, who, when ordered to do so, by resolution of the Town Council shall sell or dispose of the same in such manner as may be provided by said resolution, in payment for such work or improvement, or for cash, as may be provided in said resolution. After such certificates are turned over to the Town Treasurer and Tax Collector, and before they are disposed of, he shall give at least two weeks notice, by posting in~~

~~three conspicuous places within the Town Limits of the Town of Welaka that such certificates have been delivered to him and will be disposed of as directed by the Town Council, unless paid by the property owner in the meanwhile.~~

~~Section 83. That any lien created by this Act for the payment of improvements made under any of its provisions, and any certificates representing such lien, will be enforced as are other lien for taxes, and the costs and expenses of collection, including a reasonable Attorney's Fee, shall be additional charge and lien against the property.~~

~~Section 84. For a period of thirty days after the confirmation of any special assessment, any person shall have the right to contest the legality thereof, by suit, action, writ or special proceeding, after which time no suit, action, writ or special proceeding of any manner questioning the legality of said special assessment shall lie for any cause whatsoever.~~

~~Section 85. No notes, bonds, debentures, time warrants, revenue certificates, certificates of indebtedness, or other obligations of the Town shall be disposed of or sold except in the manner herein provided. Preliminary to such proposed sale the Town Council shall by resolution describe the securities that will be offered for sale, including date of issue, maturity date or dates, rate or rates of interest, purpose for which the same shall be issued, and the character of the security, if any, therefore; resolution shall affirmatively determine that the need exist for making such sale and shall direct the Clerk to advertise for sealed bids for the purchase of the described securities intended to be sold. Thereupon the Town Clerk shall cause an advertisement for sealed bids for the purchase of said securities, published for four consecutive weeks prior to the date of the sale in a newspaper in general circulation published in Putnam County, Florida. In such advertisement notice shall be~~

~~given that the right is reserved to reject any and all bids; that no bid for less than ninety percent of the par value and accrued interest shall be considered; that every bid must be accompanied by a certificate or Cashier's Check of at least three percent of the total amount of the bid price as evidence of good faith and liquidated damages to the Town in the event of acceptance and subsequent failure to perform. All bids received shall be in by noon of the day said bids are called for and at that hour shall be open and presented by the Clerk to the Town Council for action thereon at a regular or special meeting called by them and held that day for receiving, considering, and acting upon such bids.~~

~~FRANCHISES AND PUBLIC UTILITIES~~

~~Section 86. The Town Council shall have the power to provide for the lighting of the streets, parks, and public buildings of the Town; and to establish, maintain, and operate plants within or without the corporate limits of the Town for lighting and heating by electricity, gas, or any other method; and to supply the inhabitants of said Town with artificial light, heat, and power for domestic, business, and for all other purposes, and to charge and collect reasonable rates, prices, and compensation for supplying and furnishing the same.~~

~~Section 87. The Town Council shall have power to construct, establish, and maintain waterworks and transportation systems, to bore and dig wells, to construct reservoirs, to lay pipes and do all other things as may be necessary and essential or convenient for the procuring and distribution of an abundant supply of good and wholesome water to the inhabitants of said Town for domestic and other purposes, and to protect its inhabitants against fire, to collect reasonable rates, process, and compensation for furnishing and supplying the same, except for fire protection which may be provided for in a tax levy.~~

~~Section 88. The Town Council shall have power to supply water, electricity, and gas for domestic and other purposes to individuals and corporations outside of said Town and charge and collect reasonable rates, prices, and compensation therefore.~~

~~Section 89. Nothing herein contained shall limit the Town Council in its exercise of any of its lawful powers respecting public utilities or transportation system or other facilities mentioned in Section 7 of this Act, or to prohibit the Town Council from imposing in such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same shall not be inconsistent with the provisions of this Charter or the Constitution of the State.~~

~~COMPENSATION OF OFFICERS AND EMPLOYEES~~

~~Section 90. The Town Council shall fix by ordinance the salary or compensation of the officers and employees of the Town.~~

~~Section 91. Each officer of the Town, before entering upon his duties, shall take and subscribe to an oath or affirmation to be filed and kept in the office of the Clerk; which oath shall be in a form prescribed by the Constitution of the State for State Officers.~~

