

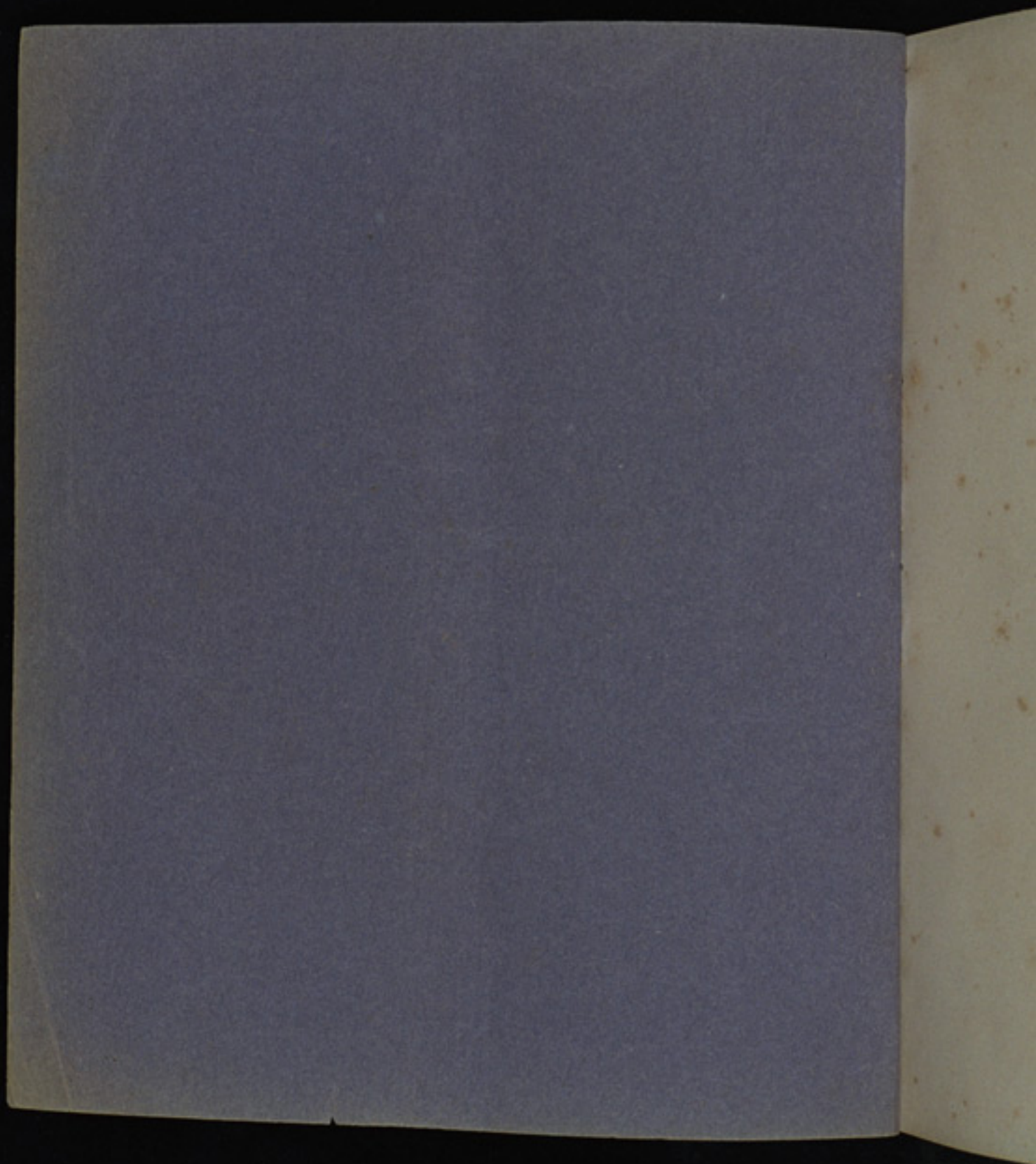
CHARTER
—AND—
ORDINANCES

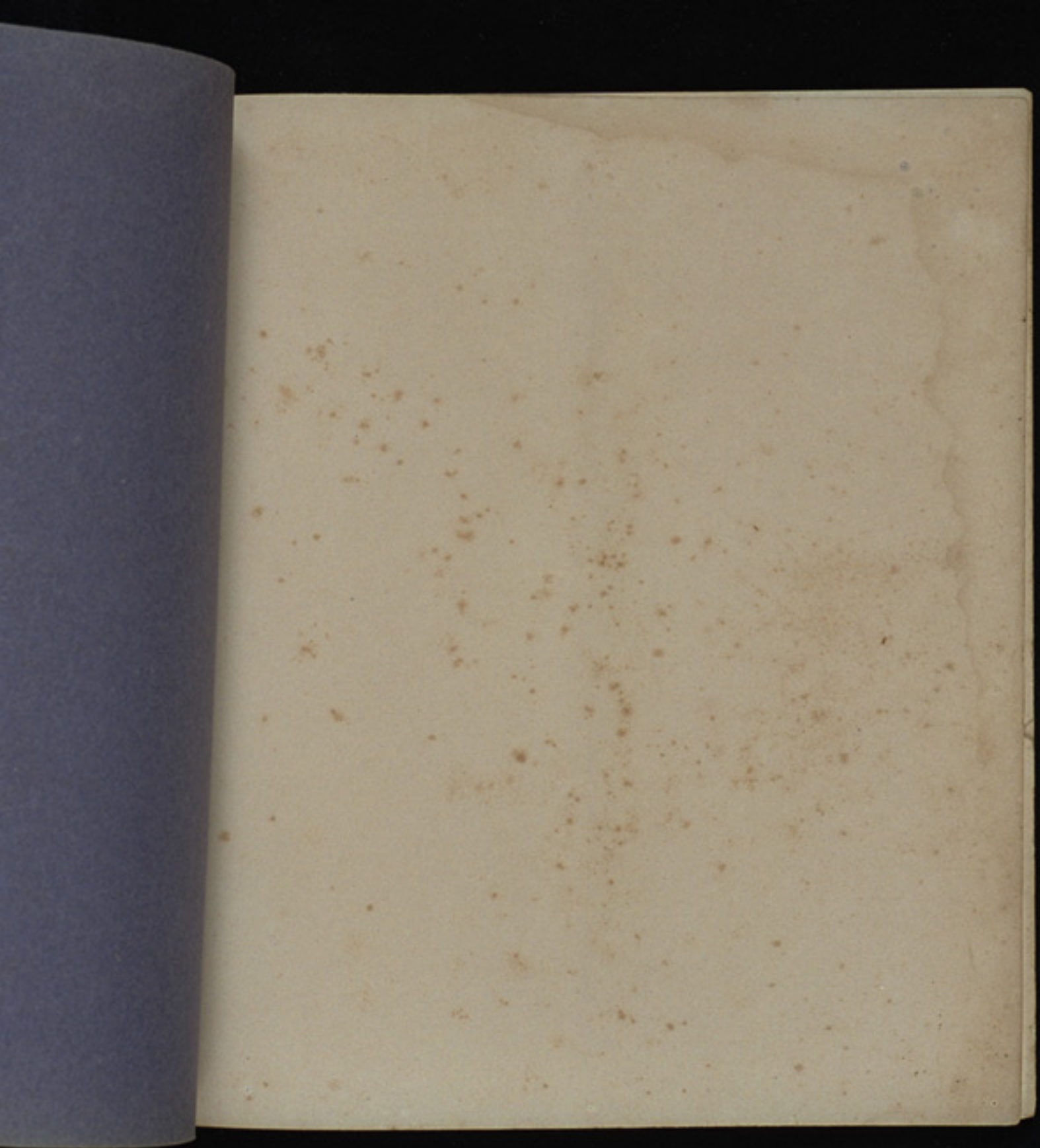
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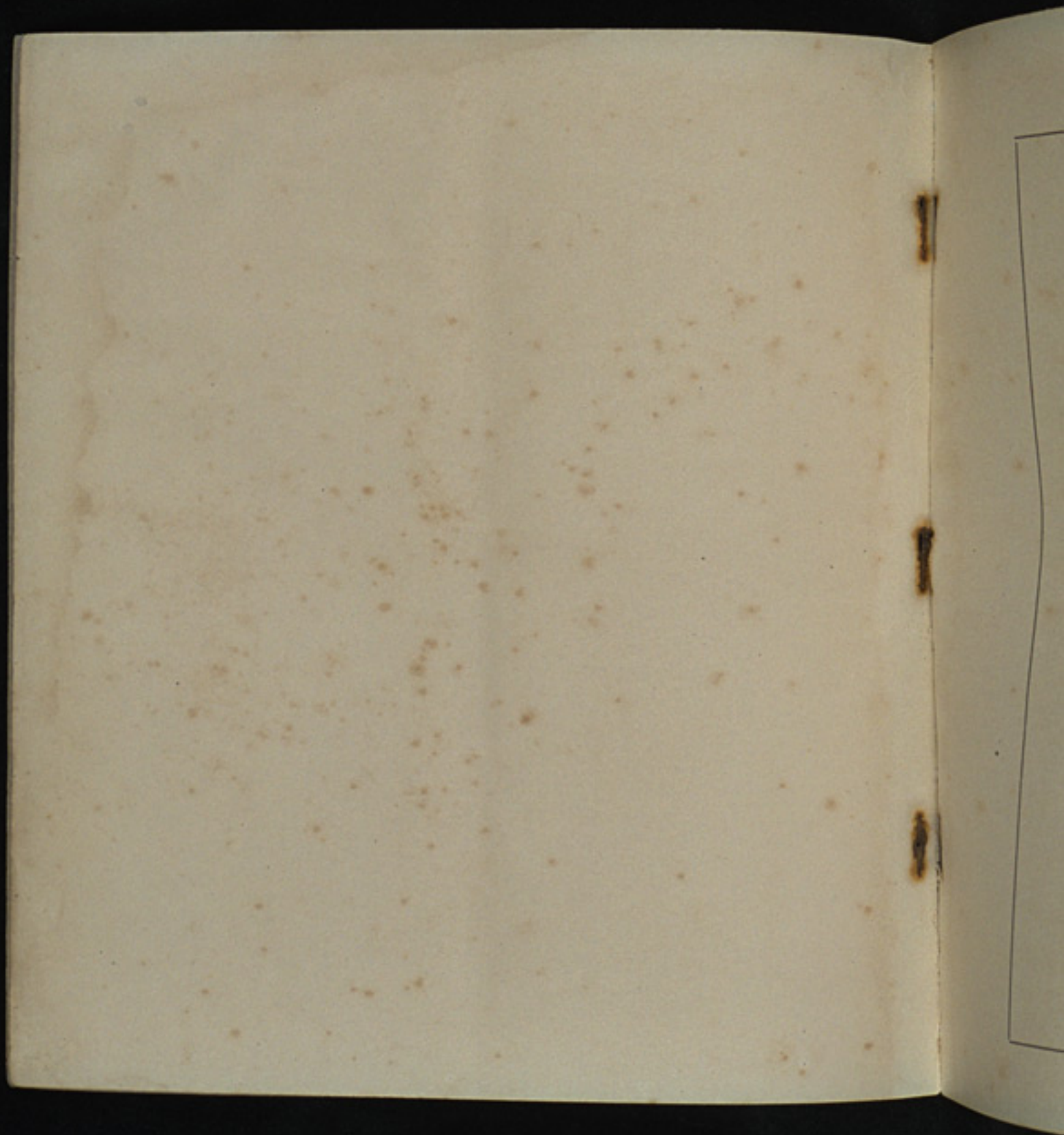
TOWN OF EVERGLADES

