

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go into effect ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected.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or measure approved by an electorate under the provisions of this Section shall be subject to veto or to be amended or repealed except by a vote of the same electorate or by legislative authority.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

States, as they may deem necessary; Provided a majority of the City Council shall assent thereto. They shall have the power to pass all such ordinances and prescribed penalties for the violation thereof, as may be necessary to define, prevent or abate nuisances; to restrain and punish gambling or other disorderly conduct; to prevent the running at large of cattle, horses, dogs, hogs, sheep, goats, and fowls or other domestic birds, in the street of the City or in the City limits, and to impound the same; to provide for the establishment of waterworks, electric and other lighting and heating plants, and all other plants necessary for the City and may make contracts relating to the same, and whenever the same are so established, may provide for the operation and maintenance of the same; to grant municipal franchises to street railways, telegraph and telephone companies; to regulate the speed at which horses and bicycles may be ridden; to regulate the speed at which horses and vehicles of all kinds, automobiles and motor-cycles may be driven through the streets; to regulate the speed at which street or other railways shall run in the City limits; to license privileges, business, occupations and professions carried on and engaged in within the City limits; and the amounts of such license and the amount of such license taxes shall be fixed by City ordinance, which amounts of said taxes shall not be dependent upon a general State revenue law.

Powers of Council  
by ordinance.

The City Council shall have the power to regulate saloons and places where intoxicating liquors, wines and beers are sold, to fix the time for opening and closing such places of business, not inconsistent with the State law, and to prescribe the limits of any portion of the City where intoxicating liquors, wines and beers shall not be sold and to enforce such ordinances by fine or imprisonment.

Saloons, etc.

The City Council shall have power to pass all such ordinances as may be necessary to establish quarantine and health regulations for the City of Miami, not inconsistent with the rules and regulations of the State Board of Health, and enforce same by penalties.

Health regula-  
tions.

To arrange for and provide for a Fire Department and to regulate the same so as to protect the City from fire; to organize a City Police Department, to number drays and fix the rate of drayage; to provide for the inspection of gas, electric light and water meters; to pass and enforce ordinances; to compel the engineers of stationary and portable steam and gas engines to pass an examination for licenses and to take out license and affix

Powers of  
Council.

ing penalties for failure so to do; to compel the inspection of steam boilers, except locomotive and marine boilers, and to compel employers to employ only licensed engineers and affix a penalty for a failure so to do; to compel employers, their managers or servants to allow inspection of boilers and of affixing a penalty for refusing so to do; to establish hospitals, and in conjunction with the Board of County Commissioners, to establish rules and regulations respecting the poor, indigent, infirm and insane; to provide for the support and fix the conditions upon which such persons coming into said City shall be allowed to remain; to provide for the punishment of persons who may at any time disturb the peace of the City, or violate any of its ordinances, or any of the rules and regulations of the State Board of Health; to provide for the inspection and regulate the sale of milk, meats and fish; to fix and regulate from time to time the salaries of the officers and employes of the City; except as herein otherwise provided; to compel property owners or occupants to connect with the City sewers, and to do or regulate any other matter or thing that may tend to promote the health, welfare, prosperity and morals of the City; to prohibit and suppress all bawdy houses and disorderly houses, and any exhibition, show, circus, parade or amusement contrary to good morals, to prohibit and suppress all obscene pictures and literature, to regulate, restrain or prevent the carrying on of manufactures dangerous in increasing or producing fires, and license the sale of firearms; to regulate the storage of gunpowder, tar, pitch, resin, saltpeter, coal-oil, kerosene, gasoline or other combustible, explosive or inflammable material, to regulate the use of lights, candles, lamps and steam pipes in all stables, shops and places of business, to regulate and suppress the sale and use of firecrackers and of other fireworks, toy pistols, air guns and sling shots.

**Inspection.**

To provide for and regulate the inspection of beef, pork, flour and meal and all other provisions and oils.

To regulate the inspection of butter and lard; to regulate the testing of meats, poultry, fish, fruit and vegetables.

