

force as the City Council may deem best. Provided, that the City Council may by ordinance create and establish a regular police department for the said City.

#### SECTION 19.

Id.  
Auditor or  
Comptroller.

There shall be appointed by the Mayor, and confirmed by the City Council, or elected by the City Council as herein provided, a City Auditor or Comptroller, whose powers and duties shall be such as are now fixed or which may hereafter be fixed by ordinance and by this Charter.

#### SECTION 20.

Id.  
City Attorney.

There shall be elected by the City Council of the City of Miami, a City Attorney, who shall perform all the duties imposed upon him by the provisions of this Act and which are now prescribed or which may be hereafter prescribed by the City Ordinances.

#### SECTION 21.

Id.  
Chief of Fire  
Department.  
  
Right of Chief to  
Nominate to  
Council.

There shall be elected by the City Council a Chief of the Fire Department, whose powers and duties shall be fixed by ordinance. The Chief shall have the right to nominate to the City Council the Members of the Fire Department, who may be confirmed or rejected by the City Council, or elected by it as to the City Council may deem best.

#### SECTION 22.

Approved by  
Governor May  
31, 1913.  
  
Id.  
Oath and bond of  
officers.  
  
Proviso.  
  
Terms of officers.  
  
Compensation.

All officers of said City shall before entering upon the discharge of their duties, take and subscribe on oath before some person authorized to administer oaths, that they are entitled to hold the office to which they have been elected or appointed, and shall give bond in such sums as may be required by the City Council, said bonds to be approved by the City Council; Provided, however, that the Mayor and members of the City Council shall not be required to give bond.

The term of all officers provided for in this Charter shall be for two (2) years, except as to two (2) members of the City Council, policemen, and Chief and members of the Fire Department, or until their successors are elected and qualified, as herein provided.

The compensation of all City Officers shall be fixed by ordinance.

#### SECTION 23.

The Mayor of said City shall have the right to suspend any officer of said City, except members of the

City Council; Provided, that at the next meeting of the City Council, after such suspension, the Mayor shall submit to the City Council in writing, the cause of such suspension whereupon the City Council upon due notice given to the accused, shall inquire into the cause of such suspension; If a majority of the City Council shall sustain the charges preferred by the Mayor, the officer shall be dismissed, otherwise he shall be re-instated. The Mayor shall have the right to appoint some person to perform the duties of said suspended officer until the Council shall have passed upon such suspension. If such suspension is sustained by the Council, a successor shall be appointed and confirmed or elected as herein provided.

The City Council shall also have the right by resolution adopted by a unanimous vote of all members present at said meeting and actually voting, and without action on the part of the Mayor, to summarily remove from office any City Officer, except the Mayor or members of the City Council.

#### SECTION 24.

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 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.

#### SECTION 25.

No ordinance granting the right to use the streets or alleys of the City of Miami to any private person or corporation shall become a law until the same has been approved by a majority of the qualified voters of the City of Miami, voting at an election held therefor.

All ordinances passed by the City Council, shall be submitted before going into effect, to the Mayor or Acting Mayor for his approval, if approved, he shall sign the same and return it to the City Council at its next regular meeting; if disapproved, he returns the same with his objections in writing to the City Council at its next regular meeting, who shall cause the same to be entered in full upon the record of their proceedings, with the Mayor's objections thereto, and at said meeting shall proceed to consider said objections and pass upon the same. If

Approved by  
Governor May  
31, 1913.

Mayor may sus-  
pend certain  
officers, etc.

Right to appoint.

Council may re-  
move certain  
officers.

Id.  
Power of Chief of  
Police or police-  
men to arrest,  
and power of  
Judge or Clerk to  
issue warrants.

Approved by  
Governor May  
31, 1913.  
Private right to  
use streets.

Passage of  
ordinances.

upon consideration the City Council shall pass said ordinance by a majority vote of the members of the City Council, which vote shall be entered upon the records, such ordinance shall then become a law, the Mayor's veto to the contrary notwithstanding. Any ordinance which shall not be returned to the City Council at the next regular meeting after its passage, with a written veto, shall become a law in like manner as is approved by the Mayor or Acting Mayor.

Publication of proposed ordinances.

All ordinances of the City of Miami, before they shall become a law or take effect, must be published one time in a newspaper published in the City of Miami or must be posted in three conspicuous places in the City of Miami, one of which shall be at the City Hall for a period of thirty days; Provided, That nothing herein contained shall prevent the City Council, at any time appointing some person or persons and authorizing him or them to arrange, codify, add to and supplement the ordinances of the said City of Miami, and publishing such ordinance in appropriate volume of volumes, which shall become the laws of the said City of Miami upon its or their adoption by ordinance published or posted as herein provided, viz., one time, of said codification, said codification not being inconsistent with this Charter; and Provided further, That in the exercise of the power by said Council to adopt said code, codification, volume or volumes, of ordinance, it shall not be necessary to publish said code, codification, volume or volumes except such publication as comes of the compilation thereof, but the publication of the ordinance adopting the same shall be sufficient to make it or them binding as the law of said City.

