

Plans

CHARTER
OF
THE CITY OF MIAMI
FLORIDA



1921

Chap 9024, Special Acts, 1921
~~*Chap. 10847,*~~

CITY COMMISSIONERS

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CHARTER OF THE CITY OF MIAMI

WE, THE PEOPLE OF THE CITY OF MIAMI, FLORIDA, IN ORDER TO OBTAIN THE BENEFITS OF THE PROVISIONS OF CHAPTER 6940 OF THE LAWS OF FLORIDA, APPROVED JUNE 4th, 1915, AND THEREBY PROMOTE LOCAL SELF-GOVERNMENT, ENCOURAGE MORE DIRECT AND BUSINESS-LIKE METHODS IN THE TRANSACTION OF OUR MUNICIPAL AFFAIRS, AND OTHERWISE TO PROMOTE OUR COMMON WELFARE, DO ADOPT THE FOLLOWING CHARTER FOR OUR CITY:

SECTION 1.

The inhabitants of the City of Miami, Florida, within the boundaries hereinafter designated, or within such boundaries as may hereafter be established, shall continue to be a body politic and corporate under the name THE CITY OF MIAMI, and as such shall have perpetual succession, may use a common seal, may contract and be contracted with, and may sue and be sued, plead and be impleaded in all the courts of this State and in all matters whatever.

Name of
City
Continued

SECTION 2.

The corporate limits of the City of Miami shall extend over and include all the territory included within the following description and shall incorporate all the inhabitants within the same:

Territorial
Boundaries
of City.

Commencing on the West shore of Biscayne Bay at a point 478.7 feet North of the South line of Section nineteen (19) Township fifty-three (53) South, Range forty-two (42) East, thence West parallel with said South line of Section nineteen (19) and continuing same line through Sections twenty-four (24) and twenty-three (23) of Township fifty-three (53) South, Range forty-one (41) East parallel with the South boundaries thereof to the West line of the Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-three (23), thence South along West line of said Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-three (23), to the South line thereof and continuing South along the West line of East Half (E $\frac{1}{2}$) of East Half (E $\frac{1}{2}$) of Section twenty-six (26) to Section line between Sections twenty-six (26) and thirty-five (35), thence West along said section line to the Northwest corner of the East Half (E $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$)

of Section thirty-five (35), thence South along the West line of said East Half (E½) of the West Half (W½) of Section thirty-five (35) to township line between Townships fifty-three (53) and fifty-four (54), thence, West along said township line to the quarter (¼) section corner on the North line of Section three (3) Township fifty-four (54) South, Range forty-one (41) East, thence South through the center of Section three (3) to the South line thereof, thence East along the South line of Section three (3) and Section two (2) to the Southeast corner of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section two (2) thence south through Sections eleven (11) and fourteen (14) parallel with the West lines thereof to intersection with the West shore of Biscayne Bay, thence East to the center of the said Biscayne Bay, thence Northerly following the center line of Biscayne Bay to a point due East of place of commencement, thence West to place of commencement.

SECTION 3.

The City of Miami shall have power:

General Powers of City.

(a) To raise annually by taxes and assessments in said city, such sums of money as the commission hereinafter provided for shall deem necessary for the purposes of said City, and in such manner as shall be hereinafter provided for, and in accordance with the constitution and laws of the State of Florida and the United States; provided, however, that it shall impose no tax on the bonds of the City, or other evidence of City indebtedness.

Powers as to Streets.

(b) To pave, grade, curb, re-pave, macadamize, re-macadamize, lay out, open, widen and otherwise improve streets, alleys, avenues, boulevards, lanes, sidewalks, parks, promenades and other public highways or any part thereof, and to hold liens therefor as hereinafter provided; to construct and maintain bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to prevent the obstruction of such sidewalks, streets and highways; abolish and prevent grade crossings over the same by railroads; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains of railroads within the City; to regulate the service to be rendered and rates to be charged by busses, motor cars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage.

Power of Special Assessment.

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

Power to Borrow Money.

(d) Subject to the provisions of the constitution of Florida and of this charter, to contract debts, borrow money and make and issue evidences of indebtedness.

Power to Expend Money of City.

(e) To expend the money of the City for all lawful purposes.

(f) To acquire by purchase, gift, devise, condemnation or otherwise, property real or personal, or any estate or interest therein, within or without the City, and for any of the purposes of the City, and to improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.

Power to Own and Dispose of Property.

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

Power to Make and Maintain Public Improvements.

Power to Furnish Local Public Service.

(h) To furnish any and all local public service.

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

Power to
Own Public
Service
Systems.

(j) To acquire in any lawful manner in any county of the State, or without the State, such water, lands, and lands under water as the City may deem necessary for the purpose of providing an adequate water supply for said city and of piping or conducting necessary dams, pumping stations and other works in connection necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water-shed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands or material for any such use to exercise within the State all powers of eminent domain. For any of the purposes aforesaid said City may acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The said city may sell or supply to persons, firms or industries residing or located outside of the city limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

Power over
General
Water
Supply.

(k) To establish, impose and enforce water rates and rates and charges for gas, electricity and all other public utilities or other service or conveniences operated, rendered or furnished by the city or by any other person, persons, firm or corporation.

Power to
Impose Rates
for Public
Utilities.

(l) To require the placing of all electric wires and also all telephone and telegraph wires in conduits under ground and prescribe rules and regulations for the construction and use of said conduits and to enforce compliance therewith, and in case of failure or refusal of the public utilities companies to place such wires under ground and comply with the rules and regulations thereof, to construct such conduits and place the wires under ground and maintain a lien against the franchises and property of such companies.

Power to
Place All
Wires
Underground.

(m) To establish, construct, maintain and operate public landings, public wharves and docks within the City; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves or docks; to regulate the manner of using other wharves and docks within the City and rates of wharfage to be paid by vessels using the same; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties; and to impose and enforce adequate penalties for the violation of such rules and regulations.

Power Over
Wharves
and Docks.

(n) Subject to the provisions of the Constitution of Florida and of this charter, both inclusive, to grant franchises for public utilities.

Power to
Grant
Public
Franchises.

Power to
Dispose of
Sewage.

(o) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization of such materials, or of any of them; and to contract for and regulate the collection and disposal thereof.

Power to
Abate
Nuisances.

(p) To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within said city. To provide for inspecting and regulating the sanitary condition of all dairies, butcher pens and slaughter houses within and without the city limits where the products of the same are sold within the city limits and to provide penalties for the violation of such regulations, to regulate or prohibit the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort safety, convenience and welfare of the inhabitants of the city.

Power to
Fix
Standards of
Weights and
Measures.

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

Powers of
General
Fire
Protection.

(r) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences and other structures hereafter erected in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected, contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fire proof material; provided, however, that by a vote of four-fifths (4-5) of all the members of the commission permission may be granted for storage sheds constructed on pile piers or wharves on the water front, the sides and roofs of which shall be covered with corrugated iron or other fire-proof material.

Charity to
Dependents.

(s) To provide for the care, support and maintenance of orphan, dependent, delinquent or defective children, and of sick, aged, insane or indigent persons.

Power Over
Public
Libraries.

(t) To organize, support and administer public libraries.

Power Over
Charitable
Institutions.

(u) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive, or penal institutions.

Power to
Keep Out
Undesirables.

(v) To prevent persons having no visible means of support, paupers and persons who may be dangerous to the peace or safety of the city from coming to said city from without the same; and for this purpose to require any railroad company, the master of any ship or vessel or the owners of any conveyance, bringing such person to the

city, to take such person back to the place whence he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; and also to expel therefrom any such person.

(w) To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, inspect all foods and foodstuffs and prevent the introduction and sale in said city of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish and maintain a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the city may see fit, subject to the laws of the State and of the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

Power to
Safeguard
General
Health.

(x) To acquire by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead.

Regulation of
Cemeteries.

(y) To exercise full police powers, and establish and maintain a department or division of police.

Full Police
Powers.

(z) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants.

General
Welfare
Clause.

(aa) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine not exceeding five hundred dollars or imprisonment at hard labor on the streets or other works of the city for a term not exceeding sixty days, or both.

Power to
Enforce
Ordinances.

(bb) To license and tax privileges, business, occupations and professions carried on and engaged in within the city limits, and the amount of such licenses and the amount of such license taxes shall not be dependent upon a general State revenue law.

Power to
License
and Tax
Occupations.

(cc) To create a Municipal Trade Commission consisting of one or more members similar in purpose, plan and authority to the Federal Trade Commission.

Municipal
Trade
Commission.

(dd) To create a Municipal Board of Conciliation with authority to investigate and report on disputes between employers and their employees; such reports to be for the information of the public only and not binding on the parties.

Municipal
Board of
Conciliation.

Regulation of
Airplanes.

(ee) Power to license and regulate air vessels operated over the city and stipulate the height at which and the manner in which same may be operated above the area included in the city limits, and to license and register the pilots thereof.

Power to
Prohibit
Sale of
Intoxicants.

(ff) To prohibit the sale, transportation or possession of intoxicating liquors, wines and beers within the limits of the city.

Power to
Create Bird
Sanctuary.

(gg) To declare that all territory embraced within the corporate limits of said city shall be a bird sanctuary and to adopt all ordinances necessary to carry this power into effect.

Sales in
Streets and
Vehicle
Charges.

(hh) To license, control, tax and regulate traffic and sales upon the streets, sidewalks and public places within the city, and the use of space in such places and to regulate, suppress and prohibit hawkers and peddlers and beggars upon such streets, sidewalks and public places; and to license, and cause to be registered, and control, tax and regulate carriages, omnibuses, motorbusses, cars, wagons, drays, jitney busses and other vehicles and to license, tax and register the drivers thereof and to fix the rate to be charged for the carriage of persons and property within the city and to the public works beyond the limits of said city.

Segregation
of Races.

(ii) To establish and set apart in said city separate residential limits or districts for white and negro residents; to designate, establish and set apart the territorial limits or districts of said city within which white persons may reside, and separate territorial limits or districts of said city within which negroes may reside; to prohibit any white person from taking up or establishing a place of residence or business within the territorial limits of said city so set apart and established for the residence of negroes, and to prohibit any negro from taking up or establishing a place of residence or business within the territorial limits of said city so set apart and established for the residence of white persons; to define the terms "resident," "residence," and "place of residence," and "business" and "place of business."

SECTION 4.

General
Description
of Form of
Government

(a) General Description: The form of government of the City of Miami, Florida, provided for under this Charter shall be known as the "Commission-Manager Plan," and the Commission shall consist of five (5) citizens, who are qualified voters of the City and who shall be elected at large in manner hereinafter provided. The commission shall constitute the governing body with powers (as hereinafter provided) to pass ordinances, adopt regulations, and appoint a chief administrative officer to be known as the "City Manager," and exercise all powers conferred upon the City except as hereinafter provided.

City
Commission

(b) The commission shall consist of five members, who shall be elected on a general ticket from the city at large and shall serve for a term of two years from twelve o'clock noon of the day after the canvass of the vote and declaration of the result of the election and until their successors in office are elected and qualified and shall be subject to recall as hereinafter provided.

Qualification
and Tenure
of
Commissioners

(c) Members of the commission shall be residents of the city and have the qualifications of electors therein. Commissioners and other officers and employees shall not hold any other public office or employment except in the National Guard, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any Commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office, and any such contract in which any member is or may become interested may be declared void by the commission.

No commissioner or other officer or employee of said city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor. Such prohibition of free service shall not apply to policemen or firemen in uniform or wearing their official badges, where same is provided by ordinance.

Franks and
Passes
Prohibited.

(d) The Commission shall be the judge of the election and qualification of its own members, subject to review by the courts. Neither the Commission nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the commission and its members shall deal with the administrative service solely through the city manager, and neither the Commission nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such dictation, prevention, orders, or other interference on the part of a member of the commission with the administration of the city shall be deemed to be a violation of the charter, and upon conviction before the City Court any member so convicted shall be subject to a fine not exceeding five hundred dollars (\$500) or imprisonment for a term not exceeding (60) days or both, and in the discretion of the court shall forfeit his office.

City Manager
Has Full
Control over
Administrative
Service.

(e) The Commission shall elect one of its members as chairman, who shall be entitled mayor; also a city manager, a clerk, a city attorney, a judge of the municipal court and a civil service commission, but no member of the commission shall be chosen as manager or as a member of the civil service commission or to any other city office or employment. The commission may determine its own rules of procedure, may punish its own members for misconduct, and may compel attendance of members. A majority of all the members of the commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Mayor and
Other
Officers.

(f) At twelve o'clock noon on the day the Commissioners take office they shall meet at the City Hall. Thereafter the commission shall meet at such time and place as may be prescribed by ordinance or resolution. The meetings of the commission and all sessions of committees of the commission shall be public. The commission shall act only by ordinance or written resolution; and all ordinances and resolutions, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on two separate days or the requirement of readings on two separate days has been dispensed with by a four-fifths (4-5) vote of the members of the Commission. The final reading shall be in full. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the commission, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of all the members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved. Provision shall be made for the printing and publication at least one time in full of every ordinance within ten days after its final passage.

Meeting and
Procedure of
Commission.

Duties of Mayor.

(g) The mayor shall preside at meetings of the commission and perform such other duties, consistent with his office and this charter, as may be imposed by the commission. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for military purposes. In time of public danger or emergency he may, with the consent of the Commission take command of the police and maintain order and enforce the laws. During his absence or disability his duties shall be performed by another member appointed by the commission.

Compensation of Commissioners.

(h) The commission may by ordinance provide for the compensation of its members, to be paid in equal monthly installments, but not to exceed six hundred dollars (\$600.00) a year for each. The mayor may be allowed compensation in addition to that which he receives as a member of the commission, but such additional compensation shall not be more than six hundred dollars (\$600.00) per year. Any member of the commission absent from a regular, or regularly called, meeting of the commission except on account of illness of himself or a member of his immediate family, shall forfeit ten dollars (\$10.00) of his compensation for each such absence. Absence from five (5) consecutive regular meetings shall operate to vacate the seat of a member unless the absence is excused by the commission by resolution setting forth the reason thereof, and entered upon the minutes.

SECTION 5.
THE INITIATIVE.

(a) POWER TO INITIATE ORDINANCES.

The people shall have power at their option to propose ordinances, including ordinances, granting franchises or privileges and to adopt the same at the polls, such power being known as the initiative. A petition, meeting the requirements hereinafter provided and requesting the commission to pass an ordinance, therein set forth or designated, shall be termed an initiative petition and shall be acted upon as hereinafter provided.

(b) PREPARATION OF INITIATIVE PETITIONS.

Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be, which affidavit shall be substantially in the following form:

STATE OF FLORIDA,
COUNTY OF DADE. ss.

..... being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing.....signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed)

Subscribed and sworn to before me this.....day of, 19.....

.....
Notary Public.

With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city clerk as one instrument.

