

An act to Amend and Re-enact the Charter of the City of Miami, in the County of Dade, and to fix the Boundaries and Provide for the Government, Powers and Privileges of Said City and Means for Exercising the Same; and to authorize the Imposition of Penalties for the Violation of Ordinances; and to Ratify Certain Acts and Proceedings of the Commission and of the Officers of the City.

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

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.—BOUNDARIES.

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:

Commencing at a point in Biscayne Bay where the present Easterly limits of the City of Miami, Dade County, Florida, extended Northerly intersect with a line 660 feet more or less North of the South line of Section 28, Township 52 South, Range 42 East produced East, thence West parallel to and 660 feet more or less North of South line of Sections 28, 29 and 30, Township 52 South, Range 42 East and Sections 25 and 26, Township 52 South, Range 41 East, to the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 26, Township 52 South, Range 41 East, thence South along said West line to the North line of Section 35, Township 52 South, Range 41 East, thence continuing South along the center of the East Half (E $\frac{1}{2}$) of said Section 35, Township 52 South, Range 41 East, and continuing South along center line of the East Half (E $\frac{1}{2}$) of Sections 2 and 11, Township 53 South, Range 41 East to a point 660 feet more or less North of the center line of said Section 11, thence West on a line parallel to and 660 feet more or less North of said center line to N. W. corner of Southwest Quarter (SW $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Northeast Quarter (NE $\frac{1}{4}$) of Section 10, Township 53 South, Range 41 East, thence South along West Line of said Southwest Quarter (SW $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Northeast Quarter (NE $\frac{1}{4}$) and continuing South along center line of East Half (E $\frac{1}{2}$) of Sections 10, 15 and 22, Township 53 South, Range 41 East to N. E. corner Southeast Quarter (SE $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section 22, Township 53 South, Range 41 East, thence West parallel to and 660 feet more or less North of South line of said Section 22 through Sections 22 and 21 to the N. W. corner of Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section 20, Township 53 South, Range 41 East, thence South along West line of said Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) to the South line of Section 20, continuing South along center line of East Half (E $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of Section 29, Township 53 South, Range 41 East to the North bank of the Tamiami Canal, thence along the North bank of said Canal continue Westerly and Southwesterly through Sections 29, 32, and 31, Township 53 South, Range 41 East, and through Lot 1 and through Sections 1 and 2, Township 54 South, Range 40 East, to West line of Section 2, Township 54 South, Range 40 East, thence South to the S. W. corner of Section 2, Township 54 South, Range 40 East thence South to the South side of the Tamiami Trail, thence East along the South line of said Tamiami Trail through Sections 11 and 12, Township 54 South, Range 40 East, to the West line of Red Road, thence coincident with the original boundary of the City of Coral Gables as follows:

**TERRITORIAL
BOUNDARIES
OF CITY.
(AMENDMENT
1925)**

North to the North line of Section 12, Township 54 South, Range 40 East, thence East to the N. W. corner of Section 7, Township 54 South, Range 41 East, thence North along West line of Section 6, Township 54 South, Range 41 East to the North side of Tamiami Trail or S. W. 8th Street as now laid out along North line of said Section 7, thence East along the North line of said Tamiami Trail through Sections 6 and 5 of Township 54 South, Range 41 East, to a point where the North side of Tamiami Trail intersects with the East side of Block eighty-one (81) of the Granada Section of Coral Gables according to a plat recorded in Plat Book 8 at Page 113 of the Public Records of Dade County, Florida, produced Northerly, thence South along said East line of Block eighty-one (81) produced North and along said East side of said Block eighty-one (81) to the Southeast corner of said Block eighty-one (81), thence West along the South side of said Block eighty-one (81) to the East line of Cortez Street, thence south to a point twenty-five (25) feet East of the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of Section 7, Township 54 South, Range 41 East, thence West twenty-five (25) feet to said Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of Section 7, thence South along the East line of Section "B" of Coral Gables, as shown by a plat recorded in Plat Book 5 at Page 111, of the aforesaid public records, to the Southeast corner of Lot nine (9) Block sixteen (16) of said Section "B," thence East along the North line of said Section "B" to the West line of LeJeune Road, thence North along the West line of LeJeune Road to a point where the said West line of LeJeune Road intersects with the North line of Section "K" of Coral Gables as shown by a plat recorded in Book 8 of Plats at Page 33 of aforesaid records, produced West, thence East along the North line of said Section "K" produced West and along to the North line of said Section "K" to the West line of the Douglas Section of Coral Gables, as shown by a plat recorded in Book 8 of Plats at Page 87 of the Public Records of said Dade County, thence North along said West line of the Douglas Section to the Northwest corner of said Douglas Section, thence follow along and around the West, North and East sides of the Flagler Street Section of Coral Gables as recorded in Book 10 of Plats at Page 12 of the Dade County Public Records to the South line of Palma Court, thence West along said South line of Palma Court to the East line of Douglas Road, thence South along said East line of Douglas Road as laid out along the East lines of Sections 5 and 8 of Township 54 South, Range 41 East, to the center line of Section 9, Township 54 South, Range 41 East, thence West to the East line of Section 8, Township 54 South, Range 41 East, thence South along the East line of said Section 8 and along the East line of Section 17, Township 54 South, Range 41 East to the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 17, Township 54 South, Range 41 East, thence West along said North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) to the East line of the West Half ($W\frac{1}{2}$) of said Northeast Quarter ($NE\frac{1}{4}$) of said Southeast Quarter ($SE\frac{1}{4}$), thence South along last mentioned East line of the West half ($W\frac{1}{2}$) to the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section 17, thence West along said South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) to the Northwest (NW) corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 17, Township 54 South, Range 41 East, thence South along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section 17 and continuing South along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 20, Township 54 South, Range 41 East to the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 20, thence East to the center line of the East one-fourth ($E\frac{1}{4}$) of said Section 20, thence South along last mentioned center line of the East one-fourth ($E\frac{1}{4}$) to the center of said Section 20, thence West along the center line of said Section 20 to a point one thousand ten and sixty-seven hundredths (1010.67) feet more or less East of the center of Section 20, Township 54 South, Range 41 East, thence South parallel to and one thousand ten and sixty-seven hundredths (1010.67) feet East of the center of said Section 20 to a point four hundred

thirty and eighty-nine hundredths (430.89) feet more or less North of the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 20, thence West parallel to and four hundred thirty and eighty-nine hundredths (430.89) feet North of the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 20 to the East side of LeJeune Road, thence South along said East side of LeJeune Road as laid out along the center lines of Sections 20 and 29 of Township 54 South, Range 41 East to the North line of the South one-fourth (S $\frac{1}{4}$) of said Section 29, thence East along the North lines of the South one-fourth (S $\frac{1}{4}$) of Sections 29 and 28 of Township 54 South, Range 41 East and along the North line of the South one-fourth (S $\frac{1}{4}$) of said Section 28 produced East to where this line intersects with the present Easterly City limits of Miami produced Southerly at the center line of Biscayne Bay, thence leaving the City limits of Coral Gables run Northerly along the present City limits of Miami produced Southerly and along the present City limits of Miami and along the present City limits of Miami produced Northerly to point of beginning.

SECTION 3. POWERS.

The City of Miami shall have power:

(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 purpose 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.

GENERAL
POWERS OF
CITY.

(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.

POWERS AS
TO STREETS.

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

POWER OF
SPECIAL
ASSESSMENT

(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
BORROW
MONEY.

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

POWER TO
EXPEND
MONEY OF
CITY.

(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, within and without the City, 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; and to rent or lease from any person, firm, corporation, or political subdivision, any land or building within or without the City or any space within any such building, for any municipal purpose.

POWER TO
FURNISH
LOCAL
PUBLIC
SERVICE.

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

POWER TO OWN PUBLIC SERVICE SYSTEMS.

(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 OF GENERAL WATER SUPPLY INCLUDING POWER TO FURNISH SURPLUS WATER TO OUTSIDE MUNICIPALITIES.

(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 the same; to lay all necessary mains, to erect and maintain all 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 from 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 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 of 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, industries, or municipal corporations 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 TO IMPOSE RATES FOR PUBLIC UTILITIES.

(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 PLACE ALL WIRES UNDERGROUND.

(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 franchise and property of such companies.

LANDINGS, WHARVES, DOCKS AND WAREHOUSES.

(m) To establish, construct, maintain and operate, both within and without the City, public landings, wharves, docks and warehouses; to dredge or deepen the harbor or river, or any branch or portion thereof, to install turning basins and build jetties, and otherwise improve the harbor and shipping facilities of the City, within and without the City and within and without harbor lines where such improvements outside of harbor lines are approved by the United States Government or its proper agencies; 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 through or using said landings, wharves or docks, and to collect reasonable fees for storage in such warehouses; to lease or grant the use of any one or more of such public landings, wharves, docks or warehouses, or part thereof; provided, however, that no such lease or grant shall be for a term longer than five years, unless the proposition of making the same, with a statement of the duration or maximum duration of the lease or grant and a description in general terms of the property to be leased shall have been ratified by a majority of the qualified electors of the City voting thereon at a general or special election to be called by the City Commission, notice of which election shall have been published in a newspaper published within the City

once a week for a period of fifteen days; to regulate the manner of using other wharves, docks and warehouses within the City; to prescribe and enforce reasonable rules and regulations for the protection and use of its said property; to advance to the Government of the United States or to the Secretary of War, with or without interest, funds to be expended in the prosecution of any work of harbor improvement to be made by the Government in or adjacent to or near the City or directly affecting the City within Miami Harbor and the approaches thereto, if such work has been duly adopted and authorized by law of the United States, and to issue bonds or notes to obtain funds for such advances in the manner that is or may be provided by this charter or other law for the issuance of bonds and notes of the City; and to impose and enforce adequate penalties for the violation of such rules and regulations.

(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.**

(o) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire or construct and to operate incinerators and other plants for the disposal or reduction of such matter, or the utilization thereof or any thereof, and to acquire by purchase, condemnation or otherwise any estate or interest or easement in any water, land and land under water within the City or within any county in the State, as may be deemed necessary for such disposal, reduction, utilization, construction, or operation.