~~Section 92. The Town Council may, if it deems necessary, require any officer, the Clerk and Ex-Officio Tax Assessor, Treasurer, and Ex-Officio Tax Collector, Town Marshal, or any other officer or employee, to give bond and the amount thereof, which bond shall be procured from a regularly accredited surety company authorized to do business by the laws of Florida, and such bond premium shall be paid by the Town. All such bonds shall be filed in the office of the Town Clerk.~~

~~ELECTIONS~~

~~Section 93. There shall be held on the first Tuesday after the first Monday in March of each year a municipal election of the purpose of electing the Mayor, the Town Treasurer, and Collector of Taxes, and members of the Town Council.~~

~~Section 94. The Town Council shall, by ordinance, prescribe the method and manner of holding all elections in said Town, and shall provide when and how special elections shall be called and held, which are not provided for by the terms of the Act and all elections shall be conducted substantially on the principle adopted for State Elections insofar as there is no conflict in the terms of this Act.~~

~~Section 95. The Town Council shall cause to be printed on the official ballots to be used in the Town Elections the names of the candidates who have been put in nomination by any caucus, convention, mass meeting, primary election, or other assembly of any political party or faction of the qualified electors of the Town of Welaka and certified by the chairman and the secretary of said caucus, convention, mass meeting, or political party or faction, and filed with the Town Council not more than 60 days nor less than 15 days previous to the day of the election, which certificate shall contain the name of each person so nominated and the office for which he is nominated and shall be duly acknowledged by the chairman or secretary before an officer authorized by law to take acknowledgements. The Town Council shall also cause to be printed on the same ballots the name of any qualified person who has been requested to become a candidate for any office by written petition signed by at least 10 electors qualified to vote in said election to fill said office which must be filled within the time as hereinbefore provided. In addition to the names printed on the official ballot, and whether there be any names printed on said ballot, there shall~~

~~be printed under each office to be voted for at the election, blanks in number equal to the number of persons who may be elected to fill that office. Should the name of any person be placed in nomination as hereinbefore provided in this section who will not accept the nomination specified in the certificate or request of the electors and such person notifies the Town Council in writing to that affect, not less than twenty days before the election, then the Town Council shall not place such person's name on the ballot.~~

~~Section 96. The Town Clerk shall be Registration Officer of the Town and shall register all persons applying to him whose names are not already borne upon the registration book and who are qualified as electors under the provisions of this Act. For this purpose the registration book shall be open at his office twenty days before the holding of any municipal election and shall remain open for registration between the hours of 10 A.M. and 12 noon and 2:00 P.M. and 4 P.M. each day. Each person applying to be register shall take the following oath, which will be administered by the registration officer or his duly appointed deputy: "I do solemnly swear that I am a bona fide resident of the Town of Welaka and possess the qualifications of an elector of said Town under the general laws of Florida." Any person taking such oath who shall swear falsely shall be guilty of perjury. The name of each person so registered shall be entered in a book prepared for that purpose, which shall show under appropriate heading, age, color, occupation, and exact place of residence of each person so registered. The Town Council may be ordinance provide for a revision of the registration book every sixth year, commencing with the year 1950, or require a complete re-registration of all qualified voters at such times.~~

~~Section 97. The Town Council shall make all necessary arrangement for holding all municipal elections, the inspectors and clerks of elections shall be appointed by the Town Council except~~

~~that if the Council shall fail to appoint them at least two days before any election, the Mayor may appoint them.~~

~~Section 98. The polls shall be open at eight o'clock A.M. and shall close at six o'clock P.m. by whatever time is officially used by the Town. The result of voting, when ascertained, shall be certified by return in duplicate, signed by the Clerk and a majority of the inspectors of election; one copy being delivered by such Clerk and inspectors to the Mayor and the other to the Town Clerk, both of whom shall transmit such returns to a Town Council Meeting to be held at twelve o'clock noon on the day following the election. At such meeting the Town Council shall canvas the returns and the results as shown by such return shall be by the Council declared as the results of the election. The Town Clerk, shall, not later than noon of the second day after the election furnish a certificate of election to each person shown to have been elected.~~

~~GENERAL PROVISIONS~~

~~Section 99. No street or alley hereinafter dedicated to public use by the owner of any land within the Town shall be deemed a public street or alley, under care or control of the Town, unless the dedication be accepted and confirmed by ordinances passed for such purpose.~~

~~Section 100. The Town Council of the Town of Welaka shall have power to require all occupants, owners, or agents or owners of all lots and premises, vacant or occupied, within the limits of said municipality to keep the same clean and sanitary condition by the removal of all filth, debris of every kind, and to require the removal of all other obnoxious growth, and dead weeds, fallen standing, or growing on such lots or premises which shall be deemed to include sidewalks and parkways. The Town Council of the Town of Welaka shall by ordinance provide for the manner of enforcement, provided~~

~~that 10 days notice be given to the owner, if known, or by posting a notice on the premises and upon the failure of said owner, occupant, or agent of said owner, or occupants to meet requirements of said notice, the Town Clerk with the approval of the Town Council may assess the cost of doing said work against the lands which assessment may be enforced as provided for by ordinance, and no certificate or other evidence of lien need be issued.~~

~~Section 101. That whenever maps or plats of any lands within the corporate limits of the Town of Welaka, as they now exist or may hereafter be extended, are brought to the Clerk of the Circuit Court of Putnam County, or any other recording officer, to be placed on public record, it shall be the duty of said Clerk or other public recording officer, before such filing, in addition to the other duties imposed by general law, to refer such map or plat to the Town Council or Welaka for their approval.~~

~~Section 102. All such maps or plats shall conform as near as may be to the general plan of the Town of Welaka as it now exists and the additions thereto, so that the same may be readily assimilated into the Town of Welaka. The maps or plats so submitted to the Town Council of the Town of Welaka shall be examined by the Town Council, and if the same shall conform to the requirements of this section, the Town Council shall cause its approval to be endorsed thereon by the Mayor of said Town and attested by the Town Clerk to such endorsement shall be authority to the Clerk of Circuit Court of Putnam County, Florida, or other recording officer to place the same of record upon compliance with the other requirements of the general law.~~

~~Section 103. The Town Council shall have power to pass all such ordinances and laws, not inconsistent with the Constitution and laws of the United States and of this State, as may be expedient and necessary for the preservation of the public peace and order,~~

~~for the suppression of riots, and disorderly assemblies, and for the good order and government of the Town, both within the corporate limits of the Town, and upon all the property owned by the Town of Welaka outside of the corporate limits of the said Town, and to impose such penalties and forfeitures as may be needed and necessary to carry the same into effect; providing, that no offense made punishable by the laws, and ordinances of said Town shall a fine of more than \$500.00, or imprisonment for a period of time longer than 60 days, be imposed. the Municipal Court of the Town of Welaka is hereby invested with and granted jurisdiction for the trial of all offenders against municipal ordinance, whether such offenses were committed within the corporate limits of said Town or upon property owned by the Town of Welaka outside of its corporate limits.~~

~~Section 104. No suit shall be maintained against the Town for damages arising out of its failure to keep in proper condition any sidewalk, pavement, bridges, street, waterworks, electric light plant, docks, terminals, or other public place, neither shall any suit be maintained against the Town arising out of any other tortuous action, or actions sounding in tort, unless it shall be made to appear that a written notice of such damage within 30 days after the receiving of the injury was given to the Town Clerk with such reasonable specifications as to time and place and witnesses as would enable proper Town Officials to investigate the matter.~~

~~Section 105. All general laws applicable to Municipal Corporations, now or which may hereafter be enacted, which are not in conflict with the provisions and resolutions hereafter enacted by the Town Council, shall be applicable to this Town; provided, however, that nothing contained in this Act shall be construed as limiting the power of the Town Council to enact any ordinance or resolutions not in conflict with the express provisions of this Act.~~

~~Section 106. That any right or authority given or permitted by the Constitution and Laws of the State of Florida to Town Council not in conflict with the provisions of this Act shall be given, permitted and extended to the Town Council of the Town of Welaka.~~

~~Section 107. If any section of this Act proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Act, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid.~~

~~Section 108. All the Town Council and all the Town Officials of the Town of Welaka now holding offices shall continue in office until the election and qualifications of the officers provided for in this Charter.~~

~~Section 109. This Act shall take effect immediately upon its becoming a law.~~

~~Became a law without the Governor's approval.~~
~~Filed in Office Secretary of State June 16, 1947.~~