COLLIER COUNTY, FLORIDA

1924







CHARTER
—AND—
ORDINANCES

OF THE

TOWN OF EVERGLADES

COLLIER COUNTY, FLORIDA

1924

TROPICAL NEWS PRINT, FORT MYERS, FLORIDA

Boundaries

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CHARTER OF THE TOWN OF EVERGLADES

AN ACT TO CREATE AND ESTABLISH A MUNICIPALITY TO BE KNOWN AND DESIGNATED AS TOWN OF EVERGLADES AND TO DEFINE ITS TERRITORIAL BOUNDARIES AND PROVIDE FOR THE ORGANIZATION AND GOVERNMENT THEREOF, AND FOR ITS JURISDICTION, POWERS AND PRIVILEGES, AND TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF TAXES THEREIN; AND TO AUTHORIZE THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF ITS ORDINANCES.

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

THE TOWN

BOUNDARIES SECTION 1. BOUNDARIES. The boundaries of the Town of Everglades be and the same shall be as follows, to-wit:

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of Section Fourteen, in Township 53 South, of Range 29 East, and run thence East along the South line of the North half of the Southwest quarter of said Section, Township and Range a distance of One-half ($\frac{1}{2}$) mile, more or less, to the Southeast corner of the Northeast quarter of Southwest quarter of said Section Fourteen, and run thence North along the center line of said Section Fourteen, and of Section Eleven of said Township and Range a distance of One (1) mile, more or less, to the Northeast corner of Southeast quarter of the Southwest quarter of said Section Eleven of said Township and Range; run thence West along the North line of the South half of the Southwest quarter of said Section Eleven to the Northwest corner of the Southwest quarter of the Southwest

quarter of said Section Eleven; run thence South along the West line of said Sections Eleven and Fourteen a distance of one (1) mile, more or less to the point of beginning.

POWERS. SECTION 2. POWERS OF THE TOWN.

a. The people of the Town of Everglades, as its limits now are, or may be hereafter, shall continue to be a body politic and corporate by name the "Town of Everglades" and as such shall have perpetual succession; may use a corporate seal and change same at pleasure; may sue and be sued; may acquire property in fee simple or lesser estate by purchase, condemnation, gift, devise, appropriation, lease, or lease with the privilege of purchase, or otherwise, for any municipal purpose, within or without the Town limits; may sell, lease, hold, occupy, enjoy, manage and control such property and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed, will or other grant, in relation to any gift or bequest, or the provisions of any lease or agreement by which it may acquire property; may, within the Town limits, when necessary acquire wells, flowing or otherwise, for municipal uses for the public water supply, by purchase, gift, appropriation, condemnation, lease, or lease with the privilege of purchase, may acquire, construct, own, lease and operate and regulate public utilities and may furnish all local public services; may assess, levy and collect taxes for general and special municipal purposes on all the subjects and objects which the Town may lawfully tax; may borrow money on the faith and credit of the Town by the issue or sale of bonds or notes of the Town with or without interest; may appropri-

Powers

Boundaries

CHARTER OF THE TOWN OF EVERGLADES

ate the money of the Town for all lawful purposes; may create, provide for, construct, regulate and maintain all things of the nature of public works or improvements; may levy and collect assessments for local improvements; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade; may define, prohibit, abate and suppress all nuisances and causes thereof, and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the people of the Town, may regulate the construction, height and material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use, for whatever purposes, of the streets and other public places; may prescribe regulations of the streets and other public places; may prescribe regulations for the protection of the public at railroad and street crossings; may regulate the height and manner of flight of airplanes and all other aerial conveyances above the area within the Town limits; may administer, develop, sell, lease, otherwise dispose of and control all lands, riparian or otherwise, whether submerged or not, granted to it by the Laws of the State of Florida, or otherwise obtained in any manner; may establish and maintain hospitals, and make necessary rules and regulations respecting the poor, indigent, infirm and insane, and fix the conditions upon which such persons coming into the Town may be allowed to remain; may provide for the inspection and the regulation of the sale of milk, meats, fish, fruits and vegetables; may establish and maintain public markets, public libraries and reading rooms for the use of the inhabitants of the Town; may construct, acquire, establish, maintain and operate public wharves, piers, docks, warehouses, landing places, railroad tracks, spurs, terminal railroads and all other equipment of any kind that may be necessary to meet the needs of the commerce of the Town and to that end the Town shall have the power of widening, extending or deepening any waters, including rivers, within the Town limits, and dredging or ballasting the same or the approaches thereto; may supervise, control and regulate wharfage, stevedoring, dockage and moorings and anchorage of vessels and fix and regulate, from time to time, all wharfage, dock and port charges, and regulate the operation of docks within the limits of the Town, may adopt and enforce within the corporate limits police, sanitary and other similar regulations, and the said Town of Everglades is hereby authorized to exercise its police powers and jurisdiction within one mile of its corporate limits, provided, however, that the exercise of such police powers and jurisdiction beyond the Town limits shall not extend to or operate within the corporate limits of any adjacent or neighboring municipality; and provided, further, that the exercise of such police powers and jurisdiction beyond the corporate limits of the Town shall extend only to slaughter houses, abattoirs, dairies and sanitation; may create, establish, abolish, organize and combine offices and fix the salaries and compensation of all officers and employees; and may pass such ordinances and resolutions as may be expedient for maintaining and promoting the peace, good government and general welfare of the Town and for the performance of its functions. The Town shall have all powers that now are or hereafter may be granted to municipalities by the constitution or laws of Florida; and all such powers,

EVERGLADES

warehouses, landing places, railroads, docks, spurs, terminal railroads, other equipment of any kind may be necessary to meet the commerce of the Town and the Town shall have the right of widening, extending or deepening any waters, including those within the Town limits, and dredging the same or the approach thereto; may supervise, control and regulate the operation of wharffage, stevedoring, dock moorings and anchorage of boats and fix and regulate, from time to time, the operation of wharffage, dock and pier and regulate the operation of the same within the limits of the Town; may create and enforce within the limits of the Town, sanitary and health regulations, and the like; and the Town of Everglades is hereby authorized to exercise its police powers and authority within one mile of its limits, provided, however, that the exercise of such police powers and authority beyond the Town limits shall not extend to or operate within the limits of any adjacent municipality; and further, that the exercise of the powers and jurisdiction to incorporate limits of the Town shall extend only to slaughter houses, dairies and sanitation; may establish, abolish, organize and fix the salaries of all officers and may pass such ordinances and resolutions as may be necessary for maintaining and promoting good government and for the welfare of the Town and for the exercise of its functions. The Town shall have all powers that hereafter may be granted to municipalities by the constitution of Florida; and all such powers

CHARTER OF THE TOWN OF EVERGLADES

whether expressed or implied, shall be exercised and enforced in the manner prescribed by law or by this Charter, and when not prescribed, shall be exercised and enforced in such manner as may be prescribed by ordinance or resolution of the Commission.

b. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the Town shall have, and may exercise all other powers which, under the constitution and Laws of Florida, it would be competent for this Charter specifically to enumerate.

THE COMMISSION

FORM OF GOVERNMENT. SECTION 3. FORM OF GOVERNMENT. The form of government in this Charter shall be known as the "Commission Manager Plan."

SECTION 4. CREATION AND ELECTION OF COMMISSION.