**POWER TO
DISPOSE OF
SEWAGE.**

(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
ABATE
NUISANCES.**

(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.

**POWER TO
FIX STANDARD
OF WEIGHTS.**

(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 or 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 commis-

**POWERS OF
GENERAL
FIRE
PROTECTION.**

sion 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.

POWER TO SAFEGUARD GENERAL HEALTH.

(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.

REGULATION OF CEMETERIES.

(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.

FULL POLICE POWERS.

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

GENERAL WELFARE CLAUSE.

(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.

POWER TO ENFORCE ORDINANCES.

(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.

(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 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
CONCILIA-
TION.**

(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.

**REGULATIONS
OF
AIRPLANES.**

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

**POWER TO
PROHIBIT
SALE OF IN-
TOXICANTS.**

(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.

**POWER TO
CREATE BIRD
SANCTUARY.**

(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, regulate, or to prohibit in designated streets, or parts of streets, carriages, omnibusses, motorbusses, cars, wagons, drays, jitney busses and other vehicles; and to license, tax, and cause to be registered and control the drivers thereof and to fix rates to be charged for the carriage of persons and property within the city and to the public works beyond the limits of said City; and to authorize the City Manager, or the Chief of Police to make and promulgate regulations for traffic on the streets, or parts of the streets, during such hours as may be necessary or convenient, and to provide for parking spaces on the streets, and to at any time discontinue the right to the use of such parking spaces and to regulate or vacate or discontinue the use of the same; and to require all vehicles for the carriage of persons for hire to execute a bond to be conditioned as required by ordinance for the protection of passengers and of the public and to make such bonds inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicles for hire; and to require such bond with such surety to be furnished by all vehicles for hire operating upon the streets of the City of Miami whether such operation be wholly within the limits of the City of Miami or between the City of Miami and other cities and towns or places outside of the City of Miami.

**CONTROL
AND
REGULATION
OF TRAFFIC
AND
REQUIREMENT
OF BONDS
FOR
VEHICLES.**

(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."

**SEGREGATION
OF RACES.**

**PARKS AND
PLAYGROUNDS**

(jj) To use parks and playgrounds which may hereafter be acquired by the City of Miami, in which to give outdoor exhibitions, games and contests, with power and authority to charge and collect a reasonable admission fee for each person entering such park or playground during the time when the same shall be used or employed for such purpose.

**DEVELOP-
MENT OF
PORT.**

(kk) For the development and extension of the port and other shipping and transportation facilities of the city, to construct, purchase, lease or otherwise acquire, and to equip, own and maintain a single or multiple track line or lines of railway, and also yards, terminals, stations, warehouses, team and other tracks, switches, turnouts and all buildings and appurtenances deemed appropriate in connection therewith for the receipt, transportation, housing and delivery of passengers, freight, mail and express from, into and within the city and the zone lying outside of the city and not distant more than ten miles from the city limits as now or hereafter constituted; also to extend or connect with such lines or facilities, or with the lines of any common carrier, the lines or facilities of shipping or transportation now or hereafter owned by the city; said line or lines of railway may be upon or along the public highways, or said line or lines of railway and facilities may be upon lands or easements now owned or hereafter to be acquired therefor, located in any part of said area; also to acquire by donation, purchase, condemnation or otherwise all land, easements, rights or property deemed necessary therefor by the City Commission; and to operate, or cause to be operated, said line or lines or facilities, or to lease, or grant the use of any part thereof, or any part of any port, terminal or transportation line, with facilities appurtenant thereto, now or hereafter owned by the city, to any common carrier or carriers for such time and upon such terms and conditions as may be determined by the City Commission by ordinance; provided, however, that no ordinance making any such lease or grant shall become effective until approval thereof by a majority of the qualified electors voting thereon at a general or special election to be called by the City Commission, notice of which election shall have been published in a newspaper published within the city once a week for a period of fifteen days.

SECTION 3 (1)

AIRPORTS.

The City Commission shall have power and is hereby authorized to acquire by purchase, lease, condemnation, or otherwise, lands within or without the City Limits for landing field or airport for air craft, and to construct and equip thereon, or on other property of the city either within or without the City Limits, such buildings and/or other improvements as may be deemed necessary for that purpose, such purpose being a Municipal purpose of said City. The City of Miami shall have power to operate and maintain such airport, to provide rules and regulations governing its use and the use of other property or means of transportation within or over the same, and to enter into contracts or otherwise cooperate with the Federal Government or other public or private agencies in matters relating to such airport, and otherwise to exercise such powers as may be required or convenient for such establishment, operation and maintenance; taxes may be levied for any such purpose, and unless such airport shall have been acquired by lease, said City may issue bonds in accordance with provisions of Section 58 of the City Charter to pay the cost of such airport and buildings and improvements and equipment.

SECTION 3 (2)

This section which proposed to grant power to the City of Miami to provide and impose suitable penalties for the violation of its ordinances, rules and regulations by fine not exceeding Five Hundred (\$500.) Dollars, or imprisonment at hard labor on the streets for a term not exceeding six (6) months, or both, was not ratified by the electors and therefore, is not included as a part of this Charter.

SECTION 3 (3)

To inspect, test, measure and weigh any commodity or article for 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, electric, gas and water meters, measures and scales, and to make reasonable charges therefor.

WEIGHTS
AND
MEASURES.

SECTION 3 (4)

The Commission of the City of Miami may, by ordinance, provide regulations and restrictions governing the height, number of stories, and size of buildings and other structures, the percentage and portion of lot that may be occupied, the size of yards, courts, and other open spaces, and the location and use of buildings, structures, and the land for trade, industry, residences, apartment houses and other purposes. Such regulations may provide for a board of appeals to determine and vary their application in harmony with their general purpose and intent, and in accordance with the general provisions of the ordinance.

POWER TO
ZONE CITY.

SECTION 4.

(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.

GENERAL
DESCRIPTION
OF FORM OF
GOVERNMENT.

(b) The Commission shall consist of five members who shall be elected on a general ticket from the City at large. At the general election to be held in the year 1925 there shall be elected five Commissioners, of whom the two receiving the highest number of votes shall hold office for the term of four (4) years, and the remaining three for the term of two (2) years, and until their successors in office are elected and qualified, from 12 o'clock noon of the day after the canvass of the vote and the declaration of the result of the election. At the general election to be held in the year 1927 and at each general election held thereafter, three (3) members of the City Commission shall be elected, the two (2) of whom receiving the highest number of votes to hold office for a term of four (4) years, and the remaining member to hold office for a term of two (2) years. All members of the Commission shall be subject to recall as hereinafter provided.

CITY
COMMISSION.

(c) Members of the Commission shall be residents of the City and have 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.

QUALIFICA-
TIONS AND
TENURE OF
COMMISS-
SIONERS.

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.

**CITY
MANAGER
HAS FULL
CONTROL
OVER
ADMINISTRATIVE
SERVICE.**

(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 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 (\$500.00) or imprisonment for a term of not exceeding sixty (60) days or both, and in the discretion of the court shall forfeit his office.

**MAYOR AND
OTHER
OFFICERS.**

(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.

**MEETING AND
PROCEDURE
OF COM-
MISSION.**

(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. Provisions shall be made for the printing and publication at least one time in full of every ordinance within ten days after its final passage.

**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 process, and by the governor for military purposes. In time of public danger or emergency he may, with the consent of the Commissioners, 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.

**COMPENSA-
TION OF
COMMISS-
IONERS.
(AMENDMENT
1925)**

(h) Each member of the Commission shall be paid a salary of \$1.00 per year.

SECTION 5.
THE INITIATIVE

(a) 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.

POWER TO
INITIATE
ORDINANCES.

(b) 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:

PREPARATION
OF INITIATIVE
PETITIONS.

STATE OF FLORIDA }
COUNTY OF DADE } ss.

.....being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containingsignatures, 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 petitions for the purposes hereinafter named. All such papers shall be filed in the office of the city clerk as one instrument.

(c) 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.

FILING OF
PETITIONS.

(d) 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.

SUBMISSION
OF PETITION
TO
COMMISSION.

ELECTION ON INITIATED MEASURES.

(e) 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) days nor more than forty-five (45) days from such date. When submitted the measure shall be in its original form.

INITIATIVE BALLOTS.

(f) 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 marking 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 title shall be substantially the form of the ballot:

TITLE OF MEASURE WITH GENERAL STATEMENT OF SUBSTANCE THEREOF

.....
FOR THE MEASURE.

.....
AGAINST THE MEASURE.
.....

NUMBER OF MEASURES TO BE INITIATED.

(g) 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

POWER OF REFERENDUM.

(a) 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.

LIMITATIONS ON ENFORCEMENT OF ORDINANCES.

(b) 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) 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.

REFERENDUM
PETITION.

(d) 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.

SIGNATURES
TO PETITION.

(e) 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.

CERTIFICATION
OF
PETITION.

(f) 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.

REFERENDUM
ELECTION.

(g) Proposed measure 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 initiative or a referendum measure or by a committee of the commission when submitted by the commission.

TITLE OF
BALLOT.

(h) 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."

FORM OF
BALLOT.

(i) 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

EMERGENCY
MEASURES.

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.

CONFLICT OF REFERRED MEASURES.

(j) If two (2) or more measures adopted or approved at the same election conflict in respect to 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.

ELECTIONS

(AMENDMENT 1925)

No General or Special Election of the City of Miami shall be held on a Legal Holiday.

SECTION 8.

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 ELECTION DATE.

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 TO BE NON-PARTISAN.

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

QUALIFICATIONS OF ELECTORS.

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.

ANY ELECTOR MAY BE CANDIDATE.

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.

AFFIDAVIT AS TO GENUINENESS OF SIGNATURES.

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.

SIGNING OF PETITION.

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.

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.)

STATE OF FLORIDA, }
DADE COUNTY } 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, 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.

THE RECALL

ANY COMMIS-
SIONER MAY
BE RECALLED.

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

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.

METHOD OF
REMOVAL
AND
PROCEDURE
FOR
FILING
RECALL
PETITION.

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 (10) 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.

