

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-

tion of the improvements and the amount of the assessment, for which the assessment was made and the date thereof. Such certificate shall be payable to bearer in one year with interest at a rate not greater than eight per cent per annum, to be fixed by the City Council, from the date of the issuance of the certificate of indebtedness, the payment of which said certificates and annual interest shall be guaranteed by the City of Miami, and in case of non-payment of interest or principal at maturity by the property owner, the same shall be redeemed by the City at the option of the holder thereof, but such redemption by the City shall not discharge the lien or assessment against the abutting property, and in case of non-payment of interest, it shall be optional with the holder thereof to consider the principal sum expressed in said certificate as immediately due and payable with interest to date. The certificates, when issued, shall be turned over to the City Clerk, who shall sell or dispose of the same in payment of such work or improvement, or for cash at his discretion, and all certificates of indebtedness constituting a lien upon abutting property shall be payable at the City Clerk's office of the City of Miami. All assessments provided for by this section shall be of like dignity with assessments for the improvement of streets, alleys, side-walks, parks and other public improvements.

Clerk may sell certificates.

SECTION 32.

In all cases provided in this Act for the paving, grading, curbing, laying out, opening, repairing or otherwise improving streets, parks, alleys, or other public highways, within the limits of the City of Miami, including the laying, curbing, constructing or repairing sidewalks or their curbings, in front of any property within the limits of the City of Miami, and the laying or constructing of drains or sewers, as soon as said work shall have been completed, and prior to its acceptance by the City Council, then said City Council shall cause to be posted in three conspicuous places in the City of Miami, one of which will be in the City Hall, a notice of the completion of said work, which notice shall contain a statement of the total cost of the work and of the total frontage of lots or parcels of land liable to liens therefor, and the amount of liens per front foot claimed by the City, but in such notice the name of the owner or owners or other persons interested in said lot or parcel of land need not appear but only a sufficient description of the lands as to make it capable of identification shall be necessary, and

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When improvements are completed notice is to be posted.

Complaints.

such notice shall set a time for a hearing of all complaints which the owner or owners or other persons interested in such improvements may desire to make against the cost of such improvements.

After hearing complaints.

After the date of such hearing, if no legal reason is shown why the cost of the said improvements shall not be assessed as provided by this Act, the City Council shall, after the acceptance of said work, whether the same is done under contract or by the City itself, assess the said costs, against the abutting property in the manner hereinbefore provided.

Assessments payable in installments.

Each assessment of twenty-five (\$25.00) Dollars and over, so made against abutting property for any of the improvements aforesaid, or for the laying or construction of any drains or sewers, may at the option of the owner of the property so assessed be payable in such equal annual installments as may be provided by the City Council. The installments in which such assessments shall be paid, and the time of the payment of the same, shall be fixed by the City Council, by ordinance, at the time of the making of said assessment.

Special improvement bonds.

The City Council may, by ordinance, provide from time to time for the issuance of Special Improvement Bonds for the purpose of paying the sums payable as aforesaid by lots or parcels of land for improvements assessed to said lots or parcels of land, as aforesaid.

Amount of bonds,

Such bonds shall be of such aggregate amounts, of such denominations, with such dates of issuance, and of payments with interest at such rate, and be of such form, as the City Council may determine, but no bonds shall be issued for a period longer than Ten (10) years.

Validity of bonds,

They may be issued, from time to time as the City Council may think expedient. Such bonds shall pledge the City to the payment thereof, and to apply to such payment all the proceeds realized by the City from the liens upon the lots or parcels of lands for the construction of the improvements as hereinbefore provided, and the said proceeds shall be used exclusively for the taking up of the said bonds and interest thereon. The bonds authorized by this section shall be of equal dignity with the municipal bonds authorized by Section 39 of this Act, but the limitation of bonds provided for in said Section 39 shall not apply to the bonds authorized to be issued under this Section. The approval or ratification of the special improvement bonds authorized by this Act, by the electors of said City, shall not be necessary to the validity of such bonds. After the issuance of such bonds, no suit shall lie to enjoin the collection of any assess-

ment, and the validity of the same shall not be questioned, but all property owners shall be conclusively estopped and precluded from in any manner assailing the effectiveness or validity thereof. Such bonds, when issued, shall convey and transfer to the owner thereof, all lien, right, title and interest in and to the assessments and liens upon the respective lots or parcels of ground, subject to such assessments and liens, which liens shall stand as security for the payment of such bonds and coupons, until said bonds, coupons, penalty, and attorney's fees are paid, with full power upon the owner of such bond to enforce the collection thereof, if such bond or coupon be not paid at maturity thereof, on presentation to the City Clerk. Payment of the assessments represented by said bonds, with interest, penalty, costs and attorney's fees, shall be enforced by the sale of the lands and lots liable therefor, or so much thereof as may be necessary. The Property against which the assessment is made shall in no event be sold for less than the amount of the assessment, attorney's fees and costs. All bonds as herein provided shall be negotiable as inland bills of exchange, and shall be free from all defenses by any property owner or owners. It shall not be necessary in said bonds, to recite the steps taken in ordering such improvements or directing the assessment, but it shall be sufficient to make a general reference to such assessment and to the statute.