There is hereby created a Commission which shall have full power and authority, except as herein otherwise provided to exercise all the powers conferred upon the Town. The Commission shall consist of three members. The Commission shall be elected at large and shall hold office for a term of two years, beginning the second Tuesday in April after their election; provided, that the Commission receiving the lowest vote at the first election, in 1923, shall hold office until the Second Tuesday of April, 1924; and the two remaining Commissioners elected shall hold office until the second Tuesday of April 1925.

FIRST ELECTION

THE FIRST ELECTION under the provisions of this Charter shall be held on the SIXTH DAY OF NOVEMBER, 1923; and the next general election shall be held on the first Tues-

day of April, 1924, and thereafter a general municipal election shall be held every year on the first Tuesday of April. Said Commissioners shall hold office until their successors are elected and qualified. All other municipal elections that may be held shall be known as special municipal elections.

SECTION 5. ELECTIVE OFFICERS. The members of the Commission shall be the sole elective officers of the Town, all other officers and employes being appointative, as herein provided.

SECTION 5. ELECTIVE OF THE COMMISSION. If any vacancy occur in the membership of the Commission said Commission shall elect an eligible person to fill the same until the next general election if such election shall be held within the next six months; if not, a special election shall be called within thirty days to fill such vacancy, in which event the office shall be filled by election, but only for the unexpired term, and until said election the vacancy shall be filled by appointment by the Commission.

SECTION 7. QUALIFICATIONS OF COMMISSIONERS. Members of the Commission shall be residents of the Town and have the qualifications of electors therein.

SECTION 8. POWERS OF THE COMMISSION. The Commission shall constitute the governing body of the Town and shall be the judge of the election and qualification of its own members, subject to review by the courts. Except as otherwise provided in this Charter or by the Constitution of the State, the Commission may, by ordinance or resolution, prescribe the manner in which any power of the Town shall be exercised. Any member of the Commission who shall have been convicted of a felony involving moral

Elective Officers

Vacancy in Commission

CHARTER OF THE TOWN OF EVERGLADES

turpitude while in office shall thereby forfeit his office. 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 judgement in the appointment of officers and employes in the administrative service under his charge. Except for purposes of inquiry the Commission and its members shall deal with that part of the administrative service under the City Manager 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 the Commission with the administration of the departments of the Town under the City Manager shall be deemed a misdemeanor, and upon conviction before a court of competent jurisdiction any member so convicted shall be subject to a fine not exceeding \$100.00 or imprisonment for a term not exceeding one month, or both, in the discretion of the Court, and to removal from office.

Election by Commission.

SECTION 9. ELECTION BY COMMISSION. RULES. QUORUM COMPENSATION. The Commission shall, at its first meeting, to be held at 7:30 p. m., November 19, 1923, and annually at its annual meeting thereafter, elect one of its members as chairman, who shall be entitled Mayor; and it shall appoint a City Manager, a Clerk, an Auditor, a City Attorney, a Municipal Judge, a Treasurer, a Collector, an Assessor, and may appoint a Civil Service Board; and shall prescribe the duties of such officers by ordinance; provided, however, that the Commission

may, in its discretion, combine any two or more of the above officers in one person or officer; but no member of the Commission may be chosen as City Manager or as a member of the Civil Service Board. The Commission may determine its own rules for procedure may punish its members for misconduct, and may compel attendance of members. A majority of all members shall constitute a quorum to do business, but a smaller number may adjourn from time to time. Each member of the Commission shall receive not to exceed the sum of Three dollars for each meeting of the Commission attended by him. Absence from five consecutive regular meetings of the Commission shall operate to vacate the seat of any member, unless such absence be authorized by the Commission.

SECTION 10. ORGANIZATION AND PROCEDURE OF COMMISSION.

Organization and Procedure.

a. At 11 o'clock a. m. on the second Tuesday of April following a regular municipal election the Commission shall meet at the usual place for holding meetings, at which time the newly elected Commissioners shall take the oath and assume the duties of their office. Thereafter the Commission shall meet at such time and place as may be prescribed by ordinance. The meetings of the Commission and all sessions of committees of the Commission shall be public. The Commission shall act only by ordinance and resolution; and all ordinances or resolutions, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriation.

b. The enacting clause of all ordinances passed by the Commission shall

discretion, combine any of the above officers in office; but no member may be chosen as a member of the board. The Commission its own rules for punish its members for mis may compel attendance of majority of all members a quorum to do business. Each member of shall receive not to ex of Three dollars for each the Commission attended from five consecutive meetings of the Commission vacate the seat of any such absence be in the Commission.

ARTICLE 10. ORGANIZATION OF COMMISSION.

Section 10. The Commission shall meet at ten o'clock a. m. on the second day of each month following a regular session of the Commission at the usual place for holding their meetings. At such time the newly elected members shall take the oath of office. The Commission shall meet at such place as may be determined. The meetings and all sessions of the Commission shall be public. The Commission shall act only by resolution; and all resolutions, except voting appropriations, shall be on one subject which shall be expressed in the title. Voting appropriations shall be on one subject of appro-

...ing clause of all ordi- by the Commission shall

CHARTER OF THE TOWN OF EVERGLADES

be: "BE IT ENACTED BY THE COMMISSION OF THE TOWN OF EVERGLADES." The enacting clause of all ordinances submitted by initiative or referendum shall be: "BE IT ENACTED BY THE PEOPLE OF THE TOWN OF EVERGLADES."

c. 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 two-thirds vote of the members of the Commission. The final reading shall be in full, unless the measure shall have been printed and a copy furnished to each member prior to such reading. The "Ayes" and "Noes" shall be taken upon the passage of all ordinances and 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 official conduct, or where his financial interests are involved. Provision shall be made for the printing and publication in full of every ordinance within ten days after its final passage.

THE ELECTORS AND ELECTIONS

SECTION 11. QUALIFICATIONS OF ELECTORS. Any person who shall possess the qualifications required of an elector in general elections and shall have resided in the Town six months next preceeding the election, and shall have registered in the municipal registration books as prescribed by the general laws of the State of Florida and the ordinances of the Town of Everglades, enacted in pursuance thereof, shall be a qualified elector of said Town at any election, general or

special, held therein; provided, that in all bonding elections the qualifications hereinafter specified in Section 50 shall obtain.

SECTION 12. NOMINATIONS, BALLOTS, REGULATION OF ELECTIONS.

a. The inspectors of any election shall be selected by the Commission; there shall be one clerk and three inspectors for each voting place; they shall be sworn and shall have full charge of the polling places and of all ballots and ballot boxes. The Commission may by ordinance alter or change the bounds of precincts or reduce the number of polling places.

b. Said Commission shall cause to be printed on the ballots to be used in said Town the name of any candidate for an elective office under the provisions of this Charter who has been put in nomination by any caucus, convention, mass meeting, primary election, or other assembly, or any political party or faction in said Town, and certified and filed with the Clerk not more than sixty nor less than twenty days prior to the date of the election; said certificate shall contain the name of each person nominated and the office for which he was nominated, and shall be signed by the presiding officer or clerk of such caucus, mass meeting or other assembly, or by the canvassing board of the primary election, and be duly acknowledged by such presiding officer, clerk or member of such canvassing board, before an officer authorized by law to take acknowledgements; the said Commission shall also cause to be printed upon said ballots the name of any qualified elector who has been requested to be a candidate for an elective office by a written petition, signed by at least fifteen (15) qualified electors, in any election to fill such office, when such petition has

Nominations, Regulation of Elections.

CHARTER OF THE TOWN OF EVERGLADES

been filed with the Clerk for not more than sixty nor less than twenty days prior to the election. Any person so nominated shall notify the Clerk in writing not less than fifteen days before the election, that he will accept the nomination specified by certificate of nomination or request of electors, otherwise his name shall not be placed upon the ballot.

c. The Commission shall, not less than five, nor more than ten days before the election, certify a list of the candidates so nominated for office at such election and whose names entitled to appear on the ballot, as being the list of candidates nominated as required by this Charter, together with the names of the offices to be filled at said election, and shall cause the same to be posted at three public places in said town for three days after said certification and before said election, which said notice shall contain the time when said election will be held, together with the designation of polling place or places in said town; provided, however, that the failure to pass such notice shall not invalidate such election.

d. Except as otherwise provided herein, all elections, general or special, shall be conducted in the manner provided for in the general laws of the State of Florida and the ordinances of the Town of Everglades.

e. The first election to be held hereunder shall be conducted by the temporary Commissioners hereinafter named, and they shall meet as a canvassing board, inspect the returns and declare the results of such election.