EXAMINATION
AND
AMENDMENT
OF RECALL
PETITIONS.

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.

CALLING OF
RECALL
ELECTION.

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

FORM OF
BALLOT TO
RECALL
COM-
MISSIONER.

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 8, 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 the 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 COMMISS-
SION.

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.

AFFIDAVIT
FOR
RECALL.

SECTION 12-A.

No member of the City Commission shall be re-called or removed from office by the electors of this City, as provided in Section 12 of this Charter, unless twenty-five (25) qualified electors of this City shall 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 electors making such affidavit copies of petition blanks for such removal, and thereupon further steps and proceedings shall be taken as are provided by said Section 12.

SECTION 13.

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.

VACANCIES ON
COMMISSION.

SECTION 14.

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.

COMMISSION
MAY
INVESTIGATE
ANY OFFICE
OR OFFICER.

SECTION 15.

CITY MANAGER

The Commission shall within thirty (30) days after taking offices 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

APPOINTMENT
CITY
MANAGER.

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. In case of the sickness or absence of the City Manager the City Commission may appoint another person, not a member of the City Commission to act for the City Manager, during his sickness or absence and the person so appointed may, during the absence or sickness of the City Manager, act for him and perform all his duties and all such acts of the person so appointed shall be as valid as though performed by the City Manager. The person appointed by the City Commission to act as City Manager during the absence or sickness of the city manager shall not be entitled to or be paid any compensation for his services as such City Manager by the City of Miami.

SECTION 16.

The powers and duties of the City Manager shall be:

**GENERAL
POWERS OF
CITY
MANAGER.**

- (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.

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 DEPARTMENT.

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

MAY CREATE
OR DISCON-
TINUE DE-
PARTMENTS.

SECTION 19.

The Commission may by ordinance adopt 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.

MANAGER TO
APPOINT
DIRECTORS.

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 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 the 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 ATTOR-
NEY RENDER
OPINION TO
ANY OFFICER
OR DEPART-
MENT.

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, warehouses 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 23 (a)

The City Commissioners are hereby authorized to create a board for the management of the municipal hospital of the City of Miami, to be designated "Board of Trustees of Jackson Memorial Hospital", consisting of nine (9) members to be appointed by the City Commission upon the recommendation of the City Manager. The terms of two (2) of the nine appointees shall be for one year, and of two others for two (2) years, and of two others three (3) years, and of the remaining three four (4) years. The successors of such appointees shall be appointed in like manner for a period of four (4) years each. The City Commission, by a vote of four-fifths (4-5) of its members, may remove any member of the Board. No member or officer or employee of the Board shall be interested in the profits or emoluments of any contract, job, work or service for the Commission. Vacancies shall be filled for any unexpired term by like appointment. The Board shall elect a chairman from its members and shall appoint a secretary. No member of the Board, or chair-

**HOSPITAL
TRUSTEES.**

man, shall receive any compensation for his services. The Board shall have power to establish by-laws, rules and regulations for its government and, subject to the direct administration of the City Manager, shall operate, manage and control the hospital, but shall not be authorized, nor shall any officer or member thereof be authorized, to incur any debt or expend or contract for the expenditure of any moneys except pursuant to appropriations made by the Commission.

The Commission may annually make appropriations and levy taxes for the operation, maintenance and repair of the hospital, to be paid out by voucher and warrant as in the case of other municipal expense.

SECTION 24.

DEPARTMENT OF PUBLIC SAFETY

DIRECTOR OF PUBLIC SAFETY.

The head of the Department of Public Safety shall be known as the 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 regulation as may be ordained by the commission.

(a) DIVISION OF POLICE.

POLICE FORCE AND GENERAL DUTIES.

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 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.

ADDITIONAL FORCE IN CASE OF RIOT.

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.

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.

**FULL POWER
TO ENFORCE
LAWS.**

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.

**ARREST WITH
AND WITHOUT
WARRANT.**

(b) DIVISION OF FIRE.

The fire force shall be composed of a Chief and 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.

**FIRE
DEPARTMENT
AND GENERAL
DUTIES.**

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.

**FIREMEN
SELECTED
FROM
LIST OF
CIVIL SERVICE
BOARD.**

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 employees 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 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 accounting 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.

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 estimate 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 expenses 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 transfer 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.

ACCOUNTS
OF FINANCE
DEPARTMENT.

BUDGET BY
MANAGER,
CONTENTS OF
BUDGET.

(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.

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 July of each year and shall end with the thirtieth day of June of the following year.

APPROPRIATION
ORDINANCE.

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
UNAPPROPRIATED
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

EXPENDITURES
ONLY ON AP-
PROPRIATION.

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.

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.

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.

SECTION 37.

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; and 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.

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.

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

NO LIABILITY
WITHOUT
PREVIOUS
APPROPRIA-
TION.

ACCOUNTS OF
APPROPRIA-
TION.

DIRECTOR OF
FINANCE TO
EXAMINE ALL
CLAIMS.

INDIVIDUAL
LIABILITY
OF DIRECTOR.

ANNUAL
TAX
LEVY.

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.

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.

TAX
ASSESSOR.

SECTION 41.

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.

BOARD OF
EQUALIZA-
TION.

The Board of Equalization shall have the 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 or evidence, shall be guilty of an offense 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.

POWER TO
SUMMON
OWNERS.

GENERAL TAX
LAWS
APPLICABLE.

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.

TAX ASSESSOR
AND DUTIES.

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:

FORM OF
ENDORSE-
MENT.

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

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 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.

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 said roll.

DIRECTOR OF
FINANCE
COLLECTOR
OF TAXES.

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 the 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 the 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.

OCCUPATIONAL
TAX
IRRESPECTIVE
OF STATE
LAW.

SECTION 49.

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

SECTION 50.

TAX DEEDS
PRIMA FACIE
EVIDENCE.

Deeds made by the city of Miami pursuant to tax sale, or sale under decree granted for the collection of local assessment, 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.

SECTION 51.

SINKING
FUND.

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 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.) 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.

SECTION 54.

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.

NO ALTERATION WITHOUT CONSENT OF COMMISSION, AND CONTRACT OR IN WRITING.

SECTION 55.

Upon the death, resignation, removal or expiration of the term of any officer of the city, other than 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.

AUDIT OF OFFICE UPON VACANCY.

SECTION 56.

LOCAL IMPROVEMENTS.

(a) In this section certain words and phrases will be used with the following meanings, unless some other meaning is plainly intended.

IMPROVEMENTS AND ASSESSMENTS (AMENDMENT 1925).

The main divisions of this section are sometimes herein termed paragraphs and the divisions of paragraphs are sometimes herein termed subparagraphs.

A local improvement is an improvement defined by this Section and made under the provisions thereof.

DEFINITIONS.

The word Commission shall be deemed to refer to the City Commission of the City of Miami.

A Highway is a public way embracing a street, boulevard, avenue, lane, alley, parkway, court, terrace, and place, but not embracing a sidewalk.

A sidewalk is a path for the pedestrians along a highway.

A Storm Sewer is a conduit above or below ground for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary; and may also embrace the building of culverts over or enclosing of streams where necessary, or advisable to carry off the storm water.

A Sanitary Sewer is an underground conduit for the passage of sewage, and may embrace a pumping station and outlet where deemed necessary.

A Curb Sewer is a sanitary sewer at or near a curb, instead of at or near the middle of a highway.

A Lateral is a pipe connecting a sewer main with the line of adjacent property of the curb line, as the Commission may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection, that is a pipe extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served.

Improvements authorized to be made under the provisions of this Act are divided into five classes as follows:

CLASS 1. Highway improvements embrace the grading, paving, repaving, macadamizing and remacadamizing of highways, with necessary drainage, sewer inlets, manhole and catch basins and, if the Commission so orders, may embrace curbs and gutters.

CLASSES OF IMPROVEMENTS.

CLASS 2. Sidewalk improvements embrace the grading and construc-

tion of sidewalks and, if the Commission so orders, may embrace curbs and gutters.

CLASS 3. Sanitary sewer improvements embrace the construction of sanitary sewers, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of sewer laterals, as a separate improvement, or as a part of the main improvement.

CLASS 4. Storm sewer improvements embrace the construction of storm sewers, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of sewer lateral, as a separate improvement, or as a part of the main improvement. Storm sewer improvements may also embrace the building culverts over or enclosing the streams where necessary or advisable to carry off storm water. The word sewer included both sanitary and storm sewers unless a contrary intention is shown.

CLASS 5. Water front improvements embrace the construction of bulkheads, seawalls and other retaining walls along a bay, river, canal or lake, with necessary fills and dredging and may embrace the acquisition by purchase, condemnation or otherwise, of land, rights and easements therefor.

INCIDENTAL
EXPENSES.

Incidental expenses embrace the following items, including reasonable sums paid or credited to the city or any department thereof for services rendered by any department or officer or clerk thereof in connection with any such items.

Preliminary and other surveys.
Inspection and superintendance of work.
Preparation of plans and specifications and estimates.
Printing and publishing of notices and proceedings.
Preparation of bonds.
Interest during construction.
Legal services, abstracts, etc.

Any other expense necessary or proper in conducting the proceedings and work herein provided for.

Railroad includes all forms of transportation by rail, not owned by the City of Miami, whether propelled by electric, gasoline, or steam power.

(b) The City of Miami is authorized to make local improvements and provide for paying the cost thereof as herein provided.

INITIAL
PROCEED-
INGS.

(c) The initial proceedings for a local improvement hereunder shall be the passage at a regular or special meeting of the Commission of a resolution ordering the same to be made under this Section, indicating the location by terminal points and routes, and either giving a description of the improvement by its material, nature, character and size, or giving two or more such descriptions with the directions that the material, nature, character and the size be subsequently determined in conformity with one of such descriptions. A single resolution may embrace one improvement only or one improvement of each of two or more classes of improvements. An improvement need not be continuous and may be in more than one locality or highway, but a highway or sidewalk improvement shall be practically uniform in cost and kind throughout the improvement, and a sanitary sewer improvement shall not provide for a curb sewer as a part of the improvement, and a sewer at or near the middle of a highway as another part. Nothing herein contained shall prevent the Commission from excluding from any highway improvement that portion of the highway which has been improved by any railroad or any portion which the City of Miami may, under the franchise or contract with such railroad, require it to improve. If the resolution shall order a water front im-

provement or storm sewer improvement, it shall designate the property which the Commission deems will be specially benefited thereby, and, if a water front improvement be ordered, the resolution shall indicate the proportion of the cost thereof which shall be borne by the City at large, and the proportion thereof which shall be specially assessed. A resolution may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement shall be designated as a district, followed by a letter or number or name to distinguish it from other districts, after which shall be sufficient to refer to such improvement and property by such designations in all proceedings, assessments and bonds, except in the notice provided by paragraph (e) of this section.

(d) As soon as may be after the passage of said resolution the City Manager shall prepare and file with the City Clerk plans and specifications of each improvement ordered thereby and an estimate of the cost thereof, including an estimate of the cost of each kind of improvement if the resolution provides alternative descriptions of material, nature, character and size, which estimate shall show the estimated amount of cost and incidental expense to be assessed against property, and except in the case of a storm sewer improvement the estimated amount to be assessed against each foot of abutting property.

PLANS,
SPECIFICA-
TIONS.
ESTIMATE OF
COST.

(e) The City Clerk, upon the filing with him of such plans, specifications and estimates, shall publish once in a daily newspaper of general circulation published in the City a notice stating that at a meeting of the Commission on a certain day and hour, not earlier than ten days from such publication, the Commission will hear the objections of all interested persons to the confirmation of said resolution, which notice shall state in brief and general terms a description of the proposed improvement with the location thereof, and shall also state that plans, specifications and estimates of the cost thereof are on file in the office of the City Clerk.

NOTICE.

(f) At the time named in said notice, or to which an adjournment may be taken, the Commission shall receive any objections of interested persons and may then or thereafter repeal or confirm said resolution with such amendments, if any, as may be desired by the Commission and which do not change in any way the location of the improvement or improvements; provided, however, that such resolution shall not then or thereafter be confirmed if it contains items which cannot be properly charged to the property owners or if it is, for any default or defect in the passage or character of the resolution or estimate, void or voidable in whole or in part, or if it exceeds the power of the Commission, and if any objection shall be made to the resolution on any such ground as provided by the paragraph (h) hereof.

CONFIRMA-
TION.

(g) 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.

ASSESSMENT
RECORD.

(h) All objections to any improvement resolution on the grounds that it contains items which cannot be properly charged to the property owners, or that it is, for any default or defect in the passage or character of the resolution or estimate, void or voidable in whole or in part, or that it exceeds the power of the legislative body of the municipality, shall be made in writing, in person or by attorney, and filed with the City Clerk at or before the time or adjourned time of such hearing. Any objections against the making of any im-

OBJECTIONS.

provement not so made shall be considered as waived, and if an objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issue presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within ten days.

CONTRACTS.

(i) As soon as practicable after the confirmation of any such resolution ordering work to be constructed the City Clerk shall publish at least once in a newspaper of general circulation published in the City, and if the estimated cost exceeds Five Thousand Dollars (\$5,000.00) in a newspaper of general circulation throughout the State, a notice calling for sealed bids to be received by the Commission on a date not earlier than fifteen days from the first publication in the local paper, or if said estimate exceeds Five Thousand Dollars (\$5,000.00), in each of said two newspapers, for the construction of the work, unless in such resolution the Commission shall have declared its intention to have the work done by City forces without contract. The notice may refer in general terms to the extent and nature of the improvement or improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the improvement as to its material, nature, character and size, and if the Commission shall not have theretofore determined upon a definite description, the notice may call for bids upon each of such descriptions. No contractor shall be required to take bonds, warrants or certificates in payment, but payment shall be made in cash upon monthly estimates of the City Manager to the amount of 90% of such estimates and the balance due shall be paid in cash within sixty days after acceptance of the work, and the said notice may state such conditions as to payment. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The notice shall require bidders to file with their bids either a certified check upon an incorporated bank or trust company for 2½% of the amount of their respective bids or a bid bond in like amount with corporate surety satisfactory to the City Attorney 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 in the amount of the contract price with sureties satisfactory to the City Manager conditioned for the performance of the work in accordance with such contract. The Commission shall have the right to reject any or all bids, and if all bids are rejected the Commission may re-advertise or may determine to do the work by city forces without contract.

**ASSESSMENT
ROLL
PRELIMINARY.**

(j) After a contract shall have been entered into for an improvement embraced in any resolution, or, if the City shall do the work itself, after an improvement authorized by any resolution shall have been completed, the City Manager shall prepare a preliminary assessment roll and file the same with the City Clerk, which roll shall contain the following:

(1) A description of the lots and parcels of land within the district, which in the case of water front and storm sewer improvements shall include all property declared by the Commission in such improvement resolution to be especially benefited thereby, and in the case of the other improvements shall include lots and lands which abut upon the sides of that part of any highway to be improved or in which a sanitary sewer, except a curb sewer, is to be laid and the lots and lands which abut upon that side or sides of any highway in or along which side or sides a sidewalk is to be constructed or a sanitary curb sewer is to be laid. Such property, lots and lands shall include City property, and land within the city which abuts upon an intersection as herein defined; there shall also be given the name of the owner of each lot or parcel, where such can be ascertained, and in all cases save storm sewer improvements, a

statement of the number of feet of property so abutting, which number of feet shall be known as the frontage.

(2) In the case of highway improvements a description of any track or tracks of a railroad as herein defined 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.

(3) The total cost of the improvements which, if made by contract, shall be the price named therein or the price computed from the unit prices named therein, taking into consideration minor changes and alterations found necessary, but if the city shall do the work itself, the actual cost of said work, and in all cases the amount of incidental expense, estimated or actual.

(4) An apportionment, to be computed as follows, of the cost of each improvement, incidental expense to be apportioned in the same proportion.

IN HIGHWAY IMPROVEMENTS

(a) To any Railroad as herein defined, the track or tracks of which may be in or upon any portion of the highway or intersection to be improved or to which any franchise for such track or tracks shall have been granted, there shall be apportioned the cost of such improvement between the tracks and between the rails of each track and for the distance of eighteen (18) inches beyond each outer rail, including switches and turnouts; and when an assessment of such apportionment shall have been confirmed against any such railroad, it shall constitute a lien upon all the franchises and property thereof to the same extent as other assessments herein provided for constitute liens upon abutting or benefited 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.

APPORTION-
MENT OF
COSTS.

(b) To the City shall be apportioned the cost of highway improvements at intersections, except that part of such intersection cost as is apportioned to railroads. The word "intersection" shall be deemed to include not only that part 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 or meeting it.

(c) To abutting property shall be apportioned the remaining cost of highway improvements.

IN SIDEWALK IMPROVEMENTS

(d) To abutting property shall be apportioned all the cost of sidewalk improvements, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lots to the curb line of an intersecting highway.

IN SANITARY SEWER IMPROVEMENTS.

(e) To the city shall be apportioned the cost of sanitary sewer improvements at intersections.

(f) To the city shall be apportioned the cost of any pumping station or outlet.

(g) To each lot or parcel to the property or curb line of which a sanitary sewer lateral is laid shall be apportioned the cost of that lateral.

(h) To abutting property shall be apportioned either (a) the cost of a sanitary sewer except at intersections, or (b) the cost of an eight-inch sanitary sewer except at intersections, as such cost is estimated by the City Manager (whichever be the lesser), not including herein the cost of laterals, pumping station or outlet.

STORM SEWER IMPROVEMENTS.

(i) To the City shall be apportioned one-third of the cost of storm sewers including any pumping station and outlet but excluding storm sewer laterals.

(j) To the lots and parcels within the district shall be apportioned two-thirds of the cost of storm sewers, including any pumping station and outlet excluding laterals.

(k) To each lot and parcel, to the property or curb line of which a storm sewer lateral shall be laid, shall be apportioned the cost of such lateral.

WATER FRONT IMPROVEMENTS.

(l) To the City shall be apportioned such part of the cost of water front improvements as may have been determined by the initial resolution.

(m) To the lots and parcels within the district shall be apportioned the remaining part of water front improvements.

ASSESSMENT OF INDIVIDUAL LOTS.

(n) The amount of the cost of water front improvements and storm sewers, excluding laterals, so apportioned to lots and parcels of land, shall in said roll be assessed to the several lots and parcels within the district in the proportion which the City Manager deems to be in the proportion of special benefits each such lot or parcel will receive, and the amount of cost of each highway, sidewalk and sanitary sewer improvements, except laterals, so apportioned to abutting property shall be assessed in said roll against such abutting property according to frontage.

(o) The preliminary roll shall be advisory only and shall be subject to the action of the Commission as hereinafter provided.

NOTICE.

(p) Upon the filing with the City Clerk of the Preliminary assessment roll required by this section, the City Clerk shall publish once in each of two successive weeks in a daily newspaper of general circulation published in the City, a notice stating that at a regular meeting of the Commission held on a certain day and hour, not less than twelve days from the date of the first publication, all interested persons may appear and file written objections to the confirmation of said roll.

CONFIRMATION.

(q) At the time and place stated in such notice the Commission shall meet and receive the objections in writing of all interested persons as stated in said notice. Then or thereafter, the 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 cancelling, increasing or reducing the same, according to the special benefits which said 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 Commission may place on said roll an apportionment to said property. The Commission may thereupon confirm said roll, but shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation said assessment roll shall be de-

livered to the Director of Finance, and such confirmation shall be final and conclusive except as hereinafter provided.

(r) If the owners of any railroad, or any lot or parcel of land so assessed shall within ten 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 of the petitioner exceeds the amount of the special benefit the petitioner has sustained or will sustain by reason of such improvement, or is out of proportion to benefits, 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 ten (10) days after the delivery of said copy of petition, then the validity of such assessment against said property shall be determined as hereinafter provided. Within ten (10) days after the delivery of said copy of petition to the City Manager, or at his office, the City Manager 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 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 such proceedings shall be final, and an appeal shall be allowed only if properly prayed and perfected ten (10) days from the date of the order; 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 (10%) per cent 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 (10%) or more, such costs and expenses shall be paid by the City and judgment shall be entered against it for the amount thereof.