Proviso.

Power to codify supplement and publish ordinances.

Proviso.

Petition of electors.

Provided, That upon the presentation to the City Council of a petition signed by the qualified electors therein, in number equal to ten per cent (10 per cent) of the registration asking for a submission to the electors of a measure fully set forth in said petition or petitions, being a measure that said body might itself adopt, it must either adopt such measure without alteration or submit the same to its electorate at the next succeeding City election occurring subsequent to sixty days after the filing of said petition or petitions. But if said petition or petitions are signed by qualified electors in number equal to fifteen per cent. (15 per cent.) of said registration, then such measure, if not so adopted by the said City Council, must be submitted to such electorate at a special election to be called within sixty days from the filing of such petition or petitions. If such proposed measure is a measure that the said City

Council might adopt except for the fact that it involves the repeal or the amendment of a measure adopted by the electorate as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to twenty-five per cent. (25 per cent) of said registration, then such proposed measure must be submitted to the electors of said City at the next succeeding City election occurring subsequent to sixty days (60) after the filing of said petition or petitions.

Any measure that the said City Council or the electorate of the City has authority to adopt, as herein provided, said City Council may submit to a vote of its constituent electors at a general or special election. Except as herein provided, no penal ordinance or measure and no ordinance or measure granting, making or authorizing any contract (except contracts for improvements, the expense whereof are defrayed by special local assessment and contracts where the subject matter involved is less than one thousand dollars (\$1000.00), passed by the said City Council, shall go into effect in less than forty (40) days after its final passage, but ordinances and contracts declared by the City Council to be necessary for the immediate preservation of the public peace, health or safety, passed by a majority vote of the said Council, and not obligating the City for a longer period of time than one year, may go into effect at the will of the City Council adopting the same.

If within said forty days a petition or petitions, signed by qualified electors of the City in number equal to ten per cent (10 per cent) of said registration is filed with the City Clerk asking that any penal ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expense whereof are defrayed by special local assessment, and contracts where the subject matter involved does not exceed one thousand dollars (\$1000.00), adopted by the City Council, be submitted to said electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next succeeding City election occurring subsequent to sixty (60) days after the filing of said petition or petitions, or at a special election called prior to such general election, and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and such petition or petitions are signed by qualified electors of the City in number equal to fifteen per cent (15 per cent) of said registration, then said ordinance or measure shall not go into effect until

Ordinances.

Submission of ordinances to electorate.

and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted except by a vote of the City Council or on a petition signed by twenty-five (25 per cent) per cent. of the said registration.

Approval or rejection of ordinances by electorate. When effective.

If a majority of the votes cast on any ordinance or measure referred, as herein provided, to the electors of the City shall be in favor thereof, it shall, if not already in effect, go into effect ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect ten days after the official count shall be determined.

Veto.

No ordinance or measure approved by an electorate under the provisions of this Section shall be subject to veto or to be amended or repealed except by a vote of the same electorate or by legislative authority.

If the provisions of two or more measures approved and adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

#### SECTION 26.

Approved by Governor May 31, 1913.

President to act as Mayor during absence of Mayor.

The President of the City Council during the absence or disability of the Mayor, shall act as such Mayor, but while so acting as Mayor, he shall not have the right to act or vote as a member of the City Council, but the City Council shall in such case elect a President pro tem. and in case the Mayor shall be absent or laboring under any disability for more than three (3) days at a time, the acting Mayor shall receive the Mayor's salary for the time of his absence or disability, provided that in event of the absence, sickness or disqualification of the Mayor and President of Council, the City Council may elect one of its members, who shall be the acting Mayor.

In case of death or resignation of Mayor.

And provided further, in case of death, resignation, removal, failure to qualify, non-residence, or physical disability, or in case of failure to elect a Mayor, the President of the City Council or acting Mayor, as above provided, shall discharge the duties of said office until a successor for that unexpired term shall be elected by the people, which election shall be held within sixty days (60) after the happening of a vacancy.

#### SECTION 27.

Id. Power of Council to pass certain ordinances, etc.

That the City Council shall have the power to make, establish and ordain for the government of said City and the officers of said City, such ordinances in writing and such by-laws and rules of order not inconsistent with this Charter, the constitution and laws of the United