SECTION 13. THE RECALL.

a. Any or all members of the Commission may be removed from office by recall. Any elector of this Town may make and file with the Clerk an affidavit containing the name or names

of any members whose recall is sought, together with a statement of the grounds for removal. The Clerk shall thereupon deliver to the elector copies of petition blanks demanding removal, printed forms for which he shall keep on hand. Such blanks shall be issued by the Clerk with his signature and official seal thereto attached and they shall be dated and addressed to the Commission and shall contain the name of the person to whom issued, the number of blanks so issued, and the office from which 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 days after the filing of the affidavit. To be effective the petition must also bear the signatures of electors of the Town to the number of at least twenty per cent of the electors of the Town of Everglade qualified to vote at the last general town election. To every signature on the petition shall be added the place of residence of the signer, his street and number, or description sufficient to identify the place. Such signatures need not be all upon one paper but the circulator of each such paper shall make affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. All such recall petition papers shall be filed as one instrument, with the endorsement thereon of the names and addresses of the persons designated as filing the same.

b. Within ten days after the filing of the petition the Clerk shall ascertain whether or not the petition is signed by the requisite number of electors, and shall attach thereto his certificate showing the result of such examination. If his certificate shows the petition to

CHARTER OF THE TOWN OF EVERGLADES

be insufficient he shall forthwith notify in writing one or more of the persons designated in the petition as filing the same, and the petition may be amended at any time within ten days after the giving of the notice, by the filing of a supplementary petition upon additional petition papers which shall be issued, signed and filed as provided herein for the original petition. The Clerk shall, within ten days after such amendment, make like examination of the amended petition and make his certificate of the result. If then found to be insufficient, or if no amendment has been made, he shall file the same in his office and notify each of the persons designated as filing it of the fact. The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose after the expiration of six months.

e. 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 officer or officers whose removal is sought, of the fact. The Commission shall thereupon within ten days of the receipt of the Clerk's notification, order an election to be held, not less than thirty nor more than forty-five days thereafter; provided, if any other municipal election is to occur within sixty days after receipt of said certificate, the Commission may at its discretion provide for the holding of the removal election at the date of such other municipal election.

d. Unless the officer or officers whose removal is sought shall have resigned within ten days after the receipt by the Commission of the Clerk's certificate, the form of the ballot in such election shall be, as nearly as may be:

"Shall A be recalled?" "Shall B be recalled?" etc; the name of the officer or officers whose removal is sought being inserted in the place of A, B, etc., and it shall be signified by the words "Yes" or "No." In case a majority of those voting for or against the recall of any officer vote in favor of recalling any such officer he shall thereby be removed from office. In the event of the recall or resignation of any officer as herein provided, the vacancy thus caused shall be filled in accordance with Section 6.

e. Should the Commissioners fail or refuse to order an election as herein provided within the time required they shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$500.00 each, and such election shall be called by the Municipal Judge.

f. No petition to recall any Commissioner shall be filed within six months after he takes office. No person removed by recall shall be eligible to be elected or appointed upon said Commission within two years after said recall.

SECTION 14. THE INITIATIVE. The people shall have power at their option to propose ordinances, including ordinances granting franchises or privileges, and other measures, and to adopt the same at the polls; such power being known as the initiative. Any proposed ordinance may be submitted to the Commission by petition signed by the electors of the town to the number of at least fifteen per cent. of the electors qualified to vote at the last general town election. The signatures, verifications, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for under the

The Initiative

CHARTER OF THE TOWN OF EVERGLADES

heretofore specified provisions relating to the recall of officers.

b. Before any ordinance so proposed shall be submitted to the Commission it shall first be approved as to its form by the Town Attorney, whose duty it shall be to draft such proposed ordinance in proper legal language if called upon to do so, and to render such other service to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the Commission.

c. If the petition accompanying the proposed ordinance shall be signed by electors of the town in the number herein required, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the Commission, such Commission shall either,

1. Pass such ordinance without alteration within twenty days after the attachment of the Clerk's certificate to the accompanying petition, or,

2. Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Commission shall call a special election in the manner provided for under the recall of officers, unless a general municipal election is fixed within six months thereafter, and at such special or general election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the town.

d. The ballots used when voting upon said proposed ordinance shall contain these words: "For the ordinance," stating the nature of the proposed ordinance), and "Against the ordinance," (stating the nature of the proposed ordinance), and the elector shall signify his will by placing a cross mark

(X) before his choice. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the Town; and any ordinance which has been proposed by petition and adopted by vote of the people cannot be repealed or amended except by a vote of the people within a period of six months thereafter. There shall not be more than one special election in any period of six months for such purpose.

e. The Commission may submit a proposition for the repeal of any such ordinance, or for amendment thereto, to be voted upon at any succeeding general town election, or after six months from the adoption of such ordinance or amendment; and should any proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Charter to be submitted to the voters of the Town at any election, the Clerk shall cause such ordinance or proposition to be published once in each of the newspapers of the town, such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

SECTION 15. THE REFERENDUM.

a. No ordinance passed by the Commission except when otherwise required by the general laws of the State or by the provisions of the Charter, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the Commission, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed

The
Referendum.

fore his choice. If a majority of qualified electors voting on the ordinance shall vote in favor of such ordinance shall thereupon be a valid and binding ordinance of the town; and any ordinance which is proposed by petition and adopted by the people cannot be repealed or amended except by a vote of the people within a period of six months thereafter. There shall not be an one special election in any year for such purpose.

The Commission may submit a petition for the repeal of any ordinance, or for amendment thereof, to be voted upon at any succeeding town election, or after six months from the adoption of such ordinance or amendment; and should any ordinance so submitted receive a majority of the votes cast thereon at such election such ordinance shall thereby be repealed or amended accordingly. Any ordinance or proposition referred by this Charter to be submitted to the voters of the Town and the Clerk shall cause such ordinance or proposition to be published in each of the newspapers of the town and publication to be not later than five days before the submission of such proposition to be voted on.

SECTION 15. THE REFERENDUM

a. No ordinance passed by the Commission except when otherwise provided by the general laws of the State or by the provisions of the Charter shall be an ordinance for the preservation of the public health or safety, which contains an element of its urgency and is passed by the unanimous vote of the Commission. It shall go into effect before ten days after the time of its final passage, and within ten days a petition signed

CHARTER OF THE TOWN OF EVERGLADES

by electors of the town equal in number to twenty-five per cent. of the electors qualified to vote at the last general municipal election, protesting against the passage of such ordinance, be presented to the Commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Commission to reconsider such ordinance, and if the same is not entirely repealed the Commission shall submit the ordinance, as is provided by the provisions of this Charter relating to the Initiative, to a vote of the electors of the Town, either at a general election or at a special election called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of this Charter relating to the initiative of ordinance and the same shall be examined and certified to by the Clerk in all respects as hereinbefore provided in relation to the Initiative.

b. Any one or more ordinances may be submitted to the electors of the town of Everglades for approval or rejection at the same general or special election to be conducted as hereinbefore provided, whether said ordinance or ordinances shall have been proposed by the Initiative, or the consideration thereof shall be submitted to the people by Referendum. Should any of the provisions of two or more ordinances approved by the electors at any election conflict, the measure receiving the highest affirmative vote shall become the law, and the others shall be deemed to have failed of passage.

c. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances,

except that they shall go into effect at the time indicated in such ordinances. 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; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expense incurred previous to the referendum vote thereon.

d. In case a petition be filed requiring that a measure be passed by the Commission providing for an expenditure of money, bond issue, or a public improvement, be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

ADMINISTRATIVE SERVICE

SECTION 16. THE MAYOR.

The Mayor

The Mayor shall preside at meetings of the Commission, shall have a voice and vote in the proceedings of the Commission, and shall perform such other duties consistent with his office as may be imposed by the Commission. He shall be recognized as the official head of the Town for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for military purposes. In time of public danger or emergency he may with the consent of the Commission, take command of the police, maintain order and enforce the laws. During his absence, disability or recall his duties shall be performed by another member elected by the Commission.

SECTION 17. THE CITY MAN-

AGER. a. The City Manager shall be the administrative head of the municipal government under the direction

CHARTER OF THE TOWN OF EVERGLADES

and supervision of the Commission, and he shall hold office at the pleasure of the Commission, and shall be paid a salary of not to exceed three thousand dollars per annum. He shall be chosen solely on the basis of his executive and administrative qualifications, and he need not be a resident of the town or state at the time of his appointment. During the absence or disability of the City Manager, or prior to the appointment of a City Manager, the Commission may designate some properly qualified person to temporarily execute the functions of the office. In the exercise of supervision over the City Manager the said Commission shall instruct or direct the said Manager only by ordinance or resolution; provided, however, that this provision shall not be construed as prohibiting the Commission from advising and consulting with the heads of Departments and other officers and employes of the Town whenever in the judgment of the commission it may seem necessary.

b. The City Manager shall be removable by the Commission, but if removed at any time after six months tenure of office he may demand written charges and a public hearing upon the same before the Commission, and his final removal shall not take effect until such hearing has been had, but the Commission may suspend him from the office pending such hearing.

c. The City Manager shall be responsible to the Commission for the proper administration of all the affairs of the Town under his charge; and to that end his powers are, and they shall be:

1. To see that the laws and ordinances are enforced.

2. Except as herein specifically provided, to appoint and remove all officers and employes of the town, all ap-

pointments to be made on merit and fitness alone and in accordance with the civil service requirements, if any, that may hereafter be adopted by the Commission.

3. To exercise control and direct supervision over all Departments and divisions of the municipal government under this Charter, or which may hereafter be created by the Commission including public utilities owned by the town.

4. To see that terms or conditions imposed in favor of the town or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the town attorney whose duty it is hereby made to give such notice as is provided by law, and to take such legal steps as may be necessary to enforce the same in case of emergency or where such notice does not bring about a correction of such violation. The City Manager shall also see that all contracts and agreements with the town are faithfully kept and performed, and to that end shall, when directed by the Commission, cause legal proceedings to be commenced and prosecuted in the name of the town against all persons or corporations failing to fulfill their contracts or agreements, either in whole or in part.

5. Except when the Commission is considering his removal he shall be entitled to be present at all meetings of the Commission and its committees and take part in their discussion, but not to vote.

6. To recommend to the Commission for adoption such measures as he may deem necessary or expedient for the interests of the town.

7. To keep the Commission fully advised as to the financial condition

CHARTER OF THE TOWN OF EVERGLADES

and needs of the town, and to submit duties.

8. To perform such other duties as may be prescribed under this Charter, or as may be required of him by ordinance or resolution of the Commission.