APPEAL TO
CIRCUIT
COURT.

(s) 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 such assessment is so reduced, may by resolution of the Commission be made chargeable against the City at large; or, in the discretion of the 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 unless the assessment against it is increased. The 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 right of petition to the Circuit Court as to the amounts apportioned by the new roll shall again be in force as to such new roll.

(t) Thirty (30) days after the confirmation of the assessments the amounts apportioned and assessed shall be due and payable at the office of the Director of Finance, except as to any property, including railroads, whose owner shall have filed a petition in the Circuit Court as hereinabove provided, which assessments shall be due and payable eleven (11) days after the decision of the Court thereupon but not within said thirty (30) days; but it shall be lawful for the Commission to provide by resolution that if the owner of any lot or parcel assessed in excess of Twenty-five (\$25.00) dollars shall file with

WHEN
PAYABLE.

the Director of Finance such date on which full payment is required his written undertaking waiving all irregularity and illegality in connection with the said assessment against such lot or parcel, he shall have the privilege of paying the same in equal annual installments in each of the ten (10) succeeding years or such shorter period as may be fixed by the 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 (6) per centum per annum, payable annually from the date such assessment would be due if such undertaking were not filed; and 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 so 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 Commission from extending the time in which such undertaking as to any one or more lots or parcels of land shall be filed.

**EXTENT OF
LIENS.**

(u) The said assessments shall constitute a lien upon the property so assessed from the date of the passage of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general city taxes, and shall be collectable in the same manner and with the same penalties and under the same provisions as to sale and forfeiture as city taxes are collectable. 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, if assessed for an improvement ordered by 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 proceedings, cause all installments of principal remaining unpaid to be forthwith due and payable, with interest thereon at six (6%) per centum 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.

(v) All such assessments made under this Section since the 21st day of August, 1923 and, hereafter to be made, are hereby pledged to the payment of the principal and interest of the bonds authorized by this section and issued since the 21st day of August, 1923, or hereafter to be issued, and shall when collected be placed in the fund now known as Improvement Fund No. 19, which fund shall make no distinction or separation as between the assessments for different improvements and shall be used solely for the payment of the principal and interest of such bonds as the same shall fall due.

**BONDS FOR
COST OF
IMPROVE-
MENTS.**

(w) On or after the confirmation of the resolution ordering an improvement or improvements, the Commission may by resolution issue bonds of the City for the payment of the entire cost or any part thereof, including incidental expense, and for the reimbursement of any fund of the City from which any part of such cost shall have theretofore been paid, in an amount not greater than the estimate herein provided of the cost and incidental expense, which estimate, if the initial resolution shall have given two or more alternative descriptions of the improvement by its material, nature, character and size, with estimates as to each description, shall be the lowest of such estimates, but no bonds shall be issued in excess of the contract price and estimated cost of incidental expense 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 amount paid, or the amount awarded in eminent domain proceedings, for any land, rights and easements necessary to be acquired for the improvement, and the estimated incidental expense, and a finding by the Com-

mission of the amount of a contract, or the amount so paid or awarded for land, rights or easements, or the amount of incidental expense, shall be conclusive for the purposes of this paragraph. An issue of bonds need not be limited to one improvement, and bonds may be issued in one or more series for all or a part of the cost of any one or more improvements. Each series of bonds shall mature in annual installments on such date in each year and in such amounts as the Commission may determine, beginning not more than two years from their date, nor extending beyond twelve years from their date, and no option of prior redemption of such bonds shall be reserved; they shall bear interest not greater than six (6%) per centum per annum, payable semi-annually and the principal and interest shall be made payable in such medium and at such place as the Commission may determine. Such bonds shall be the absolute, general and direct obligations of the City and shall be issued only in denominations of \$500.00 or \$1,000.00, with interest coupons attached. They shall be sold by the Commission after publishing at least ten (10) days before receipt of bids therefor, a notice calling for such bids, and shall not be sold at less than par and accrued interest; provided that by unanimous vote of all members of the Commission they may be sold at private sale without advertisement and may be sold at a price not less than ninety-seven (97) cents on the dollar and accrued interest. They may be made registerable as to principal alone, or as to both principal and interest, under such conditions as the Commission may determine and shall, with the coupons thereto attached, be executed as provided by the Commission.

(x) Notwithstanding the provisions made herein for the conservation and pledge of special assessments for the payment of such bonds and interest, the Commission is hereby authorized and required annually to levy a special tax upon all taxable property within the City over and above all taxes authorized or limited by the Charter of the City or other law sufficient to pay the interest and principal of all such bonds at their several dates of maturity, the proceeds of all which taxes shall when collected be paid into the fund referred to in paragraph (r) of this section, together with the special assessments in said fund contained, and said fund shall be used for no other purpose than the payment of such principal and interest; provided, however, that the amount of the annual tax levy herein required may be reduced in any year by the amount then contained in said fund, it being the intention hereof to provide that such bonds shall be payable by general taxation as other bonds of the City, but that the additional security provided herein by way of special assessments will reduce the amount of such general taxation.

**BONDS FOR
LOCAL
IMPROVE-
MENTS
GENERAL
OBLIGATIONS.**

(y) It shall not be necessary to submit to the voters the proposition of issuing any such bonds or making any such improvements or special assessments, or any other matter or thing herein authorized, and the initiative and referendum provisions of the Charter shall not be applicable; all proceedings of the Commission herein provided for may be taken by resolution, which resolution shall be in force from and after its passage.

**RATIFICATION
OF BONDS BY
VOTERS NOT
NECESSARY.**

(z) In all cases in which assessments or charges against property have heretofore been or shall be made for improvements authorized hereunder for which assessments or charges 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 or charges, of the charter and in the manner in this Section provided for other bonds, and the proceeds of such bonds shall be used in repaying to any fund of the City any amounts which shall have been paid therefrom upon the cost of the improvement for which such assessments or charges are made, and in paying any sums remaining due upon such cost; and after the issuance of bonds under this paragraph such assessments and charges when collected shall be placed in the fund referred to in paragraph (r) of this section, and be subject to the provisions of this section concerning said fund.

**REIMBURSE-
MENT OF
FUNDS.**

**CERTAIN
PROCEEDINGS
RATIFIED.**

(aa) All resolutions heretofore passed and confirmed and not repealed which have ordered improvements which might be initiated under this section as amended in 1925, and which declared the intention of the Commission to proceed under Section 56 of the Charter, and all contracts heretofore made for the construction of improvements ordered thereby, are hereby ratified and the improvements so ordered may be made and the procedure therefor continued under this section as so amended, 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 insofar as any of said steps shall heretofore have been taken.

**EXCESS FUNDS
FOR CITY'S
SHARE OF
COST.**

(bb) Where the proceeds of bonds is issued or to be issued under this section, have been or shall be found to exceed the costs of the improvements for which such bonds were or shall be issued, such excess may be transferred by the Commission to a fund to be created by it for use only in paying the City's share of the costs of other local improvements made under this section.

**ACCEPTANCE
OF
IMPROVE-
MENTS.**

(cc) As soon as any improvement shall have been completed, the 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 Commission will hear any objections of persons interested in or affected by the said improvement as to the acceptance thereof by the Commission. At the time and place mentioned in said notice said Commission shall hear such objections, if any, and may then or thereafter accept the said improvement.

**CREDITS FOR
PREVIOUS
IMPROVE-
MENTS.**

(dd) The Commission may make allowances and grant credit to property owners for improvements previously made by such property owners to the extent, and only to the extent, that said existing improvements shall be of value and utility as a part of the improvements for which such assessment is made, and may prescribe a plan or system for fixing and determining said allowance and credits.

(ee) In fixing the assessments herein provided for, whenever any such land shall have been surveyed or subdivided and platted into small tracts designated as lots or blocks or otherwise, and the owner of any land embraced in the said survey or subdivision shall have recognized such survey or subdivision by reference thereto in making any conveyance of land therein, or by selling any lands therein by reference thereof, then, and in that event, the land embraced in such subdivision may be described for assessment purposes by reference to such subdivision whether any plat thereof shall have been recorded or not.

**SURFACE
PRIVIES,
SEPTIC
TANKS.**

(ff) The Commission shall have power to authorize and require the use of surface privies, septic tanks and other devices for the disposal of sewage where connection with sanitary sewers is deemed by the Commission to be impracticable, and to regulate and control the location, construction, maintenance, care and use of the same, and to compel the payment to said City of reasonable charges for its sanitary services in connection therewith, and to make the said charges a lien upon the houses, lands and premises served, and the Commission shall have power where connection with sanitary sewers is deemed by the Commission to be practicable, to prohibit, destroy and forbid the use of surface privies and cesspools and all other devices for the disposal of sewage except sanitary sewers.

**IRREGULARITY
OR ILLEGALITY
NOT TO
AFFECT
EXCEPTIONS.**

(gg) The purpose of this Act being to provide an economical method by which local improvements may be made, 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 irregularity or illegality shall substantially affect the rights of said City or its inhabitants, or the owners of property assessed for such improvement.

(hh) In case of any omissions, errors, and mistakes in making the assessments, or in case of deficiencies or otherwise, then, unless the Commission or the Court shall have determined that the assessments already made fully equal the amount of special benefits, a supplemental assessment may be made for such deficiencies, errors, omissions or mistakes; and such supplemental assessments shall be made in the same manner and after the same notice hereinabove provided for the original assessments, and shall be a lien to the same extent and be payable in the same manner, draw the same rate of interest, and be subject to the same penalties, and be in force and collected in the same manner as such original assessments.

ERRORS OR
OMISSIONS
IN
ASSESSMENT
ROLLS.

SUPPLEMENTAL
ASSESSMENT
ROLLS.

(ii) A copy of any assessment certified as correct by the Director of Finance shall be admissible in evidence and shall be prima facie proof of the amount of the assessment and the property upon which such assessment is levied.

EVIDENCE OF
ASSESSMENTS.

(jj) 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.

LIABILITY OF
POLITICAL
SUBDIVISIONS
TO
ASSESSMENT.

(kk) The 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 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 unsanitary excavations or depressions, and if the owner or owners shall not comply with any such requirements within the time limited in the resolution, the 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 payments shall be extended by the Commission, with the same penalties and with the same rights of collection and sale and forfeiture as obtain for City taxes. Nothing herein contained shall prevent the City from constructing sidewalks and providing for the payment therefor as elsewhere provided in the section.

POWERS
SIDEWALKS.

WEEDS,
DEBRIS.

(ll) Where laterals shall have been constructed or shall be ordered the Commission may require property owners to connect their premises with the laterals and may provide by general ordinance that in case of their refusal after notice given, the said connection shall be made by the City and that the cost thereof shall constitute a lien upon the house, land and premises thereby affected. The notice last above provided for may be by service on the owner of the property or the agent who collects his rent, or the occupant of said property, or in the case said property is unimproved, by posting such notice on the property.

LATERAL
SEWER
CONNECTIONS.

SECTION 57.

TEMPORARY BONDS.

The Commission of the City of Miami, by resolution, may issue from time to time revenue bonds of the City, bearing interest at not more than six per cent. per annum, payable at the time of issuance or thereafter, for the purpose of providing funds in anticipation of current revenues, and may issue

REVENUE
BONDS.

**REVENUE
REFUNDING
BONDS.**

revenue refunding bonds, with like limitations as to interest, when deemed necessary to provide for the payment of any such revenue bonds or revenue refunding bonds at their maturity; no such revenue bonds or revenue refunding bonds shall mature later than the close of the fiscal year in which the same are issued, except that revenue refunding bonds issued in the last three months of any fiscal year may mature either in said fiscal year or at any time in the ensuing fiscal year.

**STATEMENT
OF FINANCE
DIRECTOR IN
ISSUANCE OF.**

Before the passage of any resolution authorizing revenue bonds, the Director of Finance shall submit to the Commission a statement showing: (a) the amount of uncollected taxes and revenues of the preceding fiscal year. (b) the amount of uncollected taxes for the current fiscal year, if theretofore levied, but otherwise the amount of the tax levy for the preceding fiscal year regardless of what part thereof shall have been collected. (c) the estimated amount of the uncollected revenues for the current fiscal year excepting taxes, and (d) the amount of all taxes and revenues embraced in (a), and (b) and (c) above, which are for sinking funds for the payment of bonds maturing after the current fiscal year, and (e) the face value of all bonds, notes, warrants, judgments and other city obligations to pay money then outstanding or authorized, which have no fixed time of payment, or which by their terms are payable within one year and three months from the date of their respective issuance; except notes issued in anticipation of the receipt of the proceeds of the sale of bonds. The substance of such statement of the Director of Finance shall be recited in said resolution and no revenue bonds shall therein be authorized whose face value, together with the amount of item (e) above shall exceed 75% of the remainder obtained by subtracting item (d) from the sum of item (a), (b) and (c) above.

**MINIMUM
SALE PRICE
OF BONDS.**

Such revenue bonds and revenue refunding bonds shall be sold by the Commission upon such terms as it may elect, but shall not be sold at less than par value, except by a vote of at least four members of the Commission and then at a price of not less than \$99 on \$100, but said resolution may authorize the Director of Finance to sell the bonds authorized by it, at one time or from time to time in his discretion as he deems for the best interest of the City, but any such authority to the Director of Finance shall specify the maximum amount of bonds to be issued, the maximum rate of interest, and the minimum price for which they may be sold.

**DISPOSITION
OF PROCEEDS.**

The proceeds of revenue bonds shall be paid into the treasury of the City to the credit of any one or more of the funds for which the uncollected taxes and revenue anticipated are to be collected in such amount and to such fund or funds as may be specified in such resolution, but the Commission shall not appropriate any greater amount of such proceeds into any one fund than can reasonably be repaid therefrom to meet the payment of such bonds at their maturity; provided, however, that the validity of any such bonds shall not be affected by failure of the Commission to comply with the last mentioned direction. The proceeds of revenue refunding bonds shall be applied solely to the payment of the bonds for whose retirement they shall be issued. For the payment of said revenue bonds and revenue refunding bonds, and the interest thereon, at such place or places in Florida or elsewhere as may be designated by the Commission. The Commission is hereby authorized to levy sufficient taxes upon all the taxable property within the City of Miami over and above all other taxes authorized or limited by law, and said bonds shall be the absolute, direct and general obligations of said City.

**TAX FOR
PAYMENT OF.**

In each year at the time of the annual tax levy there shall be included therein a tax for the payment of the principal and interest of any revenue bonds which have matured and remain unpaid, and any revenue refunding bonds whether matured or not.

**TAX LEVY
TO PAY
BONDS.**

It shall be the duty of said City, after the authorization of any revenue bonds, or revenue refunding bonds, to reserve from current revenues, as re-

ceived, except revenues for sinking funds for bonds maturing after the current fiscal year, a sum sufficient to meet the payment of such revenue and revenue refunding bonds at maturity, and the interest thereon.

Authority to issue any or all bonds authorized hereunder by resolution may be revoked by resolution of the Commission, thereby reducing the amount of authorized bonds and pro tanto reducing the amount of current revenues which must be reserved for their payment.

It shall not be necessary to submit such bonds, or the resolution authorizing the same, to a vote of electors or taxpayers and the resolution authorizing the same shall be in force upon its passage.

All revenue bonds and revenue refunding bonds issued by said City and now outstanding are hereby ratified and validated.

SECTION 58.

GENERAL BONDS

(a) The City Commission shall have power to issue bonds of the city for any municipal purpose, except for the 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 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 freeholders of the City 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.

(b) Said bonds shall be in such denomination 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.

(c) 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.

(d) The said ordinance and any subsequent ordinance or resolution to carry out the purpose of the section shall go into effect immediately upon passage and shall not be subject to the right of referendum except as hereinbefore provided.

RESOURCES FROM CURRENT REVENUES TO PAY BONDS. RIGHT TO REVOKE AUTHORITY TO ISSUE BONDS.

VOTE OF ELECTORS NOT NECESSARY.

POWER TO ISSUE.

LIMITATION.

MUST BE RATIFIED BY ELECTORATE.

DENOMINATION, INTEREST RATE AND MATURITIES.

SALE OF GENERAL BONDS.

ORDINANCES AND RESOLUTIONS UNDER THIS SECTION NOT SUBJECT TO REFERENDUM.

**EXECUTION
OF GENERAL
BONDS.**

(e) Such bonds shall be signed by the Mayor and the 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.

**TAX FOR
PAYMENT OF.**

(f) 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.

**BOND
ANTICIPATION
NOTES.**

(g) At any time after ratification of a bond issue for advances to the United States Government or Secretary of War for harbor improvements, at an election as in this section provided, the Commission may borrow money for the purposes for which the bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of the bonds, and within the maximum authorized amount of the bond issue. Such loans shall be paid not later than three years after the time of election. The Commission may in its discretion retire all or any part of such loans through government appropriations, current revenues, proceeds of the sale of property or other funds in lieu of retiring the same by means of the bonds, but in the event of any such retirement of any such loan by any means other than the issuance of the bonds so voted, the Commission shall amend or repeal the ordinance authorizing such bonds, so as to reduce the authorized amount of the bond issue by the amount of the loan so as to be retired, and such amendatory or repealing ordinance shall take effect upon its passage.

**LIMITATION
ON BOND
ANTICIPATION
NOTES.**

Neither such amendatory or repealing ordinance nor such resolution authorizing a loan shall be subject to the right of referendum. Negotiable notes of the city shall be issued for all such loans, which notes may be renewed from time to time and money may be borrowed upon new notes from time to time for the payment of any indebtedness evidenced thereby, but all such notes shall mature within three years after the election upon the bonds. No money shall be borrowed at an interest rate exceeding six per centum per annum. The said notes may be disposed of by public or private negotiations, without advertisement. The resolution authorizing any such notes shall fix the actual or maximum face amount of the notes and the actual or maximum rate of interest to be paid, and the Commission may delegate to any officer the power to fix such face amount and maturity and rate of interest within the limitations prescribed in this section as well as the power to dispose of said notes, which shall be executed in the manner prescribed in this section for the execution of bonds and which may have interest coupons attached, in the discretion of the Commission, to evidence interest to be paid. Provided, however, that no bond anticipation notes as herein provided shall be issued against bonds voted except against bonds voted for the purpose of harbor improvements in or adjacent to or near the City or directly affecting the City within Miami Harbor and the approaches thereto, and the said bond anticipation notes as herein provided for are applicable only and limited to Harbor Improvements and shall not be issued for any other purpose. The said notes shall be submitted to and approved by the City Attorney and his written approval shall be placed upon each note or endorsed thereon. For the payment when due of the principal and interest upon such notes all the taxable property within the City shall be subject to the levy of a sufficient tax to the same extent as is herein provided in the case of bonds authorized by this section.

(h) The City Commission shall have power at one time, or from time to time, but not later than July 1, 1929 to issue: (a) not exceeding Seven Hundred Fifty Thousand Dollars (\$750,000) bonds of the City for any municipal purpose or purposes, including the payment of debt theretofore incurred for such purpose or purposes; and (b) not exceeding One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) bonds of the City for any permanent municipal improvement or property acquired therefor, including reconstruction and repair of municipal property and including the payment of debt incurred prior to May 1, 1927, for any such purpose. Such bonds shall be subject to the same debt limitations provided by this charter for bonds issued pursuant to an election, but it shall not be necessary that the same be authorized or ratified at an election, and the initiative and referendum provisions of the charter shall not apply thereto. Such bonds shall be in such denomination, shall be due and payable at such time or times not exceeding ten (10) years from the date thereof, shall bear such rate of interest not exceeding six (6%) per cent per annum, payable semi-annually, and shall be payable at such bank or trust company in the State of Florida or elsewhere, as the Commission by ordinance or resolution may determine. Both principal and interest of such bonds shall be payable in gold coin of the United States of the present standard of weight and fineness and such bonds shall be signed by the Mayor and the 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. Such bonds shall be sold by the City Commission after first advertising for bids therefor, provided, however, that they 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 (\$98.00) Dollars on the One Hundred (\$100.00) Dollars and accrued interest. The City Commission may reject any or all bids and re-advertise. The ordinance or resolution authorizing such bonds shall go into effect immediately upon passage. Any of such 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. The City Commission shall in each year while any issue of such 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.

CERTAIN
BONDS
AUTHORIZED
ON OR
BEFORE
JULY 1,
1929.

(i) The City Commission of the City of Miami is hereby empowered to provide by ordinance for the registration of all or any part of the bonded indebtedness of the City heretofore or hereafter created, in the name of the registered owners, which registration may be as to principal alone, or as to both principal and interest, and such ordinance or ordinances shall provide the terms and conditions of such registration.

REGISTRATION
OF BONDS.

SECTION 59.

MUNICIPAL COURT.

(a) There is hereby established a municipal court which court shall be presided over by one or more judges to be known as municipal judges and who shall be appointed by the City Commission.

(b) It shall be the duty of the municipal judges 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.

TERMS OF
COURT.

(c) Judges of the Municipal Court shall have power to summon witnesses, issue warrants for arrest of persons upon affidavit duly filed; to admin-

POWER OF
JUDGE.

ister oaths and do all other acts necessary for the performance of their duty. They shall also have the power to punish for contempt of court by imposing fines not exceeding Fifty (\$50.00) Dollars or by imprisonment not to exceed thirty (30) days or both such fine and imprisonment. The costs of prosecution in said court shall be the same as are allowed by the law in the Circuit Court of the State of Florida and such costs shall be taxed against the person or persons convicted, collected by the Director of Finance and by him paid over to the City Treasury.

**MAYOR IN
ABSENCE OF
JUDGE.**

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

**CLERK OF THE
CITY TO BE
CLERK OF
COURT.**

(e) The City Clerk shall be the Clerk of the Court and shall keep a record of all its proceedings.

**JUVENILE
COURT.**

(f) The Commission may by ordinance 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

**CIVIL
SERVICE
BOARD.**

The Commission shall appoint three (3) electors of the City as a Civil Service Board; one (1) to serve for one (1) year and one (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.

**REMOVAL
OF MEMBERS.**

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 to act as secretary. The board may appoint such other subordinates as may by appropriation be provided for.

**CHAIRMAN OF
BOARD.**

SECTION 62.

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

**CLASSIFI-
CATION 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, judges 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 examinations.

(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.

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 investigation 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.

(a) The Chief Examiner shall provide examinations in accordance with regulations of the board and maintain lists of eligibles of each class of the services 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.

EXAMINA-
TIONS AND
LIST OF
ELIGIBLES.

SECTION 64.

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

PROMOTION
BASED ON
MERIT.

SECTION 65.

(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 requests, 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 reason is furnished him. No trial or examination of witness 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.

MANNER OF
REMOVAL
AND
SUSPENSION.

(b) 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.

BOARD TO
REMOVE
THOSE
FALLING
BELOW
STANDARD.

SECTION 66.

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 position be abolished, retain same until discharged, reduced, promoted, or transferred, in accordance herewith.

CONTINUANCE
IN OFFICE OF
PRESENT
EMPLOYEES.

SECTION 67.

NO
COMPENSATION
UNLESS
PAY ROLL
BEARS
PROPER CER-
TIFICATION.

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.

POWER OF
BOARD TO
SUMMON
WITNESSES.

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.

SECTION 69.

POLITICAL
VIEWS NOT
TO BE
CONSIDERED.

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 opinion, 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 part in political management or affairs or in political campaigns further than to cast his vote or express privately his opinion.

SECTION 70.

PENALTIES.

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

SECTION 71.

SALARIES OF
BOARD
MEMBERS.

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.

SECTION 72.

CITY PLANNING BOARD

CITY
PLANNING
BOARD
AND
DUTY.

(a) There shall be a City Planning Board of three (3) members, consisting of the Director of the 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 the City Planning in this and other countries, to make studies and recommendations for the improvements 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.

MATTERS
AFFECTING
CITY PLAN
TO BE
SUBMITTED
TO BOARD.

(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.

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

TIME LIMIT
FOR ACTION
BY 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.

ANNUAL
REPORT OF
BOARD.

(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.

SECRETARY
OF BOARD
QUALIFICA-
TIONS AND
DUTIES.

SECTION 73.

FRANCHISE AND PUBLIC UTILITIES

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.

RESTRICTIONS
AGAINST
GRANTING
FRANCHISES
AND OTHER
RIGHTS.

SECTION 74.

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.

APPROVAL BY
ELECTORS OF
GRANT OF
CERTAIN
FRANCHISES.

Provided that nothing herein contained shall be construed as limiting or applying to the power of the City, which is hereby expressly conferred, to grant franchises or to enter into franchise contracts for the construction, maintenance and operation of any general railroad over, along or upon or across the streets, avenues, alleys and public places of the City. Further provided, however, that no franchise or franchise contract for the construction, maintenance and operation of any general railroad, over along, upon or across the streets, avenues, alleys and public places of the city shall become effective

PROVISO.

RATIFICATION
BY
ELECTORATE
NECESSARY.

until the approval thereof by a majority of the qualified electors voting thereon at a general or special election to be held by the City Commission, notice of which election shall have been published in a newspaper in the City of Miami for a period of at least fifteen (15) days.

SECTION 75.

**FRANCHISES
SUBJECT TO
CONTROL BY
CITY.**

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.

**MAY BE
REPEALED.**

(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.

**MUST
MAINTAIN
EFFICIENCY.**

(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.

**RATES TO BE
REASONABLE.**

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

**ACCOUNTS
SUBJECT TO
INSPECTION.**

(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.

**PUBLIC
WELFARE.**

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

SECTION 76.

**EXTENSIONS
TO BECOME
PART OF
PUBLIC
UTILITY.**

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.

SECTION 77.

**FRANCHISE
HEREAFTER
GRANTED ARE
SUBJECT TO
THIS CHARTER
IRRESPECTIVE
OF WORDING.**

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.

SECTION 78.

**COPIES OF
PRESENT
FRANCHISE
TO BE FILED
WITH CITY.**

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.

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.

(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 amount 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 show also 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 and operation, which reports shall give the information specified in this section and such other information as the commission shall deem expedient.

COMPLETE
ACCOUNTS OF
MUNICI-
PALITY
OWNED
PUBLIC
UTILITIES.

CONTENTS OF
ACCOUNTS.

SECTION 80.

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.

PRESENT
EXISTING
FRANCHISES
NOT
AFFECTED.

SECTION 81.

No exclusive franchise or extension or renewal thereof shall ever be granted.

EXCLUSIVE
FRANCHISE
PROHIBITED
AMENDMENT
1923.

SECTION 82.

BOOKS—RECORDS—ETC.

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.

ALL BOOKS
AND RECORDS
OF ANY CITY
OFFICER
PROPERTY OF
CITY.

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 of 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 specifically provided by this charter, shall be payable to said city, and in such penalty as the commission

AMOUNT TO BE
DETERMINED
BY
COMMISSION.

may by resolution prescribe. The Commission shall accept as surety on any such official bond a good, solvent surety company authorized 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 the 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

(a) 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, devices, 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.

(b) The City Commission shall have power to make contracts of insurance with any insurance company authorized to transact business in this State, insuring its employees or any class or classes thereof under a policy or policies of group insurance covering life or health or accident insurance or any two or more of such classes of insurance and may contract with any company granting annuities or pensions and authorized to transact business within the State of Florida, for the pensioning of such employees or any class or classes thereof; and for any and all of such purposes may appropriate out of its treasury any money necessary to pay premiums or charges incident to the carrying of such policies or contracts.

SECTION 90.

COMPENSATION OF OFFICERS AND EMPLOYEES

The Commission shall fix by ordinance the compensation of the City Manager, heads of departments, and municipal judges and the City Clerk. The City Manager shall fix the number and salaries of 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 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 evidence, before the City Commission in a

NOTICE OF.

DUTY OF
CITY
ATTORNEY.

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.

OFFICE HOURS

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 o'clock in the afternoon, and all books and records of every office and department shall be opened 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.

SECTION 96.

CHARITABLE INSTITUTIONS

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.

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.

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.

SECTION 99.

SUBDIVISIONS

Any owner of lots or grounds within the City who subdivided 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

BOOKS AND
RECORDS
OPEN TO
PUBLIC.

ALL PROPERTY
CLAIMS, ETC.,
HERETOFORE
OWNED TO
BECOME
PROPERTY OF
NEW CITY.

DEPT. OF
PUBLIC
WELFARE TO
SUPERVISE
CHARITABLE
INSTITUTIONS.

CONDITIONS
JUSTIFYING
FINANCIAL
SUPPORT OF
PUBLIC
CHARITIES.

BUREAU OF
LEGAL AID
AND ITS
SUPERVISION.

REQUIRE-
MENTS
TOUCHING
SUB-
DIVISIONS.

property showing section corners or quarter section corners or at least tying said property to one (1) or more section or quarter section corners or other government monument.

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 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.

POWER OF
SUPERVISOR
OF PLATS.

SECTION 101.

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.

STATUS OF
UNAUTH-
ORIZED
PLATS.

SECTION 102.

No streets or alleys 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 ordinances passed for such purpose, or unless the provisions of this charter relating to subdivisions shall have been complied with.

DEDICATIONS
TO BE
ACCEPTED BY
ORDINANCE
OR AS
ABOVE.

SECTION 103.

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.

NO
COMMISSION
FOR SALE OF
CITY BONDS.

SECTION 104.

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.

PUBLICATION
OF
ORDINANCES.

CODIFICATION.

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.

VOTING PRECINCTS

VOTING
PRECINCTS.

The said City shall be divided into five (5) or more voting precincts, 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 the power to change the boundaries and the number of said precincts.

SECTION 107.

ORDINANCES

ORDINANCE
BOOK.

It shall be the duty of the City Clerk to record within ten (10) days after the 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.

ORDAINING
CLAUSE.

The Ordaining clause of every ordinance shall be as follows: "Be it ordained by the Commission of the City of Miami."

SECTION 109.

POWERS

ENUMERATION
OF POWERS
HEREIN NOT
EXCLUSIVE OF
OTHER
POWERS.

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 embraced 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.

PARTIAL
INVALIDITY.

If any section or part of a section of this charter is 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 appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section which is unconstitutional or invalid.

SECTION 111.

SAVING
CLAUSE.

That nothing in this act shall be so construed as to alter, abolish, affect or amend any of the laws of this State now in force, or which may hereafter be enacted, relative to towns and cities of the State incorporated under the general law, nor any of the ordinances of the City of Miami, now in force under the existing municipal government of said City of Miami, except such as are in conflict with provisions of this Act; and all such laws and ordinances are hereby declared to be in full force and effect.

SECTION 112.

All acts and proceedings of the Commission or of any officer of the City done or taken pursuant to the provisions of the charter which was submitted to and ratified by the voters of the City at an election held in 1921, or of the charter amendments submitted to and ratified by said voters at an election held in 1923, are hereby ratified with like force as if such acts and proceedings had been done and taken under authority duly conferred by the Legislature.

RATIFICA-
TIONS OF
CERTAIN
ACTS AND
PROCEED-
INGS.

SECTION 113.

This act shall take effect immediately upon becoming a law.

Approved May 9th, 1925.

LOCAL IMPROVEMENTS

The following sections were added by Special Act of Legislature, Regular Session, 1929.

SECTION 114.

Local improvements which may be made by the City of Miami, and the cost of which may be provided for in accordance with Section 56 of the Charter, shall include in addition to the five classes now provided by said Section 56, two new classes, to be known as Street Developments and Water Main Improvements. Each of said seven classes of improvements may be made and their cost provided for through special assessments, City charges, taxes, bonds and otherwise, under provisions of Sections 114 to 130, all inclusive, of the Charter, and where not inconsistent therewith, the provisions of said Section 56.

SECTION 115.

Class 6. Street developments embrace the opening, widening and extension of highways, and, if the Commission so orders, the grading thereof.

SECTION 116.

Class 7. Water main improvements embrace the laying of water main, the relaying where necessary of highways and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of water laterals.

SECTION 117.

Highways improvements made under Section 56 of the City Charter may include sanding and oiling of highways as all or a part of any improvement.

SECTION 118.

Highways improvements under Section 56 of the City Charter may embrace as a means of drainage of highways improved, a well or wells sunk to a point below fresh water strata and so cased in throughout fresh water strata as to prevent seepage to or from such strata; or, in the discretion of the Commission, any such well or wells may constitute the whole or a part of a Storm Sewer Improvement under said Section 56. The resolution ordering such an improvement shall include the location of the well or wells with reasonable definiteness.

SECTION 119.

The cost of the Improvement includes:

(a) Labor and material.

(b) In water front and street development improvements, the cost of

any property purchased, condemned or otherwise acquired, including court costs and other expense incident to such acquisition.

(c) Damages paid or to be paid for injury to property by change of grade or drainage, including court costs and other expense incidental to the determination of damage.

(d) The cost of retaining walls, sidewalks or fences built or altered in lieu of cash payment for such property damage or acquisition, including the cost of moving or altering any structure.

(e) The cost, whether in the nature of damages or otherwise, of establishing a building setback line or lines.

SECTION 120.

Incidental expenses of a local improvement made under Section 56 of the Charter may include interest from the time of issuing bonds or notes until the time the special assessments begin to draw interest.

SECTION 121.

If the initial resolution shall order a street development or a water front or a storm sewer improvement under said Section 56, it shall designate the property which the Commission deems will be specially benefited thereby (sometimes herein referred to as the area of special benefits) and shall indicate the proportion or part of the cost thereof which shall be borne by the City at large and the proportion or part thereof which shall be specially assessed within the area of special benefits. The City shall bear one-third of the cost of storm sewers including any pumping station and outlet but excluding storm sewer laterals, and shall bear not more than fifteen per cent (15%) of the cost of street developments and not more than fifteen per cent (15%) of the cost of Water Front Improvements. If the resolution shall also, as it may in the discretion of the Commission, state the opinion of the Commission as to the relative proportions of special benefits as between the several lots and parcels within such area, or as between different classes or different locations of property within such area, such statement of opinion shall not prevent the City Manager from stating different proportions in the preliminary Assessment Roll, nor prevent the Commission from changing any such proportions in sustaining or modifying such assessments indicated by said Roll in the manner and under the conditions provided by said Section 56. Before the passage of a resolution ordering any such improvements the Commission may, in its discretion, appoint a Board of not less than three (3) nor more than five (5) disinterested citizens at a compensation to be fixed by the Commission, and charged to the cost of the improvement, whose duty it shall be to consider and advise the Commission as to the matters required or permitted by this Section to be stated in the resolution.

SECTION 122.

The estimate made by the City Manager of the cost of a street development or a storm sewer or water front improvement under Paragraph (d) of Section 56 shall show the estimated amount of cost and incidental expense to be assessed against all property in the area of special benefits, but shall not show any estimated assessment against any particular property within the area, or against any frontage or portion of such property.

SECTION 123.

The notice required by paragraph (e) of said Section 56 of the hearing of objections to the confirmation of a resolution ordering a street development or a storm sewer or water front improvement shall clearly describe the area of special benefits.

SECTION 124.

The notice required by paragraph (p) of said Section 56 of the hearing upon an Assessment Roll shall state the class of the improvement and the location thereof.

SECTION 125.

A resolution ordering a highway, sidewalk or sanitary sewer improvement may, in the discretion of the Commission, make a special provision for the apportionment of cost against any or all corner lots which, within ten years next preceeding the passage of the resolution, may have been assessed for an improvement of like class upon an intersecting highway. In any such case the resolution shall state (1) the proportion of a normal frontage apportionment, as hereinafter defined, against any or all such corner lots which will be deducted from the normal frontage apportionment in the Preliminary Assessment Roll, and (2) the proportion, if any, of each such deduction which will be apportioned to the City in such roll, and (3), the proportion, if any, which will be added in such roll in accordance with frontage to the normal frontage apportionments from which deductions are not to be made. The words "normal frontage apportionment," as used herein, refer to an apportionment made against each abutting lot or parcel at an equal rate per foot, of that part of the cost of the improvement which remains after subtracting (1) the cost, if any, apportioned to railroads on account of tracks within a highway, and (2) the cost of sanitary sewer laterals, if any, and (3) the City's share of cost, if any, except its share (if any such share shall be provided for) of the apportionments against corner lots.

SECTION 126.

If the Preliminary Assessment Roll required by said Section 56 is prepared and filed with the City Clerk after the completion of the work, whether the work be done by City forces or by contract, the total cost of the improvement therein stated shall be actual cost.

SECTION 127.

In the case of a street development or a storm sewer or water front improvement the said Preliminary Assessment Roll shall describe the property in the area of special benefits, but need not state the number of feet of property abutting any such improvement unless such statement be necessary in describing property in the area of special benefits.

SECTION 128.

If a resolution ordering a highway, sidewalk, or sanitary sewer improvement shall have made the special provision hereinabove authorized for apportionment of costs to corner lots, the Preliminary Assessment Roll after apportioning the share of any railroad having tracks within the highway and the cost of any sanitary sewer laterals and share of the City (except the City's share of corner lot apportionments) shall first apportion the remaining cost to each abutting lot or parcel by a normal frontage apportionment and shall then finally apportion the same by subtracting from or adding to each such normal frontage apportionment such sums as may be circulated from the provisions of the initial resolution, and the amounts finally thus apportioned to abutting property shall be assessed in said roll against such abutting property.

SECTION 129.

In the Preliminary Assessment Roll there shall be apportioned to the City such part of the cost of a street development as may have been determined by the initial resolution, and to the lots and parcels within the area of special benefits shall be apportioned the remaining part of such cost.

SECTION 130.

The amount of the cost of a street development or a storm sewer or a water front improvement (excluding storm sewer laterals in storm sewer improvements) which in the Preliminary Assessment Roll is apportioned to lots and parcels of land in the area of special benefits as provided by this Act and by said Section 56, shall in said Roll be assessed to the several lots and parcels within the area of special benefits in proportion to the special benefits which the City Manager deems each such lot or parcel will receive.

SECTION 131.

One half the cost of Water Main Improvements (excepting water laterals connecting the water main with the line of adjacent property or the curb line, the cost of which lateral shall be apportioned to the lot or parcel served thereby) shall in the Preliminary Assessment Roll be apportioned to the City, and the remaining one-half to the property abutting upon the portion of the highway in which the main shall be laid, and the amounts so apportioned to abutting property shall be assessed in said Roll against said abutting property according to frontage.

SECTION 132.

The Commission shall not confirm any special assessment against any lot or parcel of land in excess of fifty (50%) per cent of the value thereof as last fixed for taxation by the Board of Equalization of the City. Any deficit from the application of this prohibition shall be charged to the City as a general charge.

SECTION 133.

If the owner or owners of any lot or parcel of land assessed under said Section 56 and/or this Act, and all those having any interest therein by way of mortgage or other lien or leasehold rights or otherwise shall in writing request that such assessment be divided so that a part of the same shall be the assessment on and constitute on one portion of such lot or parcel and the remainder shall be the assessment on and constitute a lien or liens against the remainder of such lot or parcel or separate parts thereof, the Commission, in its discretion, shall have power to divide such assessments in accordance with such request, and thereafter the separate parts of such assessment shall be the assessments and constitute separate liens upon the parts of the lot or parcel, respectively, into which the same shall have been so divided; any ordinance or resolution making such division shall recite the belief of the Commission that such division is equitable and will not impair the collectibility of any part of the assessments so divided.

SECTION 134.

The confirmation of an Assessment Roll by the Commission under paragraph (q) of Section 56 of the Charter shall be final and conclusive as to the assessment against each lot and parcel assessed unless proper steps be taken within twenty (20) days in a court of competent jurisdiction to secure relief.