Bonds to be negotiable.

Failure to pay any installment of principal or interest when the same shall become due, shall bring all installments of principal yet unpaid forthwith due and payable. When any person shall default in the payment of any installment of principal or interest, it shall be the duty of the City Clerk to mail a notice of such delinquency to such person, who shall have thirty (30) days from the date when the same was payable to pay such installment together with a fee to such City Clerk of twenty-five Cents for sending such notice; but the failure to send such notice to any delinquent shall not prevent the foreclosure of such lien after the expiration of said thirty (30) days; Provided further, that in all actions that may be brought to foreclose any of the bonds provided for in this Act, there shall be recovered in addition to the principal and interest, a reasonable attorney's fee.

Default in paying.

SECTION 33.

In no event shall the amount of validity of the liens, assessments or certificates of indebtedness pro-

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Treatment of
liens or certificates.

vided for by this act be questioned in any direct or collateral proceedings instituted more than thirty (30) days after the making of the final assessments. Upon any suit brought to enforce such lien or collection of the amount due upon any assessment or certificate of indebtedness, a copy of the entry of such lien in the Street Improvement Lien Book, duly certified by the City Clerk under the corporate seal of the City, or the original certificate of the indebtedness issued on account of such lien, shall be and constitute prima facie evidence of the amount and existence of the liens upon the property described, and in all cases mentioned in this act, where the City of Miami has acquired or may hereafter acquire liens for improvements, such liens or any of them may be enforced in the following manner by the said City, or in the name of said City, by the holder thereof:

Enforcement of
liens in equity
or law.

First, by a bill in equity.

Second, by a suit at law.

The Bill in equity or the declaration shall set forth and succinctly, the issuance of the certificate of indebtedness issued on account of such lien, the amount thereof, and the description of the property upon which such lien has been acquired, and against which such assessment was made, or the certificate of indebtedness was issued, and shall contain a prayer that the owner shall be compelled to pay the amount of said lien, or in default thereof, that the said property shall be sold to satisfy the same, but the judgment or decree obtained in such suit shall not be enforced against or be a lien upon any other property than that against which the assessment was made.

SECTION 34.

Enforcement of
liens, parties to
the suit, etc.

In the proceedings provided for in the preceding section the owner or owners of the land, if they can be ascertained, shall be parties defendant. If the owner or owners can not be ascertained, after diligent inquiry, the proceedings shall be against the property on which the lien is named, without mentioning any party as defendant. In such case, certificates shall be had by a notice of the institution of such suit for the enforcement of such lien, by advertisement in a daily newspaper published in the City of Miami, once a week for four (4) consecutive weeks. In all proceedings to enforce said liens, or any of them, save in cases where the owner or owners can not be ascertained, service shall be made in the same manner as is prescribed by law for service in other cases. In such proceedings, appeals and writs of

error may be taken to proper appellate court, as in other cases. The proper appellate court shall, on the motion of either party, advance such cases out of their regular order, and try and determine the same as early as possible.

SECTION 35.

In cases where property owners are in default, or become delinquent in the payment of any installment of the assessments herein provided for, the City Clerk shall notify in writing the holder of the bond or coupon issued in anticipation of the collection of such assessment, where such bond or coupon holder is known, of such default or delinquency; such notice shall by the City Clerk be properly addressed and mailed; the City Clerk shall keep a register of all coupon holders and bond holders who may furnish him a description of their coupons or bonds, and their names and addresses. It shall be the duty of the City Clerk, in all cases where any property owner is in default in the payment of any installment, or any part thereof, chargeable upon or against his property, to add a penalty of twenty per centum (20%) upon any installment, or any part thereof, with such delinquency, which said penalty when collected, shall be and become the property of such City. And the City Clerk shall, on the first day of January, of each year, certify to the Clerk of the Circuit Court in and for Dade County, Florida, who shall record the same in a suitable book properly indexed.

Id.
Delinquent
assessments.

Duty of Clerk
with reference to
delinquencies.

SECTION 36.

No officer of the City of Miami shall draw warrant for any indebtedness of the City of Miami on any City Depository unless the money to meet said warrant is actually on deposit to the credit of the City in such Depository.

Id.
No warrant issuable unless money is in depository.

SECTION 37.

It shall be unlawful for the City of Miami, in any one year, to incur any indebtedness in excess of the appropriation for said year, except as provided in this Charter.

Id.
Incurring
indebtedness.

SECTION 38.

The office of City Treasurer is hereby abolished and in lieu thereof, the City Council may designate by ordinance or resolution, one or more bank or banks or Trust Company, whether State or National, doing business in

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31, 1913.

Abolishment of
office of
Treasurer.