To provide for inspecting and regulating the sanitary condition of all dairies, butcher pens and slaughter houses, where the products of the same are sold within the City limits, and to provide penalties for violating such regulations.

**Powers of Council.**

To establish and maintain markets, to provide for the arrest, imprisonment and punishment of all vagrants

and all riotous and disorderly persons within the City by day or by night and for the punishment of all breakers of the peace; to provide for the dispersion of all disorderly assemblies on Sundays or secular days; to pass all ordinances necessary to the health, convenience, comfort and safety of the citizens, and to carry out the full intent and meaning of this Act, and accomplish the objects of this intended corporation to impose penalties for the violation thereof.

To impose penalties on the owners, occupants or agents of any walk or sidewalks, or any other structure or place, or any other place which may be dangerous or detrimental to the citizens or their property, unless after due notice, the same may be remedied or removed. To provide for the enclosing, improving and regulation of public grounds, belonging to the City, within or without the corporate limits; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets or other work to be designated by ordinance, unless the fines and costs attached against them by judicial authority are paid.

Powers of Council.

The Council shall determine by ordinance the amount to be credited to such persons on account of fine and costs for each day's work performed. The City Council shall have power by ordinance to appropriate money for the payment of debts and expenses of the City and also for debts of the municipal corporation of which said City of Miami is successor, under this act. Provided that no costs in criminal prosecutions shall be taxed against the City or paid by the City Council.

Powers of Council.

To license, tax and regulate hackney carriages, cars, omnibuses, wagons and drays, 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.

Wagons, drays, cars, etc.

All vacancies in terms occurring in City Council shall be filled by the vote of a majority of the remaining members of said City Council. Said City Council shall judge of the election and return of its own members, and prescribe rules for the determination of contested elections and to prescribe rules and regulations for the government of its own members. The City Council shall have power to confirm all appointments to City offices, made by the Mayor, or to reject the same, at any regular meeting by a majority vote of the members present. In case the City Council fails to confirm the second appointment of the Mayor or in case the Mayor fails to make such second appointment, the City Council may elect

Vacancies.

such City officers by a majority vote of the members present.

Penalties.

The City Council shall have the right to prescribe penalties for breaches of all or any of its ordinances or any section thereof by fines and imprisonment in the City jail, and to force the collection of fines by attachment summarily against the property of the delinquent, if the same can be found, provided that the penalty enforced shall in no case exceed imprisonment for ninety (90) days or of a fine of two hundred (\$200.00) dollars. It shall have power to remit fines and commute sentences imposed by the Municipal Judge, and in addition to the powers hereinbefore enumerated, the City Council shall have all the power and perform all the duties imposed upon them by the laws of Florida now in force, or which may hereafter be enacted, providing for the government of cities and towns, not inconsistent with the provisions of this act; and the Mayor, Municipal Judge, Chief of Police, Clerk and Collector, Assessor, and other officers, shall have the powers and perform all the duties imposed upon them by general law.

Fire protection.

The City Council shall have the power to fix and establish a fire limit within said City, and to prescribe rules and regulations for the erection and repair of buildings in said City; Provided, That the fire limit as established in the municipality to which the municipality hereby organized is a successor, shall not be decreased except by the unanimous consent of all persons owning property in any block to be taken from such fire limits.

Proviso.

The City Council shall also pass such ordinances as may be necessary to protect and preserve peace and order upon all property owned, leased, managed or controlled by said City, outside of the City, and enforce the same by penalties.

Board of Equalization, etc.

The City Council shall have power to equalize tax assessments, for raising or lowering tax assessments, and shall sit as a Board of equalization; to have exclusive power and control of the construction, repair, grading and improving of all streets, alleys, avenues and lanes, public wharves, landings, market houses, spaces, bridges, sewers, trenches, ditches, culverts, canals, streams, water courses, dock-lines, and the estimation of such dock-lines, side-walks, curbing, public buildings and to fix and establish the grades of all streets, avenues, alleys and thoroughfares.

Public buildings and improvements.

Said Council shall have exclusive power, supervision and control over the construction and repairing of all public buildings and all public improvements of the

City. The City Council shall have power to enact or- Street tax.  
dinances requiring all able-bodied male persons, over the  
age of twenty-one years and under the age of fifty-five  
years, residing within the City limits, who do not pay  
taxes to the City, whether by license or taxes on real or  
personal property, to pay a street tax to the amount of  
Three (\$3.00) Dollars each, and all such persons, who  
pay such taxes to the City, but not amounting in the  
aggregate to the sum of Three (\$3.00) Dollars, may be  
required to pay to the City for street tax, the amount  
of such deficiency; Said taxes to be collected and placed  
to the credit of repairs and internal improvements fund.  
The Failure or refusal to pay such street tax, or frac-  
tional part thereof as aforesaid, is hereby declared to be  
a misdemeanor, and upon conviction before the Municipal  
Court, such person or persons so in default, shall be  
fined the amount of such street tax or deficiency with  
costs or by imprisonment in the City jail for not more  
than Ten (10) days; Provided, any person convicted un-  
der any ordinance passed by virtue hereof, shall have  
the privilege of paying such fine and costs, by work on  
the City streets, under the supervision of the Street  
Superintendent, at the rate of One (\$1.00) per day.

In addition to the powers above granted, the City Powers of  
Council.  
Council shall have all powers and privileges not inconsis-  
tent herewith, granted to the City Council of Cities and  
Towns by the general laws of the State of Florida, and  
shall have power to do any perform all things necessary  
for the government of the City not inconsistent with  
the constitution and laws of the United States, the con-  
stitution of the State of Florida and the terms and pro-  
visions of this Act.

#### SECTION 28.

When at any time the City Council of the City of Id.  
Miami shall decide to pave, grade, curb, lay out, open or Improvements.  
otherwise improve any street, alley, park or public high-  
way, or any part thereof, or to construct any drains or  
sewers, the said City Council shall pass a resolution or  
ordinance ordering the same done, and thereupon the  
City Council shall advertise for bids once in a daily news-  
paper published in the City of Miami, for making such  
improvements. Said advertisement shall contain, among  
other things, a description of the material to be used,  
width of paving, if the street is to be paved, and shall  
designate with reasonable certainty the limits within  
which such work is to be done, and the nature thereof,  
in which advertisement, the City Council may reserve the  
Advertisement  
for bids.

right to reject any and all bids; And in case the City Council shall see fit to reject all bids, then in such event the said City of Miami may do the work itself, and as fully and completely hold the lien hereinafter provided as if said work had been done under contract; Provided, that the cost of doing the work by the said City shall in no case be greater to the property owner than if the work were done under the lowest and best bid.

Proviso.

Separate bids.

In advertising the street paving, the City Council may within their discretion, advertise for separate bids on grading, curbing, and paving and enter into separate contracts therefor. Whenever the City Council has accepted any bid or bids for any the said above mentioned improvements, as soon as the improvements have been completed under the terms of said contract or made by the City itself, as hereinbefore provided, and the same has been accepted by the City Council, after duly advertising, and giving a public hearing hereinafter mentioned, the said City Council, at its next regular meeting or at a special meeting called for this purpose prior to the regular meeting, shall assess the total cost of the same against the property abutting on each side of said street, alley, park or other public highway, in proportion to the frontage on said alley, street, park or other public highway; Provided, that when a drain or sewer is laid or constructed, no greater amount of the cost thereof shall be assessed against the abutting property than two-thirds of the total cost of laying an eight-inch sewer; Provided, further, that the entire cost of the improvements at the intersection of streets or alleys shall be paid by the City.

Abutting property to be assessed.

Proviso.

Liens.

All such assessments for such improvements heretofore made, or which may hereafter be made, including those now in process of construction, shall constitute a prior lien to all other liens, except taxes, and those for the construction or repair of sidewalks and those for the removal of weeds, under-growth, rubbish, debris, trash, and unsightly and unsanitary matter, with which liens they shall have equal dignity upon the real estate assessed; Provided, further that no assessment for such improvement against any lot or parcel of land shall exceed one half of the assessed value of such land for City taxation purposes.

#### SECTION 29.

Id.  
Power of Council.

The City Council shall have the power by resolution or ordinance to prescribe the width of every sidewalk in said City and the material of which the same shall be

constructed. They shall also 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, and if the owner or owners of property to lay, construct or repair sidewalks in front of their property, and if the owner or owners shall not lay, construct or repair the same within the time limited in the resolution, the City Council shall do or have the same done, and shall assess such cost against the abutting property for paving, curbing or other improvements which assessment shall, except as hereinafter provided, be payable in one year and shall bear interest at a rate not greater than eight per cent per annum, to be fixed by the City Council, And said assessment when so made, shall constitute a lien prior to all other liens; except taxes and those for work or other improvements hereinafter provided for, with which they shall be of equal dignity, upon the property in front of which such sidewalk shall have been laid, curbed, repaired or otherwise improved, from the date of said assessment, which lien shall be enforced in the manner herein provided for the enforcement of liens in other cases; Provided, however, that the owner of the property abutting the sidewalk shall have the option to pay the entire amount of the assessment in cash upon notice of his intention so to do, given before the completion of the work, And provided, also, that the owner of the property so assessed for said improvement shall have the option when said assessment shall amount to twenty-five (\$25.00) Dollars or more against any one lot or parcel of land, to pay the same in such equal annual installments, as the City Council shall by ordinance direct, in the same manner and place, and in all respects with like rights and obligations as are provided for the payment and collection of assessments for street, alley, park and other public highway improvements.

Sidewalks.

Assessment for

Liens.

Proviso.

### SECTION 30.

Whenever the owners of any lot or parcel of land, whose lot or parcel of land shall have been assessed for the improvement, grading, curbing, laying out, opening, or other improvements of any street, alley, park, or other public highway or for the construction or laying of any drain or sewer, shall desire to exercise the privilege of paying such assessment by installment, he shall at any time before the expiration of thirty (30) days after the making of the assessment aforesaid, enter into an agreement in writing with the City of Miami, that in consider-

Id.  
Assessments may  
be paid by in-  
stallments.

Agreement.



ation of such privilege, he will make no objection to any illegality or irregularity with regard to the assessment against his property, and shall agree to pay the same as required by law with the specified interest. Such agreement shall be filed in the office of the City Clerk of the City of Miami.

Filing of agreement.

Any person signing and filing such agreement within the time limited and entitled to installments may nevertheless at any time after the expiration of the first year pay up his entire assessment and stop the interest thereon, and be relieved of the lien of the same, on condition that he at the same time, pay up all accrued interest and also interest up to the time the next installment is payable; Provided, that before such person shall be entitled to make such repayment he shall give a notice in writing to the City Clerk of his intention so to do, six months in advance of the time when such payment is made.

Failure to file agreement.

When the agreement herein mentioned shall not be signed and filed as herein provided for, the entire assessment together with the interest thereon at a rate not to exceed eight per cent per annum, to be fixed by the City Council, shall become due and payable at the expiration of one year from the making of such assessment. Provided, that the privileges of paying assessments in annual installments, shall apply only to those assessments of twenty-five (\$25.00) Dollars and more against any one lot or parcel of land.

#### SECTION 31.

Id.  
Clearing property of rubbish, etc.

The City Council shall also have the power, on such as may be prescribed by resolution, to require owners of property to clear the same of and destroy weeds, under-growth, rubbish, debris, trash and unsightly and unsanitary matter; and if the owner or owners thereof, shall fail to clear such property of weeds, undergrowth, rubbish, debris, trash and unsightly and unsanitary matter, within the time prescribed in the resolution, the City Council shall do or have the same done and shall assess the cost thereof against the said property to be cleared, which assessment shall be payable in one year and shall bear interest at a rate not greater than eight per cent per annum, to be fixed by the City Council.

Certificates of indebtedness.

The City Council, at the expiration of thirty (30) days after said assessment is made, shall issue certificates of indebtedness for the amount so assessed against abutting property, a separate certificate to be issued against each tract of land assessed, containing a descrip-