9. Until a purchasing department for the Town of Everglades shall have been created by the Commission, with an executive head thereof duly appointed, the City Manager shall be the purchasing agent for the town, by whom all purchases of supplies and all contracts for printing shall be made, and he shall approve all vouchers for the payment of the same; provided that all contracts or agreements made by him requiring the expenditure of money to the amount of Three Hundred (\$300.00) Dollars or over shall first be approved by the Commission. In the capacity of purchasing agent he shall conduct all sales of personal property which the Commission may authorize to be sold as having become unnecessary or unfit for the town's use. All purchases and sales shall conform to such regulations as the Commission may, from time to time, prescribe, but in any case if any amount in excess of Three Hundred (\$300.00) Dollars be involved, opportunity for competition shall be given after due advertisement thereof.

SECTION 18. THE TOWN ATTORNEY. The Town Attorney shall hold office at the pleasure of the Commission; and he shall perform all duties imposed upon him by law or ordinance or the provisions of this Charter; his salary shall be fixed by ordinance and his compensation for special services shall be fixed by contract. The Town Attorney shall act as legal adviser to, and attorney and counsel for, the municipality and all its officers and boards, in matters relating to their official

SECTION 19. THE MUNICIPAL JUDGE. It shall be the duty of the

municipal judge to hold terms of court as provided by ordinances, in such place as may be provided by the Commission, for the trial of all persons charged with the violation of any of the ordinances of the town, which trial shall be without jury; and upon conviction of such person or persons to impose upon him or them such penalty as may be provided by such ordinance; and a sworn or verified complaint shall not be necessary to give the Municipal Judge jurisdiction of the offenses triable in that court, but the accused may be tried upon the offense as docketed, provided such docket entry is sufficient to put the accused upon notice of the offense with which he is charged; provided, further, that upon demand a warrant charging such offense shall be furnished the accused. The Municipal Judge shall have the power to summon witnesses, to issue warrants for arrest upon affidavit duly filed, to administer oaths, and to do all other acts necessary for the performance of his duty. He shall also have power to punish for contempt of court by a fine not exceeding one hundred dollars (\$100.00) or imprisonment not exceeding thirty days, or both. The costs of prosecution in such court shall be the same as allowed in county judges' courts, being taxed against the person convicted. He shall hold office at the pleasure of the Commission. In case of the absence, sickness or disqualification of the Municipal Judge the Mayor shall appoint some one to hold his Court, who shall have all the powers and perform all the duties of such Municipal Judge during his absence, sickness or disqualification.

SECTION 20. ADMINISTRATIVE DEPARTMENTS. There shall

Judge.

Attorney.

Administrative
Departments.

CHARTER OF THE TOWN OF EVERGLADES

be five Administrative Departments, as follows:

1. Department of Law.
2. Department of Finance.
3. Department of Welfare and Safety.
4. Department of Health and Sanitation.
5. Department of Public Work and Utilities; and the functions

shall be prescribed by the Commission. The Commission may, by a unanimous vote of its entire membership, create new departments, combine or abolish porary departments for special work.

Their Duties.

SECTION 21. DUTIES OF DIRECTORS OF DEPARTMENTS. At the head of each department there shall be a director; provided, that until specialized Department heads be appointed the City Manager shall be the Director of all Departments not so supplied. Each Director shall be chosen on the basis of his general executive and administrative experience and ability, and of his education, training and experience in the class of work which he is to administer. The Director of the Department of Law shall be a lawyer; of Finance, a person who has had experience in banking, accounting or other financial matters; of Welfare and Safety, one who has had administrative experience; of Health and Sanitation, a sanitary engineer, or person familiar with sanitary requirements; and of Public Works and Utilities, an engineer; or in each case the person must have rendered active service in the same department in this or some other town or business. Each Director shall be appointed by the City Manager, and the appointment of the City Manager may be removed by him at any time; but in case of such removal, if the Director so demands,

written charges must be preferred by the City Manager, and the Director shall be given a public hearing by the Commission before the order of removal is made final. The charges and the Director's reply thereto shall be filed with the Clerk.

SECTION 22. RESPONSIBILITY OF DIRECTORS OF DEPARTMENTS. The Directors of Departments appointed by the City Manager shall be immediately responsible to him for the administration of their Departments, and their advice in writing may be required by him on all matters affecting their Departments. They shall prepare department estimates, which shall be open to public inspection, and they shall make all other reports and recommendations respecting their Departments at stated intervals, or when requested by the City Manager.

SECTION 23. ADVISORY BOARDS. The Commission upon the request of the City Manager may appoint Advisory Boards. The members of such Boards shall serve without compensation and their duty shall be to consult and advise with the various Departments. The duties and powers of the Boards thus created shall be prescribed by ordinance.

FINANCE AND TAXATION

SECTION 24. THE FISCAL YEAR. The fiscal year of the town shall begin on the first day of April of each year and end on the thirty-first day of March following.

SECTION 25. ANNUAL REPORTS AND ESTIMATES. The City Manager in his annual report covering the operation of the Town, which it shall be his duty to make and submit to the Commission not later than the second Tuesday of April shall set forth an estimate of the expenditures and revenues of the Town for the ensuing

Responsibility
of Directors of
Departments.

Advisory Board

Finance
and Taxation.

Annual Report
and Estimates.

Appropriation
Ordinance.

ges must be preferred by manager, and the Director a public hearing by the before the order of removal. The charges and the copy thereto shall be filed

22. RESPONSIBILITY OF DIRECTORS OF DEPARTMENTS. The Directors of Departments created by the City Manager shall be immediately responsible to him for the administration of their Departments. Their advice in writing may be requested by him on all matters relating to the Departments. They shall submit estimates, which shall be open to public inspection, and make all other reports and returns respecting their Departments at the intervals, or when requested by the City Manager.

23. ADVISORY COMMISSION. The Commission upon the City Manager may appoint a Board. The members shall serve without compensation. Their duty shall be to advise with the various Departments. The duties and powers thus created shall be prescribed by ordinance.

AND TAXATION

24. THE FISCAL YEAR. The fiscal year of the town shall begin on the first day of April and end on the thirty-first day of March following.

25. ANNUAL REPORTS AND ESTIMATES. The City Manager shall submit an annual report covering the operations of the Town, which shall be made and submitted to the Board not later than the first day of April shall set forth the expenditures and income of the Town for the ensuing

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year. This estimate shall be compiled from detailed information, and in its arrangement the classification of expenditures shall be as nearly as possible uniform for the main functional divisions and Departments of the town, and shall give in parallel columns the following information:

- a. Detailed estimate of the expenses of constructing each Department and divisions of the town government, including all public utilities and enterprises conducted by the town.
- b. Expenditures for corresponding items during the two fiscal years last past.
- c. Amount of supplies and material on hand.
- d. Increase of demands compared with the corresponding appropriation for the last fiscal year.
- e. Such other information as is required by the commission or as the City Manager may deem advisable to submit.

The estimates so given and constituting the recommendation of the City Manager as to the amounts necessary to be appropriated for the ensuing fiscal year shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the Commission a comprehensive understanding of the needs and requirements of the various divisions of the town government for the ensuing period. Sufficient copies of the annual report and estimates of the City Manager shall be prepared that there may be copies on file in the office of the Clerk for inspection by the public.

SECTION 26. APPROPRIATION ORDINANCE. With respect to such estimates the Commission shall prepare an appropriate ordinance in such form as may be prescribed by resolution, and before finally acting upon

such ordinance, shall fix a time and place for public hearings upon the intended appropriations, and shall give public notice of such hearing. Following public hearings and before its final passage the appropriation ordinance shall be published with a parallel comparison showing the recommendations of the City Manager. The Commission shall not pass the appropriation ordinance until ten days after its publication.

SECTION 27. REVISION OF APPROPRIATIONS. If at the beginning of the term of office of the First Commission elected under this Charter the appropriations for the expenditures of the town government for the current fiscal year have been made, then the said Commission shall have power by ordinance to revise, to repeal or change said appropriations for that year.

SECTION 28. TRANSFER OF FUNDS. Upon request of the City Manager the Commission may transfer any part of an unencumbered 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 or Department.

SECTION 29. LIMITATION ON APPROPRIATIONS. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the town not appropriated as hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may, from time to time, be appropriated by the

Revision of Appropriations.

Limitation of Appropriations.

Appropriation Ordinance.

CHARTER OF THE TOWN OF EVERGLADES

Commission to such use as will not conflict with any uses for which specifically such revenues accrued. No money shall be drawn from the treasury of the town nor shall any obligation for expenditure of money be incurred, except pursuant to the appropriations made by the Commission.

Payment of Claims.

SECTION 30. PAYMENT OF CLAIMS. No warrant for the payment of any account or claim shall be issued by the Auditor until such account or claim shall have been approved by the head of the department for which the indebtedness was incurred, and by the City Manager; and such officers and their sureties shall be liable to the municipality by reason of corrupt or improper approval or any such claim or account against the municipality.

Levies and Millage.

SECTION 31. LEVIES AND MILLAGE. The Commission shall have the right to raise by taxation on the taxable property within the corporate limits of the Town of Everglades, and by license such amounts as may be necessary to carry on the government of said town, not to exceed fifteen mills on the dollar of the assessed valuation for general purposes; and, in addition thereto, shall have the right to levy such further taxes, not to exceed eight mills on the dollar, as may be necessary to pay the interest on, and to provide a sinking fund for the ultimate redemption of the outstanding bonds and certificates of indebtedness or floating debt of said town, and such additional bonds or certificates of indebtedness of said town as may from time to time be issued in accordance with law, and to pay any lawful judgment which may be secured against the town, and which the town may be compelled to satisfy; and in addition thereto it shall have the right to levy further taxes, not to exceed two mills

on the dollar, for library, charitable and public purposes of the town.

SECTION 32. RATE OF ASSESSMENT. The percentage of taxation herein authorized shall be upon the valuation of the taxable property in said town as set forth in the town assessment roll; provided, that all taxes shall be uniform upon the same classes of property within the corporate limits of the town and that all property shall be assessed at its full cash value.

SECTION 33. TAX ASSESSMENT ROLL. All property within the town taxable for State purposes shall be assessed for purposes of general taxation on the town Tax Assessment Roll in the name of the owner, when the name of the owner is known to the assessing officer; but real property, the owner or owners of which are unknown to the Assessor, shall be listed as "Unknown." Each lot and separate tract of land shall be assessed separately, except that at the written request of the owner of lots or tracts of land adjoining each other or when such owner makes return thereof in such manner such adjoining lots or tracts of land may be assessed together. The Assessor shall make diligent inquiry as to the ownership of personal property subject to taxation, and shall assess all such property in the name of the owner.

SECTION 34. RATE OF ASSESSMENT. All property shall be assessed as of the first day of January of the fiscal year for which such assessment is made.

SECTION 35. PRELIMINARY ASSESSMENT ROLL. The preliminary assessment roll shall be completed by the Assessor and submitted to the Commission at their first regular meeting in July of each year.

Rate of Assessment.

Tax Assessment Roll.

Rate of Assessment.

Preliminary Assessment Roll

Returning
Property for
Taxation.

Exemption.

CHARTER OF THE TOWN OF EVERGLADES

against such town from asserting any right, title or interest of said town in and to such property or premises.

SECTION 39. THE EQUALIZING BOARD.

a. The Equalizing Board of the town shall be composed of the members of the Commission and the City Manager, and it shall convene at the time of the first regular meeting of the Commission in August of each year. The Clerk shall keep an accurate record of all the changes made in the valuation of property and all other proceedings of such Board.

b. The Equalizing Board may adjourn from day to day until its work is completed, and three members shall constitute a quorum to transact business. If no quorum is present the Clerk may adjourn the Board from day to day.

c. NOTICE OF MEETING PUBLISHED. Annually, not earlier than fifteen days and not later than five days prior to the meeting of the Equalizing Board provided for in the foregoing paragraph, the Clerk shall cause to be published in a newspaper of the town a notice that the town assessment roll will be submitted to the Equalizing Board for approval on the date and at the place and time fixed for such meeting, and requiring all persons desiring to have corrections made in such roll, whether in listing valuation of property, or otherwise, to file with him on or before the day previous to the meeting of such Equalizing Board, their petition setting forth their objections to such assessment and the corrections which they desire to have made.

d. COMPLAINTS TO RECEIVE CONSIDERATION. All petitions for the correction of assessments so filed with the Clerk shall be delivered by

him to the Equalizing Board at the first meeting of the Board, sitting at the usual meeting place of the Commission, shall receive, consider and act upon said petitions and shall give such petitioners or their agents permission to be heard in person, or by their attorney, in open session. Thereafter the Equalizing Board shall consider such complaints until a proper and equitable determination of the merits of the complaint or complaints shall have been made.

e. CORRECTION OF ASSESSMENT ROLL. The Equalizing Board shall have the right to change the valuation or assessment of any real and personal property upon the roll by increasing or decreasing the valuation thereof as shall be reasonable, and just to render taxation uniform; provided, that the valuation of any real or personal property, as returned by the Assessor, shall not be increased without first giving notice to the owner or his agent of the intention of the Board to increase it, by one publication in a newspaper published in the town, which notice shall state therein the time when the Board will be in session to consider the matter.

f. DISQUALIFICATION TO VOTE. No member of the Equalizing Board shall vote on the valuation or assessment of his own property or any property in which he is either directly or indirectly interested.

g. OMISSIONS FROM ASSESSMENT ROLL. The Equalizing Board shall place upon and add to the assessment roll any property, real or personal, subject to taxation, which has been omitted therefrom by the owner or by the Assessor, and enter the same at such valuation that it will bear an equal and just portion of taxation.

Equalizing Board.

Notice of Meeting.

Complaints.

Correction.

Disqualification to Vote.

Omission from Assessment.

Board

Failure to Return.

Completion of Roll.

izing Board at the the Board, sitting at g place of the Com- utive, consider and act is and shall give such agents permission erson, or by their at- sion. Thereafter the shall consider such proper and equitable the merits of the plaints shall have been

ON OF ASSESSMENT Equalizing Board shall change the valuation any real and personal roll by increasing or valuation thereof as le, and just to render ; provided, that the real or personal prop- by the Assessor, shall without first giving er or his agent of the Board to increase it. on in a newspaper town, which notice in the time when in session to consid-

IFICATION TO VOTE Disqualifi- tion to be the Equalizing Board valuation or assess- property or any prop- is either directly or ed.

SH FROM ASSESS- Assessor The Equalizing Board and add to the assess- property, real or per- taxation, which has refrom by the owner or and enter the same at hat it will bear as ortion of taxation.

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Hearing.

h. SESSIONS OPEN. HEARING. The sessions of the Equalizing Board shall be open to the public. Any person, or his attorney or agent, feeling aggrieved by anything in the assessment roll, may apply to the Equalizing Board in person for the correction of alleged errors in listing or in equalizing in value of his property, whether real or personal, and the Board may take such action as it may deem just and proper in the premises.

Failure to Return.

i. FAILURE TO RETURN PROPERTY. If the Board has reason to believe that any person has failed to return to the Assessor all property required by law to be returned, or if any person refuses to swear to the return which he has made, the Board may notify the person who has failed to make return or to swear to same, requiring him to appear, and may examine such person on oath in regard to the property in question, and if such person so notified refuse to appear, the Board may fix the valuation of the property at such sum as is deemed just and proper. Any person feeling aggrieved at any such decision of the Equalizing Board in any matter that he has called upon such Board to correct, alter or change, with reference to the listing or valuation of his own property, may appeal to the proper court.

Completion of Roll.

j. COMPLETION OF ROLL. All changes made by the Equalizing Board shall be noted in the preliminary assessment roll by the Assessor, and within ten days after the Equalizing Board shall have concluded its examination and correction of the assessment roll it shall be submitted in corrected form duly certified to by the Assessor as having been corrected and equalized by the Equalizing Board, to the Commission, and shall stand as the assessment for the year of the tax-

able property within the town.

SECTION 40. LEVY BY THE Levy.

COMMISSION. As soon as practicable after the receipt of the assessment roll the Commission shall determine the amount and fix the rate of taxation and make the annual tax levy for the current year. The Assessor shall note the said several levies on the assessment roll and shall reject in his calculations the fraction of a cent when less than half, and count as one cent every fraction of one-half or over, he shall enter upon said assessment roll such recapitulation as may be necessary to show clearly and concisely the totals of the various tax levies made: and he shall make a copy of said assessment roll with the levies extended thereon and deliver the same to the Commission, retaining the original roll in his office. To the assessment roll and the copy thereof delivered to the Commission he shall attach a certificate substantially in the following form:

I ----- Tax Assessor of the Town of Everglades, do hereby certify that the foregoing is the assessment roll of the taxable property of the Town of Everglades for the year ----- valued at its full cash value, and that it contains a true statement and description of all personal and real property in the said town subject to taxation by the said town, and liable to assessment therefor; that the listing and valuation is corrected by the Equalizing Board and as approved and adopted by the Commission, and that all requirements of law and ordinance regulating the making of the assessment roll for the Town of Everglades have been complied with

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Tax Assessor.

Date _____
Thereafter the Commission shall attach its warrant to the Collector, signed by the Mayor and attested by the Clerk, in substantially the following form:

To _____
Tax Collector, Town of Everglades. You are hereby commanded to collect out of the property and from each of the persons, corporations and firms named in the annexed roll, the taxes set down in such roll, opposite each name, corporation or firm, or parcel of land described; and in case the taxes are not paid at the time prescribed by law, you are to collect the same in such manner as is provided by law, and all sums collected you are to account for as prescribed by law and ordinances.

Given under my hand this _____ day of _____ 19____

Mayor.
ATTEST _____
Clerk.

Failure to
Pass Tax Levy.

SECTION 41. FAILURE TO PASS TAX LEVY. If in any year the Commission shall fail to pass a levy ordinance or if in any year the levy ordinance shall be invalid or inoperative, the assessment roll for the fiscal year shall be as it was in the year before, item for item.

Description
of Property.

SECTION 42. DESCRIPTION OF CLASSES OF PROPERTY. For the purpose of assessment, the soil shall be known as "Land," and everything attached thereto shall be known as "Improvements," and such Improvements when owned by a tenant may be assessed in his or her name apart from the Land. Articles other than Land and Improvements shall be known as "Personal Property."

SECTION 43. TAXES, WHEN PAYABLE. All taxes shall be due and payable on the first day of November in each year, or as soon thereafter as the assessment roll may come into the hands of the Collector, of which he shall give notice in a newspaper published in the town that the taxes are then due and payable and the date after which they will be collected by levy and sale. The tax books shall close on the first day of April thereafter; and the Collector shall proceed as herein provided.

Taxes,
When Payable.

SECTION 44. CONSTITUTE A LIEN. Taxes and assessments together with the interest imposed for delinquency and cost of collection, shall be and continue a lien upon the property assessed superior to all other liens and claims, until the same shall be paid; but personal property shall be responsible for the tax on personal property and both shall be responsible for the poll tax. All such liens shall be enforced as are other liens.

Lien.

SECTION 45. COLLECTION OF TAXES. The Collector shall proceed in substantially the same manner in the collection of taxes and sale of lands and personal property for non-payment of taxes and licenses as do collectors under State law, and shall be subject to the same penalties as are prescribed by the Laws of Florida for any violation of the duties imposed upon him; provided, however, that the Commission shall have the power to provide by ordinance the manner and form of the collection and enforcement of taxes upon properties, premises and privileges, as well as the levy, assessment and collection of licenses.

SECTION 46. ERRORS TO BE REPORTED. The Collector shall report to the Commission any errors, double assessments and insolvencies for which

Errors.

Special
Improvement.

Special
Assessments.

Preliminary
Resolution.

GLADES

TAXES, WHEN PAID shall be due and first day of November or as soon thereafter roll may come into Collector, of which in a newspaper towns that the taxes payable and the date will be collected by The tax books shall day of April there Collector shall proceed

Tax
When

CONSTITUTE A and assessments to interest imposed for cost of collection, tious a lien upon superior to all other until the same shall personal property shall the tax on personal shall be responsible All such liens shall be per liens

Lien

COLLECTION OF collector shall proceed the same manner in taxes and sale of lands property for non-payment vases as do collector and shall be subject alties as are prescri of Florida for 127 duties imposed upon however, that the Com- ve the power to pre- ce the manner and collection and enforce- upon properties, pres- es, as well as the levy, collection of license

ERRORS TO BE RE- collector shall report to any errors, double as- solvencies for which

Err

CHARTER OF THE TOWN OF EVERGLADES

he should be credited, giving in each case the names of the parties on whose account the credit should be allowed.

SECTION 47. SPECIAL IMPROVEMENT ASSESSMENTS.

a. The Commission shall have power by ordinance to provide for the construction, repair and maintenance, by contract, or directly by the employment of labor, of all things in the nature of local improvements, and to provide the payment of any part of the cost of any special improvement by levying and collecting special assessments upon abutting, adjoining and contiguous or other specially benefitted property. The amount assessed against the property specially benefitted to pay for such local improvements shall not exceed the amount of the estimated benefits accruing to such property.

Special Improvement.

b. METHOD OF MAKING SPECIAL ASSESSMENTS. Special assessments upon a property deemed to be benefitted by a public improvement shall be by any one of the following methods:

Special Assessments.

1. By a percentage of the tax value of the property assessed.
2. In proportion to the benefits which may result from the improvement.
3. By the foot frontage of the property bounding or abutting on the improvement.

When the owners of a majority of the frontage of lands liable to be assessed for any special local improvement shall petition the commission for any such improvement, the Commission, may, in its discretion, order such improvements to be made. In other cases public improvements shall be made in the discretion of the Commission.

c. PRELIMINARY RESOLUTION. When the Commission shall determine to make any public improvement or repairs and defray the whole or any part

Preliminary Resolution.

of the cost or expense therefor by special assessment, they shall so declare by resolution, stating the necessity for and the nature of the proposed improvement; and what part or proportion of the expense thereof shall be aid by special assessment; by what methods such special assessment shall be made; what part, if any, shall be apportioned from the general improvement funds of the town and shall designate the district or lands and premises upon which the special assessment shall be levied; provided, however, that all street intersections and improvements thereon shall be paid for by said town, unless all property owners therein interested unanimously consent to the payment thereof by the district or lands and premises upon which said assessments shall be made; provided, further, that for any such improvement the town pay not less than one-seventh of the cost thereof. Such resolution shall also state the total estimated cost of the improvement, the method of payment of the assessments and the number of annual installments.

d. PLANS OF PROPOSED IMPROVEMENTS. At the time of the passage of the resolution hereinbefore provided for, there shall be on file at the office of the City Manager, plans, specifications, estimates and profiles of the proposed improvements, giving all necessary information; and such plans, specification, estimates and profit shall be open to the inspection of the public.

Proposed Improvements.

e. SPECIAL ASSESSMENT ROLL. The resolution as thus adopted shall be published as provided under Section 10, and shall be certified to by the Assessor, who shall thereupon proceed to make an assessment roll in accordance with the method of assessment provided for in the resolution, which roll shall

Special Assessment Roll.

CHARTER OF THE TOWN OF EVERGLADES

be completed and filed with the Equalizing Board as promptly as possible, and shall show the lots and lands assessed, the amount of the assessment as to each, together with the amount of benefit or damage to each lot or parcel of land to be assessed, with an estimate of the life of the contemplated improvement. The number of annual installments in which the assessment shall be paid shall be fixed, but in no case shall it be greater in number than the estimated years of the life of the improvement.

Notice.

f. NOTICE TO PROPERTY OWNERS. Upon completion of such special assessment roll the Assessor shall give notice to the owner of each lot or parcel of land to be assessed or otherwise affected, or upon the person in whose name such property may be assessed for taxation by mail when the address of such person is known. Such notice shall also be published once each week for two consecutive weeks in some newspaper in the town and shall contain a statement of the character of the proposed improvement, referring to the resolution previously adopted by the Commission, the return of assessment which has been tentatively determined upon by the Assessor, the number of annual installments in which it is to be paid, the estimate of the total cost of the improvement, the estimated amount to be assessed against each lot or parcel of land, and shall state a time and place when complaints and claims may be heard before the Equalizing Board.

Consideration
by Board.

g. CONSIDERATION BY EQUALIZING BOARD. The Clerk shall call a meeting of the Equalizing Board to be held at the time of which notice has been given, at which meeting such Board shall hear all claims and objections as to the character of all improve-

ments to be paid for in part or in whole by special assessment, the necessities therefor, and the equity of assessments as provided in the special assessment roll. Three members of the Equalizing Board shall have power to determine all complaints and objections submitted to it; and, as to each improvement, the Board shall, after such hearing, approve, amend, equalize and adjust the special assessment roll in every detail, and shall report its findings as to the necessity for improvements and any amendment it directs in the assessments, the estimate of benefits and the allowance of damages, to the Commission.

Claims.

h. CLAIMS. An owner of a lot or parcel of land bounding and abutting on a proposed special improvement who claims that he will sustain damage by reasons of the improvement shall present such claim to the Equalizing Board at the time of its meeting provided for in the preceding paragraph. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed damage will accrue. Any owner who fails so to do shall be deemed to have waived such damages and shall be barred from thereafter filing such claims or receiving damages therefor. This provision shall apply to all damages which will obviously result from such improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from acts of the town or its agents. If subsequent to the filing of such claims the owner sells the property, or any part thereof, the right of damages, if any, shall follow the ownership of the land without other transference of the claim. The Equalizing Board shall send to the Commission with the special assessment

Special
Assessment

When Payable.

paid for in part or in special assessment, the amount, and the equity of assessment provided in the special assessment. The three members of the Equalizing Board shall have power to determine claims and objections submitted, as to such improvements, after such hearing, amend, equalize and pass a special assessment roll in which they shall report its findings and shall report its findings as to the necessity for improvement, and by amendment it directs the estimate of damages, and the allowance of damages, and the amount of damages to be assessed.

8. An owner of a lot or claim bounding and abutting on a special improvement who will sustain damage by such improvement shall present such claim to the Equalizing Board at the meeting provided for in paragraph 7. Such claim shall set forth damages claimed, with a description of the property which it is claimed damaged. Any owner who fails to be deemed to have waived and shall be barred from filing such claims or damages therefor. This remedy to all damages which result from such improvements shall not deprive the owner of the right to recover damages arising, in whole or in part, from acts of the City, or any part thereof, or damages, if any, shall be a lien on the land without the filing of a claim. The City shall send to the Commission the special assessment

CHARTER OF THE TOWN OF EVERGLADES

roll all such claims for damages which have been filed with it.

Special Assessment.

l. SPECIAL ASSESSMENT ORDINANCE. When the Equalizing Board shall have submitted to the Commission a special assessment roll and its final report upon any proposed improvement, the Commission, if it determine that the improvement shall proceed, shall pass an ordinance levying an assessment as recommended by the Equalizing Board and directing that the improvement proceed. In such ordinance it shall be sufficient to describe the lots or lands abutting on the contemplated improvement and to be assessed therefor, briefly describing the termini of such improvements and the property abutting thereon between such termini; and in describing lands which do not abut, it shall be sufficient to describe the lots by their appropriate lot numbers and the lands by meters and bounds; and this rule of description shall apply in all proceedings in which lots or lands are to be charged with special assessment.

Said ordinance shall authorize the issuance of paving certificates or other evidences of indebtedness against said lots or parcels of land. Such special assessments shall be recorded in a Lien Book to be kept for that purpose and such ordinance shall provide for the filing of a notice of lien against such lots or parcels of land in the office of the Clerk of the Circuit Court for Collier County.

When Payable.

j. SPECIAL ASSESSMENTS, WHEN PAYABLE. Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance, and shall be a lien from the date of the assessment upon the respective lots and parcels of land assessed, upon default in payment of any such special assess-

ment as provided in said ordinance the same shall be enforceable in the manner provided by the Laws of the State of Florida, for the enforcement and collection of labor, mechanic's or other materialmen's liens as well as in any other manner provided by law; and in the event of filing of suit to collect any such special assessment, all costs and a reasonable attorney's fee shall come a lien against said premises.