(c) FILING OF PETITIONS.

Within ten days after the filing of the petition the clerk shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least ten per cent (10%) of the total number of registered voters as shown by the city registration books, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient it may be amended within ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures. The clerk shall within ten (10) days after such amendment make examination of the amended petition, and if his certificate shall show the same to be insufficient, the clerk shall file the petition in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

(d) SUBMISSION OF PETITION TO COMMISSION.

If the petition shall be found to be sufficient, the clerk shall so certify and submit the proposed measure to the commission at its next meeting. Upon receiving the proposed measure the commission shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date it is filed with them.

(e) ELECTION ON INITIATED MEASURES.

If the commission shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then the measure shall be submitted by the commission to the vote of the electors at the next election occurring not less than thirty (30) days after the date of the final action by the commission, and if no election is to be held within six (6) months from such date, then the commission shall call a special election to be held not less than thirty (30) nor more than forty-five (45) days from such date. When submitted the measure shall be in its original form.

(f) INITIATIVE BALLOTS.

The ballots used when voting upon any such proposed measure shall state the substance thereof, and below it the two (2) propositions "for the measure" and "against the measure." Immediately at the right of each proposition there shall be a square in which by making a cross (X) the voter may vote for or against the proposed measure. When a measure proposed by initiative petition is passed by the commission, but not in its original form, and is to be submitted to a vote of the electors, the measure as passed by the commission shall not take effect until after such vote and, if the measure so submitted be approved by a majority of electors voting thereon it shall thereupon become an ordinance of the City and the measure as passed by the commission shall be deemed repealed. If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance of the city.

The following shall be substantially the form of the ballot:

**TITLE OF MEASURE WITH GENERAL STATEMENT OF
SUBSTANCE THEREOF.**

.....
FOR THE MEASURE.

.....
AGAINST THE MEASURE.

(g) NUMBER OF MEASURES TO BE INITIATED.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this charter.

SECTION 6.

THE REFERENDUM.

(a) POWER OF REFERENDUM.

The people shall have power at their option to approve or reject at the polls any measure passed by the commission or submitted by the commission to a vote of the electors, such power being known as the referendum, which power shall be invoked and exercised as herein provided. Measures submitted to the commission by initiative petition and passed by the commission without change, or passed in an amended form shall be subject to the referendum in the same manner as other measures.

(b) LIMITATIONS ON ENFORCEMENT OF ORDINANCES.

No measure shall go into effect until thirty (30) days after its passage unless it be declared in such ordinance to be an emergency measure on the ground of urgent public need for the preservation of peace, health, safety, or property and the measure being passed by a vote of not less than four-fifths (4-5) of the members of the commission. But no measure granting or amending any public utility measure or amending or repealing any measure adopted by the people at the polls or by the commission in compliance with an initiative petition shall be regarded as an emergency measure.

(c) REFERENDUM PETITION.

If within thirty (30) days after the final passage of any measure by the commission a petition signed by registered voters of the city to the number of at least fifteen per cent (15%) of the total number of registered voters as shown by the city registration books, be filed with the city clerk requesting that any such measure, or any section thereof be repealed or be submitted to a vote of the electors, it shall not, except in the case of an emergency measure, become operative until the steps indicated herein have been taken.

(d) SIGNATURES TO PETITION.

The signatures thereto need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place. All such papers shall be filed in the office of the city clerk as one instrument. A referendum petition need not contain the text of the measure designated therein and of which the repeal is sought but shall briefly describe the ordinance or part thereof sought to be repealed.

(e) CERTIFICATION OF PETITION.

Within ten (10) days after the filing of the petition the clerk shall ascertain whether or not the petition is signed by registered voters of the city to the number of at least fifteen per cent (15%) as shown by the city registration books, and he shall attach to such petition his certificate showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate by the filing of supplementary petition papers with additional signatures. The clerk shall within ten (10) days after such amendment make like examination of the amended petition and certify the result thereof.

(f) REFERENDUM ELECTION.

If the petition be found sufficient, the commission shall proceed to reconsider such measure or such section thereof as the petition shall specify. If upon such reconsideration such measure, or such part thereof, be not repealed or amended as demanded in the petition, the commission shall provide for submitting the same, by the method herein provided, to a vote of the electors at the next municipal election occurring not less than thirty (30) days after the receipt by the commission of the clerk's certificate, and such measure, or such part thereof, shall thereupon be suspended from going into effect until said election and shall then be deemed repealed unless approved by a majority of those voting thereon. Or the commission by a four-fifths (4-5) vote may submit such measure or part thereof with like effect to the electors at a special election to be called by said commission not less than thirty (30) days after the receipt of said clerk's certificate.

(g) TITLE OF BALLOT.

Proposed measures shall be submitted by ballot title. There shall appear upon the official ballot a ballot title which may be distinct from the legal title of any such proposed measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure. The ballot title shall be prepared by the committee of the petitioners if for an initiated or a referendum measure, or by a committee of the commission when submitted by the commission.

(h) FORM OF BALLOT.

The ballot used when voting upon such proposed measure shall designate the same, and below it the two (2) propositions, "for the measure" and "against the measure."

(i) EMERGENCY MEASURES.

Measures passed as emergency measures shall be subject to referendum like other measures, except that they shall not be suspended from going into effect while referendum proceedings are pending. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed, as regards any further action thereunder and all rights and privileges conferred by it shall be null and void: PROVIDED, HOWEVER, that such measure so repealed shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure previous to the referendum vote thereon.

(j) CONFLICT OF REFERRED MEASURES.

If two (2) or more measures adopted or approved at the same election conflict in respect of any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail in so far as their provisions conflict.

SECTION 7.

FIRST ELECTION.

In order that the provisions of this charter may be put into full force and effect, the City Council of the City of Miami as said Council is constituted at the time of the adoption of this charter by the people shall, within ten (10) days after the adoption of this charter by vote of the people, as hereinbefore provided for, call an election

When First
Election
Called.

to be held for the purpose of electing the commissioners provided for under this charter. Said election shall be held not less than forty-five (45) days nor more than sixty (60) days after the adoption of this charter by vote of the people, and shall be held as near as may be in accordance with the general election laws of the State of Florida except as herein provided and the City Council shall act in place of the County Commissioners.

Candidates
Nominated
By
Petition.

Candidates for City Commissioner at such first election shall be nominated by petition. Such petitions shall contain the name of the candidate or candidates and shall specify as to each candidate that he is nominated for the office of City Commissioner for the City of Miami, Florida, and shall state his place of residence with street and number thereon. Such petitions shall be signed for each candidate by qualified electors of the city not less in number than one hundred and fifty (150).

Committee to
Fill
Vacancies.

Signers of such petitions shall insert in them the names and addresses of five (5) persons as a committee who may fill vacancies caused by death or withdrawal.

Each
Elector may
Sign Five
Petitions.

Each elector signing a petition shall add to his signature his place of residence and may subscribe to one petition for each of the five places to be filled and no more.

Affidavit
Attached to
Each
Petition.

The signatures to the nominating petition herein provided for need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereon stating the number of signers of such papers and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil.

Filing of
Petitions.

Such petition shall be filed with the City Clerk of the City of Miami not less than thirty (30) days previous to the date of such election and shall be checked by him with the registration lists and if found to contain the requisite number of registered voters as herein provided for, the Clerk shall, if the person nominated filed his acceptance, as hereinafter provided for, assemble all the papers comprising a petition and file said petition as one instrument with the City Council at least eighteen (18) days prior to the date of holding the election with respect to which such petitions is filed.

Candidates
Must File
Acceptances.

Any such person whose name has been submitted for candidacy by any such petition shall file with the City Clerk, on or before twenty (20) days preceding the day of said election, his written acceptance of such candidacy which acceptance shall state that if elected he will qualify and serve in such office during the term for which he is elected. It shall be the duty of the Clerk with whom such acceptance is filed forthwith to make and deliver to such candidate a certificate acknowledging receipt of such acceptance and stating the date of its filing. If any candidate fails to file such acceptance, as herein provided, his name shall not appear on the ballot.

The Commissioners elected at the election provided for in this section shall hold office until the Commissioners elected at the regular election hereinafter provided for in Section 8, of this charter shall be elected and qualified.

SECTION 8. ELECTIONS.

Biennial
Elections.

A regular municipal election for the election of commissioners shall be held on the first Tuesday in June, A. D. 1923, and biennially thereafter.

Primary elections for the nominations of candidates for commissioner shall be held on the first Tuesday in May, A. D. 1923, and on the first Tuesday in May biennially thereafter. Primary Election Date.

Such primary shall be a non-partisan primary and all candidates for commissioners shall be nominated at such primary. Primary to be Non-Partisan.

Any person who shall possess the qualifications requisite to an elector at a general State election and shall have resided in the city six (6) months next preceding the city election, at which he offers to vote, and shall have been registered in the City registration books that shall be prescribed by ordinance, shall be a qualified elector of the city and all elections held in said city shall be conducted and held in accordance with the provisions of the general election law of the State of Florida, except as otherwise provided in this charter, and except that the City Commissioners shall be substituted for the Board of County Commissioners. Qualifications of Electors.

The name of any elector of the City shall be printed upon the primary ballot when a petition in the form hereinafter prescribed shall be filed in his behalf with the City Clerk and such petition shall have been signed by at least three per cent (3%) of the total number of registered voters in the municipality. Any Elector May Be Candidate.

The signatures of a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Affidavit as to Genuineness of Signatures.

Each signer of a petition shall sign his name and the date of his signature in ink or indelible pencil and shall place on the petition after his name his place of residence by street and number. Signing of Petition.

Petition papers shall be in substantially the following form:

FORM OF PETITION PAPER.

We, the undersigned, hereby present.....
whose residence is Miami, Florida, as
a candidate for nomination to the office of Commissioner, to be voted
upon at the primary election, to be held on the..... day of
....., 19.....; and we individually
certify that we have not signed similar petitions greater in number
than the number of commissioners to be chosen at the next general
municipal election.

Name
Street and Number

(Space for signature.)

DADE COUNTY
STATE OF FLORIDA. ss.

..... being duly sworn, deposes
and says that he is the circulator of the foregoing petition paper con-
taining signatures, and that the signatures ap-
pended thereto were made in his presence and are the signatures of
the persons whose names they purport to be, and were signed on the
date therein specified.

(Signed.)
Subscribed and sworn to before me this..... day of
....., 19.....

Notary Public.

This petition, if found insufficient, shall be returned to.....
..... at No. Street
Miami, Florida.

Petitions
Must be
One Paper
when Filed.

Such petition shall not be signed by any elector more than sixty (60) days prior to the date of such primary election and all papers comprising a petition shall be assembled as one petition and filed with the City Clerk not less than thirty (30) days previous to the day of such elections.

Contents of
Candidates'
Acceptances.

Any person whose name has been submitted for candidacy by any such petition shall file his written acceptance of such candidacy with the City Clerk not less than twenty-five (25) days before the day of the primary election, which acceptance shall state that if elected he will qualify and serve in such office during the term for which he is elected. It shall be the duty of the City Clerk forthwith on the filing of such acceptance to make and deliver to such candidate a written certificate acknowledging the receipt of such acceptance and stating the date of filing. If any candidate fails to file such acceptance, his name shall not appear upon the ballot.

Duty of
Clerk
Regarding
Petitions.

The City Clerk shall, not less than twenty-four (24) days before the day of the primary election, proceed to check said petitions with the registration book and if found to contain the requisite number of registered voters as herein provided for, the Clerk shall, if the person named in said petition shall have filed his acceptance, within the time hereinbefore provided, file said petition with the City Commission not less than twenty (20) days prior to the date of the primary election and the City Commission shall place the names of such candidates as shall have qualified as hereinbefore provided upon the primary election ballot.

SECTION 9.

Ballots
Without
Party Mark.

All ballots used in any primary or general election held under authority of this charter shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballot used in all general state elections.

What
Candidates
Nominated.

The candidates for nomination to the office of Commissioner who shall receive the greatest vote in the primary election, shall be placed on the ballot at the next regular municipal election in number not to exceed double the number of commissioners to be elected.

SECTION 10.

What
Candidates
Elected.

At any regular municipal election held under the provisions of this charter, the candidates for the office of commissioner, in number equal to the number of commissioners to be elected, who shall have received the greatest number of votes cast, shall be declared elected. A tie between two (2) or more candidates for the office of commissioner shall be decided by lot under the direction of the City Judge.

SECTION 11.

General and
Special
Elections.

All elections held for the election of commissioners shall be known as regular municipal elections. All other elections held under the provisions of this charter, excepting those for the nomination of candidates for the office of Commissioner, shall be known as special municipal elections.

SECTION 12.

Any
Commissioner
May be
Recalled.

PROCEDURE FOR FILING RECALL PETITION.

Any member of the commission may be recalled and removed therefrom by the electors of the city as herein provided.

Method of
Removal.

Any qualified elector of the city may make and file with the city clerk an affidavit containing the name or names of the commissioner or commissioners whose removal is sought and a statement of the grounds for removal. The clerk shall thereupon deliver to the elector

making such affidavit copies of petition blanks for such removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the commission, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person or persons whose removal is sought, and the office from which such removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the clerk. The recall petition, to be effective, must be returned and filed with the clerk within thirty (30) days after the filing of the affidavit. The petition before being returned and filed shall be signed by registered voters of the city to the number of at least fifteen per cent (15%) of the total number of registered voters of the city as shown by the city registration books, and to every such signature shall be added the place of residence of the signer, giving the street and number or other description sufficient to identify the place. Such signatures need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such recall papers shall be filed as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

EXAMINATION AND AMENDMENT OF RECALL PETITIONS

Within ten (10) days after the filing of the petition the clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters and shall attach thereto his certificate showing the result of such examination. If his certificate shows the petition to be insufficient, he shall forthwith so notify in writing one (1) or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten (10) days, after the giving of said notice, by the filing of a supplementary petition upon additional petition papers, issued, signed and filed as provided herein for the original petition. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If then found to be insufficient, or if no amendment was made he shall file the petition in his office and shall notify each of the persons designated thereon as filing it of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

CALLING OF RECALL ELECTION.

If the petition or amended petition shall be certified by the clerk to be sufficient he shall submit the same with his certificate to the commission at its next meeting and shall notify the commissioner or commissioners whose removal is sought of such action. The commission shall thereupon, within ten (10) days of the receipt of the clerk's certificate, order an election to be held not less than thirty (30) nor more than forty-five (45) days thereafter. PROVIDED, that if any other municipal election is to occur within sixty (60) days after the receipt of said certificate, the Commission may in its discretion provide for the holding of the removal election on the date of such other municipal election.

FORM OF BALLOT TO RECALL COMMISSIONER.

Unless the commissioner or commissioners whose removal is sought shall have resigned within ten (10) days after the receipt by the commission of the clerk's certificate the form of the ballot at such election shall be as nearly as may be: "Shall A be recalled?"

"Shall B be recalled?" etc., the name of the commissioner or commissioners whose recall is sought being inserted in place of A, B, etc., and the ballot shall also contain the names of the candidates to be elected in place of the commissioner or commissioners recalled, as follows: "Candidates for the place of A, if recalled; candidates for the place of B, if recalled," etc., but the commissioner or commissioners whose recall is sought shall not themselves be candidates upon such ballot. The name of any elector of the city shall be printed as a candidate for commissioner at such recall election for the place of the commissioner to be recalled when a petition in substantially the form provided in Section 7, of this charter, shall be filed in his behalf with the city clerk, and such petition shall have been signed by at least three per cent (3%) of the total number of registered voters in the municipality and filed with the city clerk not less than fifteen (15) days before such recall election.

Recall
Determined
by Majority
Vote.

In case a majority of those voting for and against the recall of any commissioner shall vote in favor of recalling such official he shall be thereby removed, and in that event the candidate who receives the highest number of votes for his place shall be elected thereto for the balance of the unexpired term.

Form of
Ballot in
case of
Resignation.

If the commissioner or commissioners sought to be removed shall have resigned within ten (10) days after the receipt by the commission of the clerk's certificate referred to in this section above, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

PROCEDURE ON REFUSAL OF COMMISSION.

Should the commission fail or refuse to order an election as herein provided within the time required such election may be ordered by any State court of general jurisdiction.

SECTION 13.

Vacancies on
Commission.

Vacancies on the commission caused by death or resignation shall be filled for the remainder of the unexpired term of such commissioner by a majority of the remaining members of the commission and such vacancies shall be filled by the commission within ten (10) days after such vacancy occurs.

SECTION 14.

Commission
May
Investigate
Any Office
or Officer.

The commission, or any committee thereof, duly authorized by the commission so to do, may investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, and by similar investigations may secure information upon any matter. In conducting such investigations the commission, or any committee thereof, may require the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas which shall be signed by the presiding officer of the commission or the chairman of such committee, as the case may be, which may be served and executed by any policeman.

SECTION 15.

CITY MANAGER.

Commission
Appoints
City
Manager.

The Commission shall within thirty (30) days after taking office appoint a City Manager who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments and may be the head of such department as the commission may by ordinance provide. He shall

be chosen on the basis of his executive and administrative qualifications. He may or may not be a resident of the City of Miami or the State of Florida. No member of the City Commission shall be appointed City Manager. He shall hold office at the will of the commission. He shall receive such salary as may be fixed by the commission.

SECTION 16.

The powers and duties of the City manager shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) To appoint and remove, except as herein provided, all directors of the departments and all subordinate officers and employees in the departments in both the classified and unclassified service; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter:
- (c) To exercise control over all departments and divisions created herein or that may be hereafter created by the commission.
- (d) To attend all meetings of the commission with the right to take part in the discussion but having no vote;
- (e) To recommend to the commission for adoption such measures as he may deem necessary or expedient;
- (f) To keep the commission fully advised as to the financial condition and needs of the city; and
- (g) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the commission.

General Powers of City Manager.

SECTION 17.

The City Manager may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. Any person or persons appointed by the City Manager to examine the affairs of any department or the conduct of any officer or employee shall have the same right to require the attendance of witnesses and the production of books and papers and other evidence as is conferred upon the Commission by this charter.

Manager May Investigate Any Department.

SECTION 18.

DEPARTMENTS ESTABLISHED

The following administrative departments are hereby established by this charter:

Administrative Departments.

1. Department of Law.
2. Department of Public Service.
3. Department of Public Welfare.
4. Department of Public Safety.
5. Department of Finance.

SECTION 19.

The commission may by ordinance adopted by vote of at least three (3) members of the commission, create new departments or discontinue any department and determine, combine, and distribute the functions and duties of departments and subdivisions thereof.

May create or Discontinue Departments.

SECTION 20.

The City Manager shall appoint a director for each department, except the department of law, and may consolidate two (2) departments under one director in his discretion and each such director shall serve until removed by the City Manager or until his successor is appointed and has qualified. He shall conduct the affairs

Manager to Appoint Directors.

of his department in accordance with the rules and regulations made by the City Manager and shall be responsible for the conduct of the officers and employees of his department, for the performance of its business, and for the custody and preservation of the books, records, papers, and property under its control. Subject to the supervision and control of the City Manager in all matters, the director of each department shall manage the department.

SECTION 21.

DEPARTMENT OF LAW.

City Attorney
Director of
Law.

The City Attorney shall be the director of the department of law and an attorney at law admitted to practice in the State of Florida. He shall be the legal advisor of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. He shall prosecute and defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall endorse on each his approval of the form and correctness thereof.

City Attorney
Prosecuting
Attorney.

The City Attorney shall be the prosecuting attorney of the municipal court. He shall have such number of assistants as the commission by ordinance may authorize. He shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

City Attorney
to Prosecute
and Defend
All Civil
Suits.

When required to do so by resolution of the commission, the city attorney shall prosecute or defend for and in behalf of the city all complaints, suits and controversies in which the city is a party, and such other suits, matters and controversies as he shall, by resolution or ordinance, be directed to prosecute or defend.

City Attorney
Render
Opinion to
Any Officer
or
Department.

The commission, the city manager, the director of any department, or any officer or board not included within a department, may require the opinion of the city attorney upon any question of law involving their respective powers and duties.

SECTION 22.

DEPARTMENT OF PUBLIC SERVICE

Director of
Public Service,
General
Duties and
Powers.

Subject to the supervision and control of the city manager in all matters, the director of public service shall manage and have charge of the construction, improvement, repair, maintenance and operation of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways; of sewers, drains, ditches, culverts, canals, streams and water courses; of all public buildings and boulevards, squares and other public places and ground belonging to the city or dedicated to public use, except parks and playgrounds. He shall manage and have charge and control of market houses and places, sewage disposal plants and all public utilities of the city. He shall have charge of the maintenance, operation, improving, constructing and repairing public landings, public wharves, ware-houses and docks, anchorage basins and harbors, channels and water courses. He shall have charge of the enforcement of all the obligations of privately owned or operated public utilities enforceable by the city.

He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of waste, garbage and offal; the preservation of contracts, papers, plans, tools and appliances belonging to the city and pertaining to the department. He shall have charge of all public buildings. The supervision and inspection of the construction and condition of all buildings, public or private.

SECTION 23.

DEPARTMENT OF PUBLIC WELFARE.

The head of the department of public welfare shall be known as the director of public welfare.

Director of
Public
Welfare and
General
Duties and
Powers.

Subject to the supervision and control of the city manager in all matters, he shall administer the affairs of his department, which shall include the management and supervision of all hospitals and charitable, correctional and reformatory institutions and agencies belonging to the city; the use of all recreational facilities of the city, including parks and playgrounds other than school playgrounds; the management and supervision of cemeteries; the maintenance and preservation of shade trees and shrubbery; the inspection and supervision of all public amusements and entertainments, and of the places where the same are held; the enforcement of all laws, ordinances and regulations relative to the preservation and promotion of the public health; the prevention and restriction of all disease, including the enforcement in time of threatened epidemic, of such quarantine and isolation regulations as are appropriate to the emergency; the prevention, abatement and suppression of nuisances; the sanitary inspection and supervision of the production, transportation, storage and sale of food and foodstuffs; the inspecting, testing, measuring and weighing of any commodity or article of consumption or use within the city, as well as the inspection of weights, measures and meters used for the purpose aforesaid and such other duties as may be provided by ordinance. The said department shall keep a complete and accurate system of vital statistics.

The director of public welfare or such other person within said department as he may designate, shall represent the city on the board of directors, board of managers or other governing body of any charity to which public funds shall have been contributed upon the conditions aforesaid.

SECTION 24.

DEPARTMENT OF PUBLIC SAFETY.

The head of the Department of Public Safety shall be known as the director of public safety.

Director of
Public
Safety.

Subject to the supervision and control of the city manager in all matters, he shall be the executive head of the division of police and fire. He shall be the chief administrative authority in all matters pertaining to the erection, maintenance, repair, removal, razing, occupancy and inspection of buildings under such regulations as may be ordained by the commission.

(a) DIVISION OF POLICE.

The police force shall be composed of a chief of police and of such officers, patrolmen and other employees as the city manager may determine. The chief of police shall have the immediate direction and control of the police force, subject to the supervision of the director of public safety, and to such rules, regulations and orders as the said director may prescribe, and through the chief of police the director of public safety shall promulgate all orders, rules and regulations for the government of the police force. He shall devote his entire time to the discharge of his official duties, and shall not be absent from the city except in the performance of his official duties, unless granted a written leave of absence by the city manager. His office shall be kept open at all hours, day or night, and either he or a subordinate shall be in constant attendance. In case of the disability of the chief of police by reason of sickness, absence

Police Force
and General
Duties.

Additional Force in Case of Riot.

from the city or other cause, the director of public safety shall designate one of the captains or lieutenants of police to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force, other than the chief, shall be selected from the list of eligibles prepared by the civil service board, and in accordance with such rules as the said board may prescribe, provided, that in case of riot or emergency, the director of public safety may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. Each member of the police force, both rank and file, shall have issued to him a warrant of appointment signed by the city manager, in which the date of his appointment shall be stated, and such shall be his commission.

Oath of Policemen.

Each member of the said force shall, before entering upon his duties, subscribe to an oath that he will faithfully, without fear or favor, perform the duties of his office, and such oath shall be filed and preserved with the records of said department.

Special Police on Written Authority.

No person, except as otherwise provided by general law of this charter shall act as special police or special detective except upon written authority from the director of public safety. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for a time specified in the appointment.

Full Power to Enforce Laws.

The members of the police force of said city shall be invested with all the power and authority necessary for enforcing the ordinances of said city.

Arrests with and without Warrant.

The chief of police or any policeman of the City of Miami, may arrest without warrant, any person violating any of the ordinances of the city committed in the presence of such officer, and when knowledge of the violation of any ordinance of said city shall come to the said Chief of Police or policeman, not committed in his presence, he shall make affidavit before the Judge or Clerk of Municipal Court against the person charged with such violation, whereupon, said Judge or Clerk shall issue a warrant for the arrest of such person.

(b) DIVISION OF FIRE.

Fire Department and General Duties.

The fire force shall be composed of a Chief and of such other officers, firemen and employees as the City Manager may determine. The Fire Chief shall have immediate direction and control of the said department, subject to the supervision of the Director of Public Safety and to such rules, regulations and orders as the said director may prescribe, and through the fire chief, the Director of Public Safety shall promulgate all orders, rules and regulations for the government of the fire department.

Firemen Selected from list of Civil Service Board.

The members of the fire department other than the Chief, shall be appointed from the list of eligibles prepared by the Civil Service Board and in accordance with such rules and regulations as may be prescribed by said Board; provided, that in case of riot, conflagration or emergency, the Director of Public Safety may appoint additional firemen and officers for temporary service who need not be in the classified service.

The Chief of the Fire Department and his assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The fire chief and each of his assistants shall have issued to him a warrant of appointment signed by the City Manager, in which the date of his appointment shall be stated, and such warrant shall be his commission.

Whenever any building in said city shall be on fire, it shall be lawful for the Chief of the Fire Department to order and direct such building or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed and no action shall be maintained against said chief or any person acting under his authority, therefor.

SECTION 25.

SUPERVISION IN DIVISIONS OF POLICE AND FIRE

The Chief of Police and Fire Chief shall have the right and power to suspend any of the officers and employes in their respective divisions who may be under their management and control for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. If an officer or employee be suspended as herein provided, the chief of the division concerned shall forthwith in writing certify the fact together with the cause for suspension, to the director of public safety, who shall, after hearing, render judgment thereon, which judgment, if the charge be sustained, may be a reprimand, fine, suspension, reduction in rank or dismissal, and in every case shall be final.

The Director of Public Safety in any such investigation shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers as is conferred upon the Commission.

SECTION 26.

SUSPENSION AND REMOVAL OF CHIEF OF POLICE AND FIRE CHIEF

The City Manager shall have the exclusive right to suspend the Chief of Police and Fire Chief for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. If either of such chiefs be so suspended the City Manager shall forthwith certify the fact, together with the cause of suspension, to the commission who within five (5) days from the date of receipt of such notice, shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

SECTION 27.

FINANCE AND TAXATION

Subject to the supervision and control of the City Manager the Director of Finance shall have charge of the department of finance and the administration of the financial affairs of the city including the keeping and supervision of all accounts, the levy, assessment and collection of taxes and other revenues, the making and collection of special assessments, the custody and disbursement of city funds and monies, the control over expenditures, and such other duties as the commission may by ordinance provide.

SECTION 28.

Accounts shall be kept by the department of finance showing the financial transactions of all departments and offices of the city. The forms of all such accounts, and the financial reports rendered to or by the department of finance, shall be prescribed by the director of finance with the approval of the city manager. The accounts and ac-

Accounts of
Finance
Department.

counting procedure of the city shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of values, and the director of finance shall make such reports of the financial transactions and condition of the city as may be required by law or ordinance. Financial reports shall be prepared for each quarter and fiscal year and for such other periods as may be required by the city manager.

SECTION 29.

Budget by
Manager,
Contents of
Budget.

Not later than one month before the end of each fiscal year the city manager shall prepare and submit to the commission a budget estimate of the expenditures and revenues of all city departments, divisions and offices for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments, divisions and offices on uniform blanks furnished by the city manager. The classification of the estimates shall be as nearly uniform as possible for the main functional divisions of such departments, divisions and offices and shall give in parallel columns the following information:

- (a) A detailed estimate of the expense of conducting each department, division and office.
- (b) Expenditures for corresponding items for the last two (2) fiscal years.
- (c) Expenditures for corresponding items for the current fiscal year, including adjustment due to transfers between appropriations, plus an estimate of the expenditures necessary to complete the current fiscal year.
- (d) The value of supplies and material on hand at the date of the preparation of the estimate.
- (e) Increases or decreases of request compared with corresponding appropriation for the current year, with reasons for such increases or decreases.
- (f) A statement from the director of finance of the total probable income of the city from taxes for the period covered by the estimate.
- (g) An itemization of anticipated revenues from other sources.
- (h) The total amount of the outstanding city debt with a schedule of maturities of bond issues.
- (i) The amount required for interest on the city debt, for sinking funds, and for maturing serial bonds.
- (j) Such other information as may be required by the commission.
- (k) Copies of such estimate shall be furnished to the newspapers of the city and to each library of the city which is open to the public.

SECTION 30.

Appropriation
Ordinance.

Upon receipt of the budget estimate the commission shall prepare an appropriation ordinance using the manager's estimate as a basis. Provision shall be made for public hearings on the proposed appropriation ordinance before the commission sitting as a committee of the whole. The commission shall not pass the appropriation ordinance sooner than one week after the beginning of the fiscal year to which it is to apply but shall pass said ordinance within four weeks after the beginning of the fiscal year. The fiscal year of the city shall begin with the first day of January of each year and shall end with the thirty-first day of December of the same year.

SECTION 31.

Before the annual appropriation ordinance has been passed the commission, upon recommendation in writing of the city manager, may make appropriations for the current expenses of the city, chargeable to the appropriations of the year when, passed, to an amount sufficient to cover the necessary expense of the various departments, divisions and officers until the annual appropriation ordinance is in force. No other liabilities shall be incurred by any officer or employee of the city, except in accordance with the provisions of the annual appropriation ordinance.

Emergency
Appropriation
Ordinance.

SECTION 32.

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

Appropriated
Balances to
be used for
other
Purposes.

SECTION 33.

Any accruing revenue of the city, not appropriated as hereinbefore provided and the balance at any time remaining after the purposes of an appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the commission to such uses as will not conflict with any uses for which specifically such revenue accrued.

Use of
Unused or
Unappropriate
Funds.

SECTION 34.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the commission; and whenever an appropriation is so made the clerk shall forthwith give notice to the director of finance. At the close of each fiscal year the unincumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriation; but appropriations may be made in furtherance of improvements or other objects or works of the city which will not be completed within the current year.

Expenditures
Only on
Appropriation.

SECTION 35.

No liability shall be enforceable against the city upon any contract not supported by the previous appropriation, nor shall the city be liable for any service, material or supplies furnished to the city or to any department, office or division thereof, the financial requirements of which are to be met out of the proceeds of taxes or of any other funds controlled by the commission, unless the commission shall previously have made an appropriation therefor. In the event that contracts are made to extend over a period longer than one (1) year and which are to be met from current receipts of the city, it shall be lawful for the commission to make appropriation sufficient to answer the requirements of any such contracts for only one (1) year, and the contract shall be legal and binding upon the city notwithstanding no appropriation has been made for the ensuing years over which it is to be operative, and it shall be the duty of the commission to make appropriations from year to year as required for the purposes of such contracts. The obligations of the city under such contracts shall not be considered to be a part of the indebtedness of the city.

No Liability
Without
Previous
Appropriation.

SECTION 36.

Accounts shall be kept for each specific item of appropriation made by the commission and every warrant on the treasury shall state specifically against which of such items the warrant is drawn. Each account shall show in detail the appropriations made thereto by the commission, the amount drawn thereon, the unpaid obligations charged against it and the unincumbered balance to the credit thereof.

Accounts of
Appropriation.

SECTION 37.

Director of
Finance to
Examine all
Claims.

No claim against the city shall be paid except upon a voucher certified by the head of the appropriate department or other division of the city government, and by means of a warrant on the city treasury issued by the director of finance and countersigned by the city manager. The director of finance shall examine all payrolls, bills, and other claims and demands against the city, and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. He may require any claimant to make oath to the validity of a claim. He may investigate any claim, and for that purpose may examine witnesses under oath, and if he finds a claim to be fraudulent, erroneous or otherwise invalid, he shall not issue a warrant therefor.

SECTION 38.

Individual
Liability of
Director.

If the director of finance issue a warrant on the treasury authorizing payment for any item for which no appropriation has been made, or for the payment of which there is not sufficient money in the proper fund, or which for any other cause should not be approved, he and his sureties shall be individually liable to the city for the amount of such warrant if paid.

SECTION 39.

Annual Tax
Levy.

Not later than one (1) week after the Board of Equalization shall have completed its work the commission shall, by ordinance, levy such taxes as may be necessary to meet the appropriations made (less the estimated amount of revenue from other sources) including all sums required to be raised on account of the city debt. In fixing the tax rate the commission shall designate what portions of the total are for city debt and for general purposes. If the commission shall fail, refuse or neglect to pass an ordinance levying the taxes for any year, the ordinance last passed levying taxes shall be considered in force and a failure to pass such an ordinance shall in no wise invalidate the collection of any taxes.

SECTION 40.

Tax
Assessor.

The city manager shall appoint a tax assessor who shall be an officer in the department of finance and subordinate to the director thereof. It shall be the duty of the tax assessor to assess all taxable property within the city at its cash value and also to assess all license, privilege, registration and other special taxes which the city is authorized to levy and collect. The assessor shall have the power to administer oaths in connection with the valuation of property for city taxation and in respect to any assessment he is authorized to make.

SECTION 41.

Board of
Equalization.

The commission shall constitute the Board of Equalization. The City Clerk shall be clerk of said board and keep a permanent record of all its proceedings. A majority of said board shall constitute a quorum to do business. Said board shall meet at the City Hall in the City of Miami on the second Monday in July of each year, at which time the Assessor shall submit to the said Board the General Assessment Roll, which said roll shall be completed and filed by the Assessor in his office five (5) days prior to the meeting of the said Board of

Equalization, where, during the said five (5) days it shall remain open to public inspection. During the first three (3) days of its meeting said Board of Equalization shall consider any written objections filed with it in respect to any assessment that shall have been made, and may on its own motion, revise said Assessment Roll and may increase or diminish valuations therein; add the names of persons and descriptions of property improperly omitted from said roll, and fix the valuation of said property, and it shall correct all errors and supply all deficiencies found therein. Said Board shall continue its session after said first three (3) days, as long as may be necessary, but not longer than two (2) weeks from the day of the first meeting, during which time, upon the request of any person, his agent or attorney, considering himself aggrieved, on sufficient cause being shown, it may reduce the assessment to such an amount as to such board shall appear just and equal. It may examine on oath any person touching the matter. The board shall have no power to raise any assessment in said roll without notice to the party affected thereby. Any member of said Board may administer an oath and examine witnesses in relation to the matters requiring investigation before said board. Said board shall keep a record of its proceedings in increasing the valuation of any property assessed upon such roll. The members of the commission shall be paid the sum of five dollars (\$5.00) per day or fraction thereof for each day's actual attendance as a member of the Board of Equalization, which compensation shall be in addition to their salaries as commissioners.

The Board of Equalization shall have power to summon any property owner of the city before them, to take testimony under oath, and to require the production of books, papers, accounts and other evidence of the ownership and value of property within the city. Any person failing to appear before the board when summoned, or failing to give or produce such testimony of evidence, shall be guilty of an offence against the city and upon conviction before the city court shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding sixty (60) days. The assessment of property for city purposes as revised and determined by the Board of Equalization shall be final.

SECTION 42.

The general law of the State of Florida upon the subject of taxation as it now exists shall apply to and govern in the assessment, levy and collection of taxes in the city of Miami and in the return and sale of property delinquent therefor; and shall also apply and govern in respect to the powers, duties and liabilities of persons and property touching and concerning such taxes, and shall have full force and effect in said city as far as the same may be applicable, except as herein otherwise provided.

SECTION 43.

The Assessor shall possess all the powers, discharge all the duties, and be subject to all the liabilities in, for and to the city, that are conferred and imposed upon County Assessors, by the provisions of the law mentioned and referred to in the preceding section, in relation to the assessment and taxation of property, so far as the same may be applicable and except as herein otherwise provided. He shall in each year prepare a General Assessment Roll for the city and complete the same before the time fixed by this Charter for the first meeting of the Board of Equalization in each year.

SECTION 44.

Assessment Roll Endorsed by Clerk.

After the said Board of Equalization shall have completed the revision of said roll the City Clerk shall endorse and sign a statement upon the roll to the effect that the same is the General Assessment Roll for the city for the year in which it has been prepared, as approved by the Board of Equalization. Such statement may be in substantially the following form, viz.:

STATE OF FLORIDA
COUNTY OF DADE ss.
CITY OF MIAMI

Form of Endorsement.

I hereby certify that the BOARD OF EQUALIZATION of the City of Miami has reviewed, equalized and corrected the within Assessment Roll and has (deducted from or added to as the case may be)dollars (from or to as the case may be) the valuation of the real estate made by the assessor and has determined the aggregate value of such real estate to be.....dollars and a total value of the personal property to be.....dollars for the year

Dated

City Clerk.

Upon the completion of such roll and its endorsement in the manner aforesaid, it shall be returned to the Assessor and shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for causes mentioned in the general laws of the state relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

SECTION 45.

Time and Manner of Assessing Taxes.

Upon the equalizing of the said Assessment Roll by the Board of Equalization of the City of Miami and the fixing of the millage by the commission, the assessor shall proceed to assess the taxes according to and in proportion to the valuation entered by the Board of Equalization in the assessment of the city for the year. The total of all taxes assessed against any one parcel of property shall be footed up and carried out in the last column on the right hand side of such rolls. All the taxes there assessed shall become at once a debt to the city from the persons to whom they are assessed. All personal taxes shall be a lien upon the personal property of such persons so assessed from and after the assessment thereof, and remain a lien thereon until paid, and shall be superior to the rights acquired under any sale, assignment, or chattel mortgage, levy, or lien upon any such personal property executed or made after such assessment, except when such personal property is sold in the regular course of trade. The amounts assessed on any real estate shall become a lien on the first day of January of the year in which the assessment is made on such real property and the lien for such amount and for all interest and charges thereon shall continue until payment thereof.

SECTION 46.

Director of Finance Collector of Taxes.

The assessor shall thereupon make a copy of such assessment roll with such taxes extended thereon. He shall annex that to a warrant signed by him commanding the Director of Finance to collect the several sums mentioned in the last column of the said roll.

SECTION 47.

All taxes, special assessments, license fees and other monies accruing to the city shall be collected by the Director of Finance. All money received by any officer or employee of the city for or in connection with the business of the city shall be paid promptly into the city treasury and shall be deposited with such responsible banking institutions as furnish such security as the commission may determine and shall agree to pay the highest rate of interest. All interest on money so deposited shall accrue to the benefit of the city. The commission shall provide by ordinance for the prompt and regular payment and deposit of all city monies as required by this section .

Disposition
of all Monies
Collected.

SECTION 48.

Except as otherwise provided in this charter, all property within the city shall be assessed, and all city taxes shall be levied, assessed and collected, under such rules and regulations as may be established by ordinance. Such rules and regulations may provide penalties for their non-observance and may, in this and all other respects, make provision for the assessment of property and the levy, assessment and collection of city taxes as fully as might be done by a law of the State of Florida. Before any penalty shall attach for the failure to return property for taxation notice shall be given by publication at least four (4) times in one (1) or more daily papers of the city, of the time within which such return must be made. The first publication of such notice shall be at least thirty (30) days before the last day for making such return. No rule or regulation made by ordinance shall provide that a tax be considered delinquent sooner than sixty (60) days after it becomes due and payable. All provisions for the assessment of property and the levy, assessment and collection of taxes in force at the time of the adoption of this charter, and not inconsistent therewith, shall continue in force until altered, repealed or superseded by this charter or by rules and regulations established as provided by this section.

Taxation to
Be Governed
By Ordinance.

SECTION 49.

In providing for licensing and regulating persons, corporations and associations engaged in business, occupations, professions and trades the commission may by ordinances classify businesses and arrange the various business, occupations, trades and professions carried on in the city into such classes as may be just and proper and fix by ordinance the license fee payable by each, without regard to the State law fixing such fees.

Occupational
Tax Irrespec-
tive of State
Law.

SECTION 50.

Deeds made by the City of Miami pursuant to tax sale, or sale under decree granted for the collection of local assessments, shall be admissible in evidence on the same terms as deeds made pursuant to sales for taxes due the state and county; but it shall be competent for persons denying the validity of such tax deeds, or assessment deeds, to put in evidence the proceedings preliminary to the execution thereof. The purpose of this provision is to give such deeds and all recitals therein the same prima facie force and validity accorded to tax deeds made by officers of the state and county.

Tax Deeds
Prima Facie
Evidence.

SECTION 51.

The city shall have the right to raise by taxation, such amount as may be necessary for the carrying on of the government of said city, not exceeding ten mills on the dollar of the assessed value of all property in said city, both real and personal, and in addition thereto

Sinking
Fund.

shall have the right to levy such additional taxes as may be necessary to pay the interest on the outstanding bonds of said city, and on such additional bonds as said city may, from time to time, issue in accordance with law; and also to provide a sinking fund for the redemption of said bonds, when the same mature, and shall have the right to levy such additional taxes as may be necessary to pay for the lighting of said city and hydrant rental, for the operating of waterworks, ice plants, gas plants, electric light plants and street railways, as the city may construct or acquire, also to provide a publicity fund, not to exceed two (2) mills on the dollar.

SECTION 52.

Purchasing
Agent and
Duties.

The City Manager shall appoint a purchasing agent who shall be the Director of Finance or an officer in the department of finance subordinate to the director thereof. The purchasing agent shall make all purchases for the city in the manner provided by ordinance and shall, under such regulations as may be provided by ordinance, sell all real and personal property of the city not needed for public use or that may have become unsuitable for use. The purchasing agent shall have charge of such store rooms and warehouses of the city as the commission may by ordinance provide. Before making any purchase or sale the purchasing agent shall give opportunity for competition under such rules and regulations as may be established by ordinance. The purchasing agent shall not furnish any supplies to any department unless there be to the credit of such department an available appropriation balance in excess of all unpaid obligations sufficient to pay for such supplies.

SECTION 53.

Work by
Contract or
Direct Labor.

Any public work or improvement may be executed either by contract or by direct labor, as may be determined by the commission. Before authorizing the direct execution of any work or improvement, detailed plans and estimates thereof shall be submitted to the commission by the city manager and there shall be separate accounting as to each work or improvement so executed. All contracts for more than one thousand dollars (\$1,000.00) shall be awarded to the lowest responsible bidder, after public advertisement and competition as may be prescribed by ordinance, but the city manager shall have power to reject all bids and advertise again. All advertisements as to contracts shall contain a reservation of the foregoing rights. Contracts for public work shall be signed by the city manager after approval thereof by the commission.

Contracts
Over \$1,000
to be
Advertised.

SECTION 54.

No Alteration
Without
Consent of
Commission
and
Contractor in
Writing.

When it becomes necessary in the opinion of the City Manager to make alterations or modifications in a contract for any public work or improvement such alterations or modifications shall be made only when authorized by the commission upon the written recommendation of the city manager. No such alteration shall be valid unless the price to be paid for the work or material, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the city manager prior to such authorization by the commission.

SECTION 55.

Audit of
Office upon
Vacancy.

Upon the death, resignation, removal or expiration of the term of any officer of the city, other than the director of finance, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report to the city manager.

SECTION 56.

IMPROVEMENTS AND ASSESSMENTS

The City Commission of the City of Miami is hereby authorized and empowered in the manner herein provided to cause any and all streets, boulevards, avenues, lanes, alleys, parkways, and highways, or any part thereof, to be graded, paved, re-paved, macadamized or remacadamized, and to cause curbs and gutters to be constructed thereupon and sidewalks to be graded and built thereupon and sanitary sewers, storm sewers and other drains or sewers laid and constructed in any such highway or part thereof, and to provide for the payment of the cost thereof.

Complete
Control
Over
Streets and
Highways.

The word "improvement" or "improvements" shall be deemed to be the improvement or improvements set forth in the resolution ordering the same, whether the same be the improvement of a highway or the construction of a sidewalk or the laying of a sewer. The word "highway" shall be deemed to include a street, boulevard, avenue, terrace, court, place, alley, lane, parkway or other public highway, the word "sewer" to include sanitary and storm sewers and other drains, the words "highway improvement" or "improvement of highways" to include all improvements herein authorized, except laying of sewers and construction of sidewalks. In the use of the words "hereunder" or "authorized hereunder" or similar expressions, reference shall be deemed to be made to this section of the city charter.

Definition of
Certain
Words.

Before any improvements shall be authorized or made under these provisions, the City Commission shall pass a resolution ordering the same to be made and setting forth its intention to proceed under this section and describing the highway or part thereof to be improved, or sidewalk to be constructed, or sewer to be laid, the material, nature and character of such improvement, with the terminal points and width thereof. The improvement or improvements embraced in a single resolution may be upon or in more than one highway, and need not be continuous, but no improvements except the laying of storm sewers shall be embraced in any single resolution except such improvements as are practically uniform in cost and kind throughout the length of the highway or highways or part or parts thereof to be so improved; but no highway, sidewalk, storm sewer or other sewer improvements shall be joined in any single resolution with any other of said four classes of improvement. If the resolution be for storm sewer improvement it shall designate the property which the commission deems will be specially benefited by such improvement. The grading of sidewalks may be included in the cost of sidewalk construction, and curbing may be included either with highway improvement or with sidewalk construction, as the said resolution may direct. The said resolution shall direct the City Manager to prepare and file plans and specifications of such improvement and an estimate of the cost thereof, which estimate shall show the estimated amount to be assessed against the abutting property per front foot, including an estimate of the cost of the expense of preliminary and other surveys, the inspection and superintendence of the work, the preparation of plans and specifications and estimate, the printing and publishing of notices and proceedings, the preparation of bonds, and any other expenses necessary or proper, which expenses, except the cost of the work itself, are hereinafter referred to as incidental expenses. The improvement covered by one resolution may be designated in all proceedings, assessments and bonds by any short and convenient designation, and the property against which assessments may be made for the

Resolution
First
Proceeding in
Contemplated
Improvements.

cost thereof shall be designated as a district, followed by a letter or number or name to distinguish it from other districts.

Notice of Meeting to Confirm Plans and Specifications.

Upon the filing with the City Clerk of such plans, specifications and estimate, the City Commission shall cause to be published at least once in a newspaper of a general circulation in the city a notice stating that at a meeting of the City Commission on a certain date and hour, not earlier than five (5) days from such publication, the City Commission will hear the objections of all interested persons to the confirmation of said plans, specifications and estimate. At the time named in said notice the City Commission shall receive any such objections, and may then or thereafter by resolution amend, repeal or confirm said improvement resolution, or may require new plans and specifications and a new estimate to be submitted, and if new plans and specifications are ordered the resolution shall not be confirmed until further opportunity for objections shall have been given by notice as aforesaid. No resolution for sewer improvement except storm sewer improvement, shall be confirmed unless the City Manager shall report in writing to the City Commission that funds are in the treasury applicable to and sufficient for the payment of the City's share of the cost, or unless a sufficient amount of bonds shall have been voted by the electors qualified to vote thereon, as provided elsewhere in the Charter, the proceeds of which may be used to pay the City's share.

Resolution Confirming Plans.

Within two (2) days after such confirmation, the resolution confirming same, together with the estimates submitted, shall be recorded by the City Clerk in a special book to be kept for that purpose, which book shall be known as improvement and assessment book and which book shall give the description by lot and block number of all pieces of property affected thereby, together with the estimated amount assessable against each lot or portion thereof, which abuts upon or is benefited by the improvement or improvements, which said book shall be ruled in such a way that any person can readily ascertain the assessment against any piece of property affected.

Notice Calling for Bids.

On or after the date of such confirmation the city commission shall cause to be published at least once in a newspaper of general circulation in the city, and, if the estimated cost exceeds five thousand (\$5,000.00) dollars, in a newspaper of general circulation throughout the State, a notice calling for sealed bids to be received on a date not earlier than fifteen (15) days from the first publication in the local paper, or if said estimate exceed five thousand (\$5,000.00) dollars, in each of said two (2) newspapers, for the construction of the work. Said notice shall state that said improvement is to be constructed and payment therefor to be made hereunder. It may refer in general terms to the extent and nature of the improvement, and may identify the same by reference to the plans and specifications on file in the office of the City Manager. Bids may be requested for the entire work as a whole, or for any part thereof, separately, and bids may be asked for any one or more improvements authorized by different resolutions, but any bid covering work to be done under more than one (1) resolution, shall be in such form as to permit a separation to be made of the cost under each resolution. Bidders shall be required to file with their bids a certified check upon a bank or trust company of Florida in the amount of two and one-half per cent (2½%) of the amount of their bids, to insure the execution of a contract to carry out the work in accordance with such plans and specifications, and to insure the filing at the making of such contract of a bond with sureties satisfactory to the City Commission in the amount of the contract price, conditioned for the performance of the work in accordance with such contract. All bids shall be opened and read at one time at an open meeting of the City

Commission. When any contract shall have been entered into, payments of amounts due thereunder shall be made in cash upon monthly estimates of the City Manager to the amount of ninety per cent (90%) of such estimates, and the balance due shall be paid in cash within sixty (60) days after the acceptance of the work as hereinafter provided. No contractor shall be required to take any bonds or certificates of debt in payment. The City Commission may reject any or all bids, and if all bids be rejected, the city may do the work itself.

Manager of
Payments
Under
Contracts.

The cost of highway improvement shall be apportioned between railroads as provided hereinafter, the city and abutting property owners. There shall be assessed against railroads that portion of such cost hereinafter defined and against the city remaining cost of intersections and a proportionate part of the incidental expenses, and against abutting property owners the balance of such cost in proportion to frontage. Nothing herein contained shall prevent the City Commission from excluding from any highway improvement that portion of the highway which has been so improved by any railroad or any portion which the city may, under the franchise or contract with such railroad, require it to improve. The cost of sidewalk improvement shall be assessed against abutting property in proportion to frontage, and a sidewalk shall be deemed to be in front of a corner lot although it extends beyond that lot to the curb line of an intersecting highway. one-third (1-3) of the cost of storm sewer improvements shall be chargeable to the city at large, and the remainder of such cost apportioned between the lots and parcels of land within the storm sewer district in proportion to and not in excess of the special benefits received.

Apportioning
Cost of
Improvements.

The city shall pay the cost of other sewers at intersections, and all the remainder of the cost except two-thirds (2-3) of the cost or estimated cost of an eight (8) inch sewer, with a proportionate part of the incidental expenses, and the remainder of the incidental expenses with two-thirds (2-3) of the cost or estimated cost of an eight (8) inch sewer shall be assessed against abutting property in proportion to frontage. The foregoing provisions relate to the preliminary assessment roll in this section provided for, and do not restrict the City Commission from paying a larger share of the cost of highway, storm sewer and other sewer improvements.

City Liable
for
Intersection
and
One-third
of Other
Cost.

After a contract shall have been entered into for the improvement embraced by any resolution, or if the city shall do the work itself, after the improvement authorized by any resolution shall have been completed, the City Commission shall cause a preliminary assessment roll to be made by the City Manager, and filed with the Clerk, which roll shall state the following:

Preliminary
Assessment
Roll.

(a) A description of the lots and parcels of land within the district, which, in the case of storm sewer improvements, shall include all property declared by the City Commission in such improvement resolution to be specially benefited thereby, and in the case of other improvements shall include lots and lands which abut upon the sides or ends of that part of any highway to be improved or in which a sidewalk is to be constructed or a sewer (except a storm sewer) laid, with the name of the owner of each lot or parcel, where such can be ascertained a statement of its assessed valuation, and in all cases save storm sewer improvements, a statement of the frontage.

Description
of
Property
Chargeable.

(b) In the case of highway improvement a description of any street, electric or steam railroad track or tracks already laid or for the laying of which any franchise shall have been granted, within the portion of the highway or highways to be improved, giving the number of tracks, the distance between the tracks and the distance between the rails.

Description
of Street
or Highway
Improved.

- Total Cost.** (c) The total cost of the improvement, which, if made by contract, shall be the price named therein and the estimated cost of incidental expenses; but if the City shall do the work, the actual cost of said work and incidental expenses.
- Street Intersections.** (d) In the case of highway and sewer improvements, except storm sewer improvements, the cost of intersections, including a proportionate part of the incidental expenses. The word "intersection" shall be deemed to include not only that portion of a highway which is common to another highway, but also that portion of a highway which would be embraced within the extension, if extended, of another highway entering into it.
- Share of Railways.** (e) In the case of highway improvements, that portion of the cost which represents the share of railways, with a proportionate part of the incidental expense.
- Cost of Intersections.** (f) In the case of highway improvements, the remainder of the cost of intersections and incidental expenses thereof.
- Two-thirds of Estimated Cost.** (g) In the case of sewer improvements, except storm sewer improvements, two-thirds (2-3) of the cost, or the estimated cost, of constructing an eight (8) inch sewer in that portion of the improvement not embraced by intersections.
- Cost Chargeable to City.** (h) That portion of the cost chargeable to the City at large.
- Cost Chargeable to Lots.** (i) That portion of the cost chargeable to lots and parcels of ground, including real estate owned by the city and including real estate within the city limits abutting upon such intersection as above defined.
- Cost Per Front Foot.** (j) In the case of all improvements, except storm sewer improvements, the amount chargeable upon each front foot of abutting property, which shall be the portion of the cost chargeable to all abutting property divided by the number of feet fronting upon the improvement.
- Cost Chargeable on Basis of Benefit Conferred.** (k) The amount chargeable against each lot or parcel of land, which shall be computed according to frontage in all cases save storm sewer improvements, and in such cases shall be the amount which the City Manager deems to be proportioned to the special benefits received and not in excess of such benefits.
- Notice of Preliminary Assessment.** Upon the filing with the Clerk of said preliminary roll, the City Commission shall cause notice to be given in a newspaper published in the city twice weekly for two (2) weeks, stating that at a meeting of the City Commission to be held on a certain day and hour, and not less than twelve (12) days from the date of the first publication, any person whose property is described in the said preliminary roll, may appear and file written objections to the confirmation of the preliminary roll.
- Meeting to Hear Objections.** At the time and place stated in such notice the City Commission shall meet and receive all objections in writing, as stated in said notice. Then or thereafter the City Commission shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on said roll, either by confirming the prima facie assessment against any or all lots or parcels described therein, or by canceling, increasing or reducing the same, according to the special benefits which said City Commission decides each said lot or parcel has received, or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from

said preliminary roll or if the prima facie assessment has not been made against it, the city commission may place on said roll an apportionment to said property. The city commission may thereupon confirm said roll, but shall not confirm any assessment in excess of the amount the city commission shall deem to be the special benefits to the property assessed, nor in excess of fifty per cent (50%) of the assessed valuation of any such lot or parcel. Ten (10) days after such confirmation said assessment roll shall be delivered to the Director of Finance, and such confirmation shall be final and conclusive except as hereinafter provided. If the owners of any railroad or any lot or parcel of land so assessed shall, within ten (10) days from such confirmation, file a written verified petition in the office of the Clerk of the Circuit Court of Dade County setting forth, that the amount so assessed against any property exceeds the amount of the special benefits it has sustained or will sustain by reason of such improvement, or that it exceeds fifty per cent (50%) of the assessed valuation thereof, or that the assessment is invalid for any reason whatsoever, and shall at the same time file with said Clerk a written undertaking in at least the sum of two hundred dollars (\$200.00), with a good and sufficient surety to be justified before and approved by the said Clerk, to the effect that the petitioner will pay to said city all costs and damages to be sustained by it by reason of such proceeding, and shall, within ten (10) days from such confirmation, deliver to the City Manager or leave in his office a copy of said petition, then the validity of such assessment against said property shall be determined as hereinafter provided. Within five (5) days after the delivery of said copy of petition to the City Manager, or at his office, the City shall appear and answer the said petition, and the case shall be heard upon such petition and answer and upon such evidence as may be presented to the Court. The Judge of the Circuit Court shall hear and determine the cause, in term or vacation, giving such hearing and determination precedence over all other cases so far as the same may be practicable. The decision of the court in said proceedings shall be final, and, an appeal shall be allowed only if exceptions shall be filed within ten (10) days from the date of the order and if an appeal shall then be prayed for; if the assessment against such property shall be sustained or reduced or abated by the court, the Director of Finance shall note that fact on the assessment roll opposite the description of the property whose assessment was so contested; the cost of any such proceedings shall be paid by the party complaining of such assessment, unless the said assessment is abated or is reduced by the Court ten per cent (10%) or more, and judgment shall be rendered against him for the amount of such costs; in case such assessment shall be abated or shall be reduced ten per cent (10%) or more, such costs and expenses shall be paid by the city, and judgment shall be entered against it for the amount thereof.

Action of
Commission
on
Assessment
Roll.

The amount of the special assessment against any lot or parcel which may be set aside by the Court, unless the assessment upon the entire district be set aside, or the amount by which any such assessment is so reduced, may by resolution of the City Commission be made chargeable against the City at large; or, in the discretion of the City Commission a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll, except that no notice of hearing upon such roll need be published or given as to any property whose assessment is not increased thereby. The City Commission shall take prompt action as herein provided in case of the reduction or invalidation of any assessment, and any such action shall be noted by the Director of Finance on said assessment roll, unless a new roll shall be made and confirmed, in which case the former roll shall be a nullity and the

Action in
Event
Court
Interferes.

right of petition as to the amounts apportioned by the new roll shall again be in force as to such new roll.

Due Day of Assessments.

Thirty (30) days after the confirmation of the assessment roll, the amounts therein apportioned and assessed shall be due and payable at the office of the Director of Finance except as to any property, including railroads, whose owners shall have filed a petition in the Circuit Court as hereinabove provided, which assessment shall be due and payable eleven (11) days after the decision of the Court thereupon but not within said thirty (30) days; Provided, however, that the owner of any lot or parcel which shall have been assessed in excess of Twenty-Five Dollars (\$25.00) may, before such date on which full payment is required, file with the Director of Finance his written undertaking waiving all irregularity and illegality in connection with the said assessment against said lot or parcel, and agreeing to pay the same in equal annual installments in each of the ten (10) succeeding years, (unless a lesser period shall have been fixed by the city commission) at the time in said years at which the general city taxes are due and payable, with interest upon such deferred installments at the rate of six per centum (6%) per annum payable annually from the date of confirmation; upon the filing of any such undertaking, the assessments embraced by it shall be payable at the time or times so fixed, and with such interest, but any assessment whose payment shall be deferred may be paid at any time when accompanied by the payment of interest accrued thereon and that which will accrue to the next succeeding annual date for payment; Provided, however, that nothing herein contained shall be deemed to prevent the City Commission from extending the time in which such undertaking as to any one or more lots or parcels of land shall be filed.

Assessments Become Liens After Certain Date.

The said assessments shall constitute a lien upon the property so assessed from the date of the passage of the resolution confirming the resolution ordering the improvement, of the same nature and to the same extent as the lien for general city taxes, and shall be collectible in the same manner and with the same penalties and under the same provisions as to sale and forfeiture, as city taxes are collectible. Collection of such assessments may also be made by the city by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, assessed under the same resolution; Provided, that failure to pay any installment of principal or interest of any assessment when such installment shall become due, shall, without notice or other proceeding, cause all installment of principal remaining unpaid to be forthwith due and payable, with interest thereon at six per centum (6%) per annum; but if before any sale of the property for delinquent assessments, the amount of such delinquency shall be paid with all penalties, interest and costs, further installments of the principal shall cease to become so due and payable and shall be due and payable at the times set forth in or contemplated by said written undertaking. All monies collected of assessments embraced in any one assessment roll, shall be placed in a separate fund properly designated, and said fund shall be pledged to and used solely for the payment of the principal and interest of any bonds that may be issued under this section for the construction of the improvement or improvements for which said assessments were made, until all of said bonds and interest shall have been fully paid, provided that if bonds shall be issued as herein provided for more than one improvement, all assessments collected for such improvements may by resolution of the city commission be ordered to be placed in

one fund, which shall be maintained, pledged and applied to the payment of the principal and interest of such bonds.

Dade County, and any school district, or other political subdivision, wholly or partly within said city, shall possess the same power and be subject to the same duties and liabilities in respect of said assessments affecting their real estate that private owners of real estate possess, or are subject to hereunder, and such real estate of said county, school districts and political subdivisions shall be subject to liens for said assessments in all cases where the same property would be subject had it at the time the lien attaches been owned by a private owner.

Property of
County Not
Exempt.

As soon as any improvement shall have been completed, the City Commission shall cause a notice to be published in a newspaper published in the city, stating that at a meeting of the city commission to be held at a certain day and hour, not less than ten (10) days from the publication of such notice, the city commission will hear any objections of persons interested in or affected by the said improvement as to the acceptance thereof by the city commission. At the time and place mentioned in said notice said city commission shall hear such objections, if any, and may then or thereafter accept the said improvement.

Notice of
Meeting to
Accept
Improvement
Work.

On or after the adoption of the resolution confirming the resolution ordering the improvement, the city commission may by ordinance or resolution, issue bonds of the city for the payment of the cost of said improvement, or any part of such cost, and for the reimbursement of any fund of the city from which any part of such cost has theretofore been paid, in an amount not greater than the estimate of cost including the estimate of the cost of incidental expenses, but no bonds shall be issued in excess of the contract price and the estimated cost of such incidental expenses, unless such bonds shall have been delivered or sold or advertised for sale prior to the making of such contract. If bonds shall be authorized after such contract is made, they may be issued to the full amount of such contract and the estimated cost of such incidental expenses; provided, however, that in the case of a sewer improvement, other than a storm sewer improvement, bonds may be issued hereunder only for the estimated share of abutting property, or, if such share shall have been determined, the actual share apportioned to abutting property. Bonds may be issued in separate series for the cost of each improvement, or in one series for the cost of any two (2) or more improvements authorized hereby, and in further series for the cost of any one (1) or more other improvements. Each series of bonds shall mature in annual installments on such date in each year and in such annual amounts as the city commission may determine, beginning not more than two (2) years from their date, nor extending beyond ten (10) years from their date, and no option of prior redemption of such bonds shall be reserved. They shall bear interest not greater than six per centum (6%) per annum the first installment of which shall be payable not more than one (1) year from their date, and the remaining installments at semi-annual intervals thereafter, and principal and interest shall be made payable at some bank or trust company in New York City. The said bonds shall be the absolute, general and direct obligations of the City. They shall be in denominations of five hundred dollars (\$500.00) or one thousand dollars (\$1,000.00); they shall be signed by the Mayor and Clerk and attested by the Director of Finance and sealed with the City seal. Coupons shall be attached thereto to evidence the installments of interest, which coupons shall be signed by said Clerk, whose signature may be in fac-simile. Such bonds and coupons shall be deemed properly signed

Issue of
Bonds to
Pay Costs.

notwithstanding the persons whose signatures they bear may have ceased to be the officer indicated opposite their signatures prior to the delivery of said bonds. They shall be sold by the city commission after advertisement, as provided elsewhere in the charter, for the sale of bonds for municipal purposes, but may, by unanimous vote of all the members of the commission, be sold at private sale for the best price deemed obtainable. No such bonds shall be sold at less than par and accrued interest except by unanimous vote of the members of said city commission, and then at a price not less than ninety-seven (97) on the dollar and accrued interest.

Special Tax
to Create
Local
Improvement
Bond Fund.

For the payment of the principal and interest of all bonds issued hereunder or under earlier provisions of the charter repealed hereby, as they mature, the city commission is hereby authorized, and required to levy an annual special tax upon all taxable property within the city over and above all taxes authorized or limited by law or by the charter of the city, sufficient to pay the interest and principal of said bonds at their several dates of maturity. The proceeds of such taxes, after the payment of accruing interest upon the bonds, shall be paid into a fund to be denominated "local improvement bond fund," which shall be used for no other purpose than the payment of the principal of such bonds as they mature; Provided, however, that the amount of such annual tax levy may be reduced by the amount then contained in said local improvement bond fund, and by the amount of assessments actually collected and then remaining in the special assessment fund or funds applicable to said bonds as hereinabove provided.

Bonds Need
Not Be
Authorized
by Electors.

It shall not be necessary to submit to the electors of said city the proposition of issuing said bonds, or making the said improvements, or confirming the said special assessments, or any other matter or thing therein authorized, and all proceedings of the city commission herein authorized may be taken by resolution, any provision of the charter or general laws of the State to the contrary notwithstanding.

Irregularities
Not to Affect
Validity of
Proceedings.

The purpose of this section being to provide a satisfactory and economical method by which public ways within the city of Miami may be improved, it is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for such improvement or special assessment or bonds or contracts, unless such irregularities or illegality shall substantially affect the rights of said city or its inhabitants, or the owners of property assessed for such improvement.

Railways to
Pay Certain
Costs.

If there be any street, electric or steam railroad track or tracks in any highway upon which a highway improvement is to be made hereunder, or if any franchise therefor shall have been granted, the cost of such improvement between the rails of each track and to the distance of eighteen (18) inches beyond each outer rail, including switches and turn outs, and a proportionate part of the incidental expenses shall be apportioned and assessed against the owners of such railroad (including such cost upon any intersection of highways); such assessment shall constitute a lien upon all the franchises and property or any such railroad, to the same extent as other assessments herein provided for are constituted liens upon abutting property; Provided, however, that where any such railroad shall operate or be about to operate under any ordinance, contract or franchise which provides for the amount, manner and condition of the payment of cost by such railroad, the foregoing provisions as to such railroad shall apply only to the extent the same may not be inconsistent with any such ordinance, contract or franchise.

The City Commission shall have power to order all or any owners of abutting real estate to connect their several premises with sewers, or drains, and with other subterranean conduits, pipes or ducts, for the supply of gas, electric energy or water, owned or operated, or about to be constructed by the City of Miami in front of their several premises; and upon default of compliance with any such order for ten (10) days after notice of such requirement shall have been served upon any such owner, or published in a newspaper published in said city, the city commission may contract for, or make such connection at such distance, under such regulations and in accordance with such specifications as may be prescribed by it, and the whole cost of said connections may be by the city commission made a lien against the particular premises with which the connection is made, of the same extent and character as the lien herein provided for special assessments, which charge shall be forthwith due and payable with the same penalties and with the same rights of collection and sale and forfeiture as obtain for City taxes.

Power of Commission to Enforce Sewer Connection.

The City Commission shall have the power by resolution or ordinance to prescribe the width of every sidewalk in the city, and the material of which the same shall be constructed, and shall have power on such notice as may be prescribed by resolution, to require owners of property to lay, construct or repair sidewalks in front of their property; the City Commission shall also have the power on such notice as may be prescribed by resolution, to require owners of property to clear the same of, and destroy weeds, undergrowth, rubbish, debris, trash, and unsightly and unsanitary matter; to fill in unsanitary excavations or depressions, and if the owner or owners, shall not comply with any such requirement, within the time limited in the resolution, the city commission may cause such work to be done, and may make the cost thereof a charge and lien against such property respectively, of the same extent and character as the lien herein provided for special assessments; which charge shall be forthwith due and payable unless the time for such payment shall be extended by the city commission, with the same penalties and with the same rights of collection and sale and forfeiture as obtained for city taxes. Nothing herein contained shall prevent the City from constructing sidewalks and providing for the payment therefor as elsewhere provided in this section, and it shall be lawful to require in the resolution ordering any sidewalk improvement, as elsewhere provided herein, that owners of property construct such sidewalks. If before advertisement for bids for construction, such sidewalk shall be constructed in front of any property, it may amend said sidewalk improvement resolution by omitting therefrom the order for the construction of such sidewalk so constructed, and the property in front of which the same lies shall not be included within the sidewalk improvement district.

Power of Commission to Enforce Construction and Upkeep of Sidewalks and Clearing of Lots and Unightly Places.

In all cases in which improvements have been ordered by the city under the provisions of sections of the city charter repealed hereby, such improvements may be continued under this section, the provisions of which shall apply to the advertisement and letting of the contract, the making of assessments, the signing of waivers, the issuance of bonds, and all other details herein, save in so far as any of said steps shall heretofore have been taken.

Improvements Already begun May be Continued Under Present Charter.

In all cases in which assessments have heretofore been made, or shall be made, for improvements authorized hereunder, for which assessments the city shall hold liens upon abutting or benefited property not pledged to the payment of any bonds or other obligations, bonds of the city may be issued to the amount of such unpaid assessments, of the character and in the manner herein provided for bonds to pay

Provision for Bond Issue to Complete Work Undertaken and Replace Funds Irregularly Appropriated.

the entire cost of improvements, and the proceeds of such bonds shall be used in repaying to any fund of the city amounts which shall have been paid therefrom upon the cost of the improvement for which such assessment was made, and in paying any sums remaining due upon such cost. If such liens shall then be pledged to the payment of any bonds or other obligations, no additional bonds shall be issued unless at or before the issuing of same such outstanding bonds or other obligations shall have been paid in full, with the interest thereon.

New
Contract for
Improvements
Already
Ordered.

In all cases in which improvements have heretofore been ordered and contracts for the construction thereof have been let, it shall be lawful for the city to enter into a new contract with the contractor providing for the payment of the cost of the improvement as provided in this section; but no such new contract shall be made unless the amount to be paid the contractor for his work shall be thereby reduced by an amount equal to at least five per cent (5%) of the original contract price.

Credit
Granted
Property
Owners for
Prior
Improvements.

In assessing the cost of improvements as defined in this section of this charter credit shall be granted to property owners for improvements previously made by such property owners, when such improvements have been made under the supervision of the city and in accordance with the city regulations.

SECTION 57.

TEMPORARY BONDS

Temporary
Bonds.

The City Commission, by ordinance, may issue, from time to time, revenue bonds of the city bearing interest at not more than six per cent (6%) per annum and to mature not more than one (1) year from their date, for the purpose of providing funds in anticipation of taxes theretofore levied, but not yet paid.

Limit of
Temporary
Bond Issue.

Before the passage of any such ordinance authorizing revenue bonds, the City Commission shall require the City Manager to submit to the city commission a statement of the total amount of all the uncollected taxes levied by the last preceding annual tax levy, as well as the total amount of all revenue bonds, notes, warrants and other city obligations of a temporary nature then outstanding, which said totals shall be recited in and made a part of said ordinance, and no revenue bonds herein provided for shall be authorized whose amount, together with the amount of revenue bonds, notes, warrants and other temporary obligations of the city, whether issued or unissued, shall exceed fifty per cent (50%) of the amount by which such uncollected taxes exceed such aggregate of the temporary obligations herein mentioned.

Minimum
Sale Price
of Temporary
Bonds.

Such revenue bonds as herein provided for shall be sold by the City Commission at not less than their par value and accrued interest, if any, except, however, by vote of not less than four-fifths (4-5) of the members of the city commission, said bonds may be sold at not less than ninety-nine dollars (\$99.00) on the one hundred dollars (\$100.00), together with accrued interest.

Disposition
of Proceeds
of Sale.

The proceeds of said revenue bonds shall be paid into the City Treasury to the credit of any one or more of the funds for which such uncollected taxes were levied, in such amount and into such fund or funds as may be specified in such ordinance, but the city commission shall not appropriate any greater amount of such proceeds into any one fund than can be repaid therefrom to meet the payment of such bonds at their maturity.

Such revenue bonds shall be a first lien upon all uncollected taxes in anticipation of which they were issued and said taxes when collected shall be appropriated to and set aside for the payment of said revenue bonds as same become due, together with the interest thereon. The issuance of any or all revenue bonds herein provided for may be revoked by ordinance of the city commission before same have been sold, thereby reducing the amount of authorized bonds and pro tanto reducing the amount of taxes which must be reserved for their payment.

It shall not be necessary to submit any such bonds to a vote of any electors and any ordinance authorizing said bonds may be in force and effect from and after its passage, if so declared in the ordinance.

SECTION 58.

GENERAL BONDS

The City Commission shall have power to issue bonds of the city for any municipal purpose, except for maintenance and repairs, and except for the running expenses of the city, to an amount, including debt then outstanding, of fifteen per centum (15%) of the assessed valuation of all real and personal property within the city limits as shown by the last preceding assessment roll of the city, provided, however, that bonds for street, sewer, sidewalk and other public improvements, which are to be paid from special assessments, to the amount for which the city shall hold liens for uncollected special assessments, and temporary revenue bonds as hereinbefore provided for shall not be subject to such limitation of amount, nor be considered when computing the amount of bonds that may be issued under this section. Provided, further, that before the issuing of any bonds under this section, the proposition of issuing the same with the statement of the maximum amount and the purpose thereof shall be submitted to and ratified by the vote of a majority of the electors, who are owners of real or personal property in the city, and who shall have paid the taxes thereon for the year when such taxes were last due, voting thereon at an election called by ordinance, notice of which shall have been published in a newspaper published in the City of Miami once a week for a period of fifteen (15) days.

Said bonds shall be in such denominations as the ordinance shall prescribe and shall bear interest not exceeding six per cent (6%) per annum payable semi-annually both principal and interest to be payable in gold coin of the United States of the present standard of weight and fineness at some bank or trust company in the State of Florida or in any other state that may be provided in said ordinance. The principal of such bonds to be due and payable at such time or times, not exceeding thirty (30) years from the date thereof, as the City Commission may, in said ordinance, determine, but not longer than the probable life of any improvement for which the same are issued, as estimated by the city commission and declared in such ordinance.

Such bonds when their issue has been provided for, as hereinbefore provided, and has been approved by the electors of the city, as herein provided for, when sold, shall be sold by the city commission after first advertising for bids therefor, provided, however, that said bonds shall not be sold for less than par and accrued interest, except that by vote of four-fifths (4-5) of the commission, said bonds may be sold for not less than ninety-eight dollars (\$98.00) on the one hundred dollars (\$100.00) and accrued interest. The city commission may reject any or all bids and readvertise.

Ordinance
Not Subject
to
Referendum.

(a) The ordinance authorizing any of such bonds shall go into force and effect upon its passage and approval and shall not be subject to the right of referendum except as hereinbefore provided.

Manner of
Execution of
Bonds.

(b) Such bonds shall be signed by the Mayor and City Clerk, attested by the City Manager and sealed with the seal of the city. The interest coupons thereto attached shall be signed by the City Clerk, whose signature may be in fac-simile. Any of said bonds may, by ordinance of the City Commission, be registered as to number under such terms and conditions and at such place or places within or without the City of Miami as the City Commission may, in such ordinance, determine.

Yearly Tax
for Sinking
Fund.

(c) The City Commission shall in each year while any issue of bonds shall be outstanding levy and collect a general tax upon all the taxable property within the city sufficient to pay the current interest thereupon, and sufficient to provide for the payment of the principal thereof at maturity, provided, however, that if, at the time of any such levy, the city shall have received and shall hold monies from any sources applicable to the payment of such principal and interest and for which payment such money shall have been pledged, such annual tax levy may be reduced in like sum.

SECTION 59.

MUNICIPAL COURT

Municipal
Court.

(d) There is hereby established a municipal court which court shall be presided over by a judge to be known as a municipal judge and who shall be appointed by the city commission.

Terms of
Court.

(e) It shall be the duty of the municipal judge to hold terms of Court at such times and in such places as may be designated by the commission for the trial of all persons charged with the violation of any ordinances of the city, which trial shall be without jury and upon a conviction of such person or persons to impose upon him or them such penalty as may be provided by such ordinance.

Powers of
Judge.

(f) He shall have power to summon witnesses, issue warrants of arrest upon affidavit duly filed; to administer oaths and do all other acts necessary for the performance of his duty. He shall also have power to punish for contempt of court to the extent of a fine not exceeding fifty dollars (\$50.00) or imprisonment not to exceed thirty (30) days or by both such fine and imprisonment. The costs of prosecution in the said court shall be the same as are allowed by law in the Circuit Court of the State of Florida and such costs shall be taxed against the person or persons convicted and collected by the Director of Finance to be paid over by him into the city treasury.

Mayor in
Absence of
Judge.

(g) In case of the absence, sickness or disqualification of the municipal judge, the Mayor shall have all the power and perform all the duties of said municipal judge during such sickness, absence or disqualification, or the City Commission may designate some other person to act during such absence, sickness or disqualification of the municipal judge.

Clerk of the
City to be
Clerk of
Court.

(h) The City Clerk shall be the clerk of said court and shall keep a record of all of its proceedings.

Juvenile
Court.

(i) The Commission may by ordinances provide that all juvenile offenders as defined in the statutes of the state establishing a Juvenile Court, who violate city ordinances shall be separately docketed and tried privately before the municipal judge.

SECTION 60.

CIVIL SERVICE

The Commission shall appoint three (3) electors of the city as a Civil Service Board; one (1) to serve for one (1) year and (1) for two (2) years and one (1) for three (3) years, to take office as soon as appointed and qualified. Thereafter members of the Civil Service Board shall be appointed to serve for three (3) years and until their successors have been appointed and qualified. Members of the board shall not hold any other public office or any other position under the city government. The Commission may remove any member of the board upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defense. Any vacancy shall be filled by the commission for the unexpired term.

Civil Service Board.

SECTION 61.

Immediately after appointment, the board shall organize by electing one (1) of its members chairman. The board shall appoint a chief examiner who shall be a member of the board and also act as secretary. The board may appoint such other subordinates as may by appropriation be provided for.

Chairman of Board.

SECTION 62.

CLASSIFICATION

The Civil Service of the city is hereby divided into the unclassified and the classified service.

Classification of Civil Service.

1. The unclassified service shall include:

(a) The City Manager and his secretary.

(b) The heads of departments, members of appointive boards, judge of the city court, the city clerk, chief of police and chief of the fire department.

2. The classified services shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three (3) classes to be known as the competitive class, non-competitive class, and labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examination.

(b) The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by the rules of the board.

(c) The labor class shall include ordinary unskilled labor.

SECTION 63.

RULES

The board, subject to the approval of the commission, shall adopt, amend, and enforce a code of rules and regulations, providing for appointment and employment in all positions in the classified service, based on merit, efficiency, character and industry, which shall have the force and effect of law; shall make investigations concerning the enforcement and effect of this article and of the rules adopted. It shall make an annual report to the commission.

Code of Rules.

Examinations
and List of
Eligibles.

(a) The chief examiner shall provide examinations in accordance with regulations of the board and maintain lists of eligibles of each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled by him from such eligible lists upon requisition from and after consultation with the city manager. As positions are filled the employment officer shall certify the fact, by proper and prescribed form, to the director of finance and the director of the department in which the vacancy exists.

SECTION 64.

PROMOTION

Promotion
Based on
Merit.

The board shall provide for promotion to all positions in the classified service, based on records of merit, efficiency, character, conduct and seniority.

SECTION 65.

POWER OF REMOVAL AND SUSPENSION

Manner of
Removal and
Suspension.

(a) Any officer or employee in the classified service may be removed, suspended, laid off, or reduced in grade by the city manager or by the head of the department in which he is employed, for any cause which will promote the efficiency of the service; but he must first be furnished with a written statement of the reasons therefor and be allowed a reasonable time for answering such reasons in writing, which answer, if he so request, shall (so far as the same is relevant and pertinent) be made a part of the records of the board; and he may be suspended from the date when such written statement of reasons is furnished him. No trial or examination of witnesses shall be required in such case except in the discretion of the officer making the removal. In all cases provided for in this paragraph the action of the city manager or head of the department shall be final.

Board to
Remove those
Falling below
Standard.

The civil service board shall also have the right to remove or reduce any official or employee in the classified service upon written charges of misconduct preferred by any citizen, but only after reasonable notice to the accused and full hearing. It shall also be the duty of the board to fix a minimum standard of conduct and efficiency for each grade in the service, and whenever it shall appear from the reports of efficiency made to said board, for a period of three (3) months, that the conduct and efficiency of any employee has fallen below this minimum, that employee shall be called before the Board to show cause why he should not be removed, and if upon hearing no reason is shown satisfactory to the board he shall be removed, suspended, or reduced in grade, as the board shall determine.

SECTION 66.

PRESENT EMPLOYEES

Continuance
in Office of
Present
Employees.

All persons in the employ of the city holding positions in the classified service, as established by this charter at the time it takes effect, shall, unless their positions be abolished, retain same until discharged, reduced, promoted, or transferred in accordance herewith.

SECTION 67.

No
Compensation
Unless Pay
Roll Bears
Proper
Certificate

The treasurer or other public disbursing officer shall not pay any salary or compensation for service to any person holding a position in the classified service unless the pay roll or account for such salary or compensation shall bear the certificate of the board, by its

secretary, that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this charter and of the rules established thereunder.

SECTION 68.

INVESTIGATIONS

In any investigation conducted by the board it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses. Power of Board to Summon Witnesses.

SECTION 69.

No person in the classified service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against because of political opinions or affiliations. No officer or employee of the city shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or any political purpose whatever. No person holding a position in the classified service shall take any part in political management or affairs or in political campaigns further than to cast his vote or to express privately his opinion. Political Views Not to be Considered.

SECTION 70.

The Civil Service Board, subject to the approval of the commission, shall determine the penalties for the violation of the Civil Service provisions of this charter. Penalties.

SECTION 71.

The salaries of the Civil Service Board and its employees shall be determined by the commission and a sufficient sum shall be appropriated each year to carry out the civil service provisions of this charter. Salaries of Board Members.

SECTION 72.

CITY PLANNING

(a) There shall be a city planning board of three (3) members, consisting of the director of public service and two (2) citizen members chosen by the commission because of their knowledge of city planning. It shall be the duty of the board to keep itself informed of the progress of city planning in this and other countries, to make studies and recommendations for the improvement of the plan of the city with a view to the present and future movement of traffic, the convenience, health, recreation, general welfare, and other needs of the city dependent on the city plan; to consider and report upon the designs and their relations to the city plan of all new public ways, lands, buildings, bridges, and all other public places and structures, of additions to and alterations in those already existing and of the layout or plotting of new subdivisions of the city, or of territory adjacent to or near the city. City Planning Board and Duty.

(b) All acts of the commission or of any other branch of the city government affecting the city plan shall be submitted to the board for report and recommendations. The commission may at any time call upon the board to report with recommendations, and the board of its own volition may also report to the commission with recommendations on any matter which, in the opinion of either body, affects the plan of the city. Matters Affecting City Plan to be Submitted to Board.

Time Limit
for Action
by Board.

(bb) Any matter referred by the commission to the board shall be acted upon by the board within thirty (30) days of the date or reference, unless a longer or shorter period is specified.

Annual
Report of
Board.

(c) The board shall submit to the commission an annual report summarizing the activities of the board for the fiscal year, the recommendations made by it to the commission during the year and the action of the commission during the year on any and all recommendations made by the board in that or former years. The annual report of the board shall also contain a program for improvements to the city plan year by year during the three (3) years next ensuing, with estimates of the cost thereof and recommendations as to how the cost shall be met.

Secretary of
Board—
Qualifications
and Duties.

(d) The board shall appoint as secretary a person of skill and experience in city planning who may or may not be a member of the board and whose compensation shall be fixed by ordinance and may, with the consent of the city commission, employ consulting city planning experts as need may arise. The city engineer shall serve as chief engineer of the city planning board, and it shall be his duty to make recommendations designed to bring all the engineering works of the city into harmony as parts of one comprehensive plan. The executive health officer of the city shall advise the planning board from time to time of any municipal improvements within the scope of the board which, in his opinion, would improve the healthfulness of the city. The board shall have power to call upon any branch of the city government at any time for information and advice which in the opinion of the board will insure the efficiency of its work.

SECTION 73.

FRANCHISE AND PUBLIC UTILITIES

Restrictions
Against
Granting
Franchises
and other
Rights.

No right, title or interest of the City of Miami or any part thereof, in and to the water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges and other public places and its gas, water, electric and other works, shall be sold except by authority of an ordinance passed by a recorded affirmative vote of four-fifths (4-5) of all the members elected to the commission, and under such other restrictions as may be imposed by law.

SECTION 74.

Approval by
Electors of
Grant of
Certain
Franchises.

No ordinance granting, renewing or leasing the right to use the streets, alleys, public grounds, or buildings of the city of Miami to any private person, persons, firm or corporation shall become a law or effective in any way until the same has been approved by a majority of the qualified voters of the city of Miami, voting at an election held therefor and the question of its being granted, renewed or leased shall not be submitted to such vote except upon deposit with the city clerk of the expense of such submission (to be determined by the commission) by the applicant for such grant, renewal or lease; and no such grant, renewal or lease shall be for a longer period than thirty (30) years, and no such grant, renewal or lease shall be transferable except with the approval of the commission expressed by ordinance; and copies of all transfers and mortgages or other documents affecting the title or use of such grants, renewals or leases shall be filed with the city clerk within ten (10) days after the execution thereof.

SECTION 75.

All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city.

Franchises
Subject to
Control by
City.

(a) To repeal the same by ordinance at any time for misuse or non-use, or failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

May be
Repealed.

(b) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;

Must
Maintain
Efficiency.

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

Rates to be
Reasonable.

(d) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility; but if a public service commission or any other authority shall be given the power by law to prescribe the form of accounts for public utilities throughout the State, the forms so prescribed shall be controlling so far as they go, but the commission may prescribe more detailed forms for the utilities within its jurisdiction.

Accounts
Subject to
Inspection.

(e) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

Public
Welfare.

SECTION 76.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant. In case of an extension of a public utility operated under a franchise hereafter granted such right shall be terminable under the same conditions as the original grant.

Extensions to
Become Part
of Public
Utility.

SECTION 77.

Every public utility franchise hereafter granted shall be subject to all the terms and conditions of this charter, whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, except as specifically stated, the discretion of the commission or the electors of the city in imposing terms and conditions in connection with any franchise grant.

Franchises
Hereafter
Granted are
Subject to
this Charter,
Irrespective
of Wording.

SECTION 78.

Within six (6) months after this charter takes effect, every public utility and every owner of a public utility franchise shall file with the city (as may be prescribed by ordinance), certified copies of all the franchises owned or claimed, or under which any such utility is operated. The city shall compile and maintain a public record of all public utility fixtures in the streets and other public places of the city.

Copies of
Present
Franchises
to be Filed
with City.

SECTION 79.

Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts, and in such manner as to show the true and complete financial result of such city ownership and operation, including all assets, liabilities, revenues and expenses.

Complete
Accounts of
Municipally
Owned
Public
Utilities.

Contents of
Accounts.

(a) The accounts shall show the actual cost to the city of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amounts set aside for sinking fund purposes; and, in the case of city operation, all operating expenses of every description. They shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. They shall also show a proper allowance for depreciation, insurance, interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The commission shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership, or ownership and operation, which reports shall give the information specified in this section and such other information as the commission shall deem expedient.

SECTION 80.

Present
Existing
Franchises
Not Affected.

Nothing in this charter contained shall be deemed to abrogate or terminate any right or franchise heretofore granted by the City of Miami to any public utility, provided that all public utilities now in existence shall comply with the requirements of this charter and all ordinances enacted pursuant thereto.

SECTION 81.

Exclusive
Franchises
Prohibited.

No exclusive franchise or renewal shall ever be granted and no franchise shall be renewed before three (3) years prior to its expiration.

SECTION 82.

BOOKS, RECORDS, ETC.

All Books
and Records
of any City
Officer
Property of
City.

All books, records and documents used by any City officer in his office or pertaining to his duties shall be deemed the property of said city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records and documents shall, within three (3) days after the end of his term of office, or within three (3) days after the date of his resignation or removal from office, as the case may be, deliver to the City Clerk all such books, records and documents. Any such officer or person failing to deliver such books, records or documents as required by this section, shall be deemed guilty of an offense against the city and upon conviction thereof before the City Court shall be fined not more than five hundred dollars (\$500.00), or imprisonment not exceeding sixty (60) days.

SECTION 83.

BONDS OF OFFICERS

Except in the case of officers whose bonds are specifically provided for by this charter, the commission shall determine, by resolution, whether such officer, clerk or employee shall give bond and the amount or penalty thereof. All officers required by this charter to give bond, and all officers, clerks and employees of whom bond is required by the commission, shall, before entering upon their respective duties, give bond with surety to be approved by the commission, conditioned for the faithful performance of the duties of their respective offices, which bond, unless otherwise specially provided by this charter, shall be payable to said city, and in such penalty as the commission may by resolution prescribe. The commission shall accept as surety on any such official bond only a good, solvent surety company author-

ized to do business in the state of Florida. The premium on any such bond shall be paid by the city. Unless otherwise specially provided in this charter, all such bonds shall be filed with and preserved by the city clerk.

SECTION 84.

GENERAL LAWS TO APPLY

All general laws of the State, applicable to municipal corporations, heretofore or hereafter enacted and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted by the commission pursuant to authority conferred by this charter, shall be applicable to the said city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the commission to enact any ordinance or resolution not in conflict with the constitution of the State or with the express provisions of this charter.

SECTION 85.

EXISTING ORDINANCES CONTINUED

All city ordinances, resolutions or regulations in force at the time this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

SECTION 86.

CONTINUANCE OF PRESENT OFFICERS

All persons holding office in, or employed by, the City, at the time this charter goes into effect, shall continue in such office or employment and in the performance of their duties, until provision shall have been otherwise made in accordance with the provisions of this charter for the performance or discontinuance of the duties of any such office or employment. When such provision shall have been made the term of any such officer shall expire and the office be abolished.

The powers which are conferred and the duties which are imposed upon any officer, board, commission, or department of the city under the laws of the State, shall, if such officer, board, commission, or department is abolished by this charter, be thereafter exercised and discharged by the officer, board, or department upon whom are imposed corresponding functions, duties, and powers under the provisions of this charter.

SECTION 87.

PRESENT CONTRACTS CONTINUED

All rights, actions, proceedings, prosecutions and contracts of the City, or any of its departments or officers, pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 88.

POWER TO APPOINT BOARDS OR COMMISSIONS OF CITIZENS

The commission may, at the request of the City Manager, appoint boards or commissions, to be composed of such number of citizens as the commission may deem expedient to act in an advisory capacity in conjunction with any one or more of the departments created or authorized hereby. The members of all such boards and commissions shall serve without compensation, and may be removed at any time by a majority vote of the commission.

SECTION 89.

PENSION FUNDS

The commission of said City shall establish a fund or funds for the relief or pension of persons in the classified service of said city; may receive gifts, devises, and bequests of money or property for the benefit of such fund or funds; may make contributions of public monies thereto on such terms and conditions as it may see fit; and shall make rules and regulations for the management, investment and administration of such fund or funds.

SECTION 90.

COMPENSATION OF OFFICERS AND EMPLOYEES

The commission shall fix by ordinance the compensation of the City Manager, heads of departments, the municipal judge and the city clerk.

The City Manager shall fix the number and salaries or compensation of all other officers and employees.

The salaries or compensations so fixed shall be uniform for like service in each grade of the service as the same shall be graded or classified by the City Manager in accordance with the rules and regulations adopted by the Civil Service Board. All fees and monies received or collected by officers and employees shall be paid into the City Treasury.

SECTION 91.

OATH OF OFFICE

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the commission, that he will support, protect and defend the Constitution and laws of the United States and of the State of Florida, and in all respects faithfully discharge the duties of his office.

SECTION 92.

CONTRACTS

No contract for furnishing supplies or services for the city except as otherwise provided in this charter shall be made for a period of more than one (1) year.

SECTION 93.

SUITS AGAINST THE CITY

No suit shall be maintained against the city for damages arising out of any tort, unless written notice of such claim was, within sixty (60) days after the day of receiving the injury alleged, given to the City Attorney with specifications as to time and place of the injury. It shall be the duty of the City Attorney, upon receiving such notice to promptly investigate the matter and lay the facts, supported by the evidence, before the City Commission in a written report, and the commission may, by resolution, after investigating make reasonable settlement for the injury suffered, or deny liability and direct the City Attorney to defend any suit brought for the recovery of damages.

SECTION 94.

Except where otherwise provided by general law or this charter, all public offices shall be kept open for business every day except Sundays and legal holidays, at least from 8:30 o'clock in the forenoon

until 5:00 o'clock in the afternoon, and all books and records of every office and department shall be open to the inspection of any citizen at any time during the business hours subject to the proper rules and regulations for the efficient conduct of the business of such department or office.

SECTION 95.

The title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees, and choses in action, held or owned by the City of Miami, at the time of the adoption of this charter, shall pass to and be vested in the municipal corporation hereby organized to succeed such municipality.

All Property,
Claims, etc.,
Heretofore
Owned to
Become
Property of
New City.

SECTION 96.

All institutions, private or public, dealing with delinquents, or dependents, or sick, shall submit their plans of organization, personnel of controlling board, methods of financing and capacity to the department of public welfare.

Department
of Public
Welfare to
Supervise
Charitable
Institutions.

SECTION 97.

The commission shall make no appropriation of public funds towards the maintenance and support of any private or public charity except upon condition that the City shall have representation upon the board of directors, board of managers or other governing body of such private or public charity, and that a detailed financial report, showing all receipts and disbursements by such charity shall be made to the director of public welfare at least once in each year. But nothing herein shall be construed to prevent the city from contracting with any hospital or similar institution for the care of indigent, sick or injured persons, or for other services.

Conditions
Justifying
Financial
Support of
Public
Charities.

SECTION 98.

The commission shall have power to establish a bureau of legal aid under such rules and regulations as the commission shall prescribe, which bureau shall be under the direction of the director of public welfare.

Bureau of
Legal Aid
and Its
Supervision.

SECTION 99.

Any owner of lots or grounds within the city who subdivides same for sale shall cause to be made an accurate plat of said subdivision describing with certainty all grounds laid out or granted for streets, or other public uses. Lots intended for sale shall be numbered by progressive numbers or described by the squares in which situated and the precise length and width shall be given of each lot sold or intended for sale, such plat shall be subscribed by the owner, acknowledged before an officer authorized to take the acknowledgment of deeds, approved by the Director of Public Service, and recorded in the office of the Clerk of Circuit Court in and for Dade County, Florida. No such plat shall be approved unless it clearly gives an accurate description of the property showing section corners or quarter section corners or at least tying said property to one (1) or more section or quarter section corner or other government monument.

Requirements
Touching
Subdivisions.

SECTION 100.

The director of public service shall be supervisor of plats of the city. He shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of proper width and to the

Power of
Supervisor
of Plats.

co-terminus with adjoining streets and alleys and otherwise to conform to regulations prescribed by him. Whenever he shall deem it expedient to plat any portion of territory within the city limits, within which the necessary streets or alleys have not already been accepted by the city, so as to become public streets or alleys, or when any person plats land within the corporate limits or within two (2) miles thereof, the director of public service shall if such plats are in accordance with the rules as prescribed by him, endorse his written approval thereon. No plat subdividing lands within the corporate limits of the City of Miami, or within two (2) miles thereof, shall be entitled to record in the office of the Clerk of the Circuit Court in and for Dade County, Florida, without such written approval endorsed thereon.

SECTION 101.

Status of
Unauthorized
Plats.

No streets or alleys except those laid down on such plat as referred to in the last two preceding sections, and bearing the approval of the director of public service, as hereinbefore provided for, shall subsequently in any way be accepted as public streets or alleys by the city, nor shall any public funds be expended in the repair or improvement of streets and alleys subsequently laid out and not on such plat. This restriction shall not apply to a street or alley laid out by the city nor streets, alleys nor public grounds laid out on a plat by, or with the approval of, the director of public service.

SECTION 102.

Dedications
to be
Accepted by
Ordinance or
as Above.

No street or alley hereafter dedicated to public use by the owner of ground in the city shall be deemed a public street or alley, or under the care and the control of the commission, unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions of this charter relating to subdivisions shall have been complied with.

SECTION 103.

No
Commission
for Sale of
City Bonds.

No commission or brokerage shall be paid either directly or indirectly for the sale of any bonds or other evidence of indebtedness of the city.

SECTION 104.

Publication
of
Ordinances.

All ordinances of the City of Miami, before they shall become a law or take effect, must be published at least one (1) time in a newspaper published in the City of Miami. Provided, that nothing herein contained shall prevent the City Commission, at any time appointing some person or persons and authorizing him or them to arrange, and codify the ordinances of the said city, and publishing such codification in appropriate volume or volumes, which shall become the laws of the said city upon its adoption by ordinance published as herein provided; and provided, further, that in the exercise of the power by said commission to adopt said codification, it shall not be necessary to publish said codification, but the publication of the ordinance adopting the same shall be sufficient to make it binding as the law of said city.

SECTION 105.

Criminals to
Pay Fine
and Costs.

The Commission shall determine by ordinance the amount to be credited to prisoners for each day's work performed because of the non-payment of fine and costs. No costs in criminal prosecutions shall be taxed against the city or paid by the Commission.

SECTION 106.

The said city shall be divided into five (5) or more voting pre-cincts, which precincts shall be laid out by the City Commission within twelve (12) months from the date of the adoption of this charter; and the said City Commission shall have power to change the boundaries and the number of said precincts.

SECTION 107.

It shall be the duty of the City Clerk to record within ten (10) days after passage all ordinances adopted by the commission in a book kept for that purpose and properly index said book. A copy of any ordinance therefrom, certified by the Clerk under the seal of said city, shall be received in evidence in all courts of this State.

SECTION 108.

The ordaining clause of every ordinance shall be as follows: "Be It Ordained by the Commission of the City of Miami."

SECTION 109.

The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now, or may hereafter be, possessed or enjoyed by cities under the Constitution and general laws of this State, and all the powers of the City, whether expressed or implied, shall be exercised and enforced in the manner prescribed in this charter, or when not so prescribed, then in such manner as may be provided by ordinance or resolution of the Commission.

SECTION 110.

SAVING CLAUSE

If any section or part of a section of this charter 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 charter, unless it clearly appear 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 111.

WHEN CHARTER TAKES EFFECT

For the purpose of nominating and electing officers and exercising the powers of the city as provided herein, this charter shall take effect from the time of its approval by the electors of the city. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes it shall take effect at the time the commission elected at the first election held under this charter take office.

SECTION 112.

(a) The foregoing charter shall be submitted to the qualified electors of the City of Miami for adoption or rejection at an election, hereby called for that purpose, to be held on the seventeenth day of May, A. D. 1921, which said election shall be conducted in accordance with the laws governing elections in said City of Miami as at present provided.

(a) The ballot used in said election shall be a sheet of plain white paper upon which the following shall be printed:

OFFICIAL BALLOT

Special Election: May 17th, 1921. For the adoption or rejection of a proposed charter for the City of Miami, Florida, pursuant to the provisions of Chapter 6940 of the Laws of Florida, 1915.

Said proposed charter provides for the establishment of a commission-manager form of government for said city and among other features provides for:

Five (5) commissioners, elected at large, to serve for a term of two (2) years each.

Departments established: Department of Law; Department of Public Service; Department of Public Welfare; Department of Public Safety; Department of Finance.

Said charter further provides for a civil service board, pension fund, a city manager, and authorizes the creation of additional departments.

Boundaries of the city as at present established.

Election in form substantially as provided by statute.

Initiative, referendum and recall features.

Provision for a system of audits.

Authorizing the establishment of a purchasing department.

Provision for publicity of reports.

It makes elective officers responsive to public opinion by means of the initiative, referendum and recall.

It furnishes, through the recall, a simple method of removing inefficient or corrupt officials.

It requires public hearings upon money appropriations.
It secures full publicity of official acts.

It safeguards the city in franchise matters.

INSTRUCTIONS TO VOTERS

The voter desiring to vote in favor of adopting the proposed charter shall put a cross mark (X) before the line ending with the word "Yes," and the voter desiring to vote against adopting the proposed charter shall put a cross mark (X) before the line ending with the word "No." All marks otherwise made are forbidden; all distinguishing marks are forbidden and make the ballot void. If you wrongfully mark, tear or deface this ballot, return it to the inspector of the election and obtain another.

For adoption of proposed charter of the City of Miami, Florida,
..... YES.

For adoption of proposed charter of the City of Miami, Florida,
..... NO.

CERTIFICATE

WHEREAS, The City of Miami, in the County of Dade and State of Florida, a city of more than 20,000 population, according to the last federal census, at an election held on the 21st day of January, A. D. 1921, under and in accordance with the provisions of Chapter 6940 of the Laws of Florida, Acts of the Legislature of 1915, did elect G. D. Brossier, Mrs. W. M. Brown, Francis M. Brown, John W. Clausen, Isidor Cohen, Mrs. J. M. Gross, J. E. Junkin, John C. Knight, T. V. Moore, W. H. Peeples, Lilburn R. Railey, Henry G. Ralston, J. Emmet Wolfe, R. V. Waters and J. T. Weathers as a Charter Board of fifteen qualified resident electors of said City, to prepare and propose charter amendments to the charter of said city, or to prepare and propose a new charter for adoption by said city:

BE IT KNOWN, That in pursuance of the provisions of said act and within a period of ninety days after said election, the said charter board has prepared and does propose the foregoing as and for the charter of the said City of Miami, Florida.

IN WITNESS WHEREOF: We, the undersigned, constituting all of the duly elected and qualified members of the charter board of the said City of Miami, State of Florida, have hereunto subscribed our names, in regular session assembled in the city hall in said city this 4th day of April, in the year of our Lord, one thousand nine hundred and twenty-one.

W. H. PEEPLES,
MRS. J. M. GROSS.
FRANCIS M. BROWN.
JNO. C. KNIGHT.
ISIDOR COHEN.
LILBURN R. RAILEY.
J. T. WEATHERS.
MRS. WM. M. BROWN.
G. D. BROSSIER.
JOHN W. CLAUSSEN.
J. E. JUNKIN.
T. V. MOORE.
HENRY G. RALSTON.
R. V. WATERS.
J. EMMET WOLFE.

Members of the Charter Board of the City of Miami, Florida.

ATTEST:

W. B. MOORE.

Clerk of the City of Miami, Florida, and Secretary of the Charter Board.

By Mrs. Elizabeth Harrison,
Deputy.

STATE OF FLORIDA, }
COUNTY OF DADE, } ss:
CITY OF MIAMI. }

I hereby certify that the above and foregoing is a true copy of the Charter of the City of Miami, Florida, adopted by said Charter Board, April 4, A. D. 1921, and filed in the office of the City Clerk of the City of Miami, Florida, April 6, 1921.

W. B. MOORE,
City Clerk.

By MRS. ELIZABETH HARRISON,
Deputy.