Damages.

k. DAMAGES ASSESSED. At the time of passage of the ordinance determining to proceed with an improvement as hereinbefore provided, the Commission shall decide whether the claims for damages which have been filed as hereinbefore provided shall be allowed and paid, or judicially inquired into, either before commencing or after the completion of the proposed improvement. In either case, but not later than ten days after the completion of the improvement, the City Attorney shall make a written application to the Judge of the Circuit Court for the summoning of a jury to determine such damages, and the judge shall direct that a jury be summoned as is provided for the appropriation of property, and fix the time and place for inquiry into, and assessment of such damage, which inquiries for assessment shall be confined to such claims.

HOW WORK SHALL BE DONE.

When the Commission shall have passed an ordinance determining that an improvement shall be made, to be paid for in whole or in part by special assessments, the City Manager shall, as may be provided by ordinance, either directly by the employment of labor or by entering into a contract therefor, cause the improvement to be made.

Interest on Assessment Bonds

m. INTEREST ON ASSESSMENT BONDS. When bonds are issued in anticipation of the collection of spe-

CHARTER OF THE TOWN OF EVERGLADES

cial assessments for improvements, the interest thereon shall be treated as part of the cost of the improvement for which assessments may be made.

Limitation of Assessments.

n. **LIMITATION OF ASSESSMENTS.** The Commission shall limit all special assessments for improvements to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lots or parcels of land any assessments for any and all improvements, within a period of five years, in excess of thirty-three and one-third per cent of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of the Commission, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith.

Replacing Improvements

o. **REPLACING EXISTING IMPROVEMENTS.** The Commission may provide in whole or in part the cost of replacing any improvement existing in a street at the time of the adoption of this Charter, by levying special assessments as hereinbefore provided; but any assessment for such replacement in less than seven years from the date of a prior assessment for the improvement to be replaced shall be limited to a sum not in excess of fifty per cent of the cost of such replacement.

p. **SUBSEQUENT IMPROVEMENTS.** Every ordinance providing for an improvement to be paid for in whole or in part by special assessments, shall contain an estimate by the City Manager of the life of the proposed improvement. Any assessment thereafter made for replacing such improve-

ment within such estimated period of life shall be limited to a sum not in excess of fifty per cent of the cost of such replacement. Assessments for such replacement at or after the expiration of such estimated period of life shall be subject to no limitation except as provided for assessments for original improvements.

q. **SUPPLEMENTARY ASSESSMENTS AND REBATES.** Upon the completion of any improvement the City Manager shall rebate to the then owner of the property which shall have been assessed to pay for such improvement, any surplus or excess, remaining unexpended for the purpose for which such assessment was made; and in the event of there being a deficit in the fund provided for the making of any such improvement, the City Manager shall report to the Commission a supplementary assessment within the limitations hereinbefore provided, which supplementary assessment shall be made by ordinance of the Commission and certified for collection as is provided in the case of original assessments.

r. **SEWER, WATER, GAS AND OTHER CONNECTIONS.** The City Manager shall have authority to compel the making of sewer, water, gas, telephone, telegraph and other connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer, water, gas and other connections should in his judgement be constructed. He shall cause written notice of his determination thereof to be given to the owner or lessee of each lot or parcel of land, or owner or operator of any franchise to which such connections are to be made, or over or through which such franchise is or may be operated, which notice shall state the number and character of connections

Assessments and Rebates

Sewer, Water Gas and other Connections

EVERGLADES

such estimated period of
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COMPLEMENTARY ASSES-
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SEWER, WATER, GAS AND
CONNECTIONS. The City
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which such franchise is or may
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CHARTER OF THE TOWN OF EVERGLADES

required. Such notice shall be served
by a person designated by the City
Manager, in the manner provided for
the service of summons in civil actions.
Non-residents of the town, or persons
who cannot be found, may be served by
one publication of such notice in a
newspaper of general circulation in the
town. The notice shall state the time
within which connections shall be con-
structed; and if they be not construct-
ed within the said time, the work may
be done by the city; and the cost there-
of assessed against the lots and lands
for which such connections are made.
Said assessments shall be certified and
collected as are other assessments for
street improvements.

The Commission may prescribe rea-
sonable regulations for the making of
such connections after the commencing
of such improvements, and penalties
for the violation thereof.

a. SIDEWALKS, CURBINGS, GUT-
TERS. The Commission may by reso-
lution declare that certain specified
sidewalks, curbings or gutters shall be
constructed or repaired. Upon the pas-
sage of such resolution the City Manager
shall cause written notice of the pas-
sage thereof to be served upon the own-
er, or agent of the owner, of each par-
cel of land abutting on such sidewalk,
who may be a resident of the town, re-
quiring such property owner to con-
struct or repair such specified sidewalk,
curbing or gutter within thirty days
(30) days of the service thereof upon
such owner. The person making such
service shall return a copy of the notice
with the time and manner of the service
endorsed thereon, signed by the person
serving it, which return shall be filed
and preserved. For the purpose of
such service, if the owner of any such
property be not a resident of the town,
any person charged with the collection

of rent, or the payment of taxes on
such property, or having control thereof
in any way, shall be regarded as the
agent of the owner and service upon
such person shall have like force and
effect as though personal service were
made upon the owner thereof. If it
appear in any such return, however,
that the owner is a non-resident, or
that neither such owner or agent could
be found, one publication of a copy of
the resolution in a newspaper of gen-
eral circulation in the town shall be
deemed sufficient notice to such owner.
If sidewalks, curbings or gutters be not
constructed or repaired within Thirty
(30) days from the service of the notice
herein provided for, or the publication
thereof, the City Manager may proceed
by direct employment of labor, or by
contract, to carry out the said con-
struction or repair at the expense of
the owner, as in the case of other im-
provements, and all such expense shall
be reported by the City Manager to the
Commission. The Commission shall
thereupon, by ordinance, assess the cost
and expense thereof upon the property
bounding or abutting thereon, AND
SUCH ASSESSMENT SHALL BE
COLLECTED IN THE SAME MAN-
NER AS OTHER ASSESSMENTS,
WITH A PENALTY OF FIVE PER
CENT AND INTEREST FOR FAIL-
URE TO PAY AT THE TIME FIXED
BY THE ASSESSMENT RESOLU-
TION.

t. ASSESSMENT BONDS. The Com-
mission may at any time borrow money
and authorize the issuance of notes or
bonds therefor in anticipation of the
Collection of assessments levied for the
purpose of paying the cost of construct-
ing or repairing sidewalks, curbings or
gutters which have been or are to be
constructed by the City Manager, upon
the failure of the owners of the prop-

**Gutters,
Curbings,
Sidewalks**

**Assessment
Bonds.**

CHARTER OF THE TOWN OF EVERGLADES

erty to construct or repair the same, pursuant to notice as hereinbefore provided.

Sanitation Fire Protection.

SECTION 48. ASSESSMENT FOR SANITATION AND FIRE PROTECTION. The Commission shall have power to provide by ordinance for assessing against the abutting property the cost of removing from sidewalks and parkways all accumulations of weeds or rubbish, and for assessing against property the cost of cutting and removing therefrom of noxious weeds or rubbish, including debris resulting from fires or the demolition of buildings or other structures; and for the prevention of fires.

Licenses.

SECTION 49. LICENSES. The Commission is authorized to levy and impose license taxes, by ordinance for the purpose of regulation and revenue upon every business, calling, profession and occupation, and upon any and all privileges, and to create and fix the amounts to be paid; to provide for the collection of the same; and to provide penalties for failure or refusal to pay such license taxes. The agent or agents of non-resident proprietors shall be severally responsible for carrying on business in like manner as if they were proprietors. Any person, firm or corporation reporting himself or itself as engaged in any business, calling or profession or occupation for the transaction of which a license is required, or exhibiting a sign of advertisement indicating engagement in such business, calling, profession or occupation, shall be deemed to have given conclusive evidence of liability to pay license. All such license taxes so imposed shall constitute a legal indebtedness to the town which may be recovered in any court of competent jurisdiction, and no property of such debtor shall be exempt from forced sale, after due process of law for such indebtedness. The Commission may by ordinance provide for licensing the keeping of dogs; and for the destruction of dogs, when the owner or keeper shall not comply with the regulations prescribed by ordinance.

Bonds.

SECTION 50. BONDS. The Commission in its corporate capacity is authorized to issue, from time to time, bonds of said town of such denomination and bearing such rate of interest not exceeding six per cent., in an amount not exceeding in the aggregate ten per cent., of the assessed value of the taxable real estate in the town at the time of issue; provided, that no bonds shall be issued except for the purposes in pursuance of the powers indicated in Section 2 hereof, or for the floating of the debt of the town, refunding of previous issues of bonds, establishment of public works and utilities, construction of necessary municipal buildings, acquisition or improvement of parks, highways and streets, libraries and other municipal purposes as are of general benefit in their relation to the municipality; provided, further, that before the issue of any such bonds shall be made, an ordinance shall be passed expressing in exact terms to the amount of the contemplated bond issue and the purposes for which moneys so to be realized are to be used, which said ordinance proposing the issue of bonds shall subsequently be approved by a majority vote of the freeholders of the town who are qualified to vote as shown by the registration and tax books of the town, voting at an election held for that purpose, at such time and in such manner as may be prescribed by law and the town ordinances. The question of the issuance of bonds for any specified purpose may be submitted from time to time, not oftener than once a year with relation

law for such indebtedness. The town may by ordinance provide for the keeping of dogs; and the destruction of dogs, when the keeper shall not comply with the provisions prescribed by ordinance.

50. **BONDS.** The Commission in its corporate capacity is authorized to issue, from time to time, bonds of said town of such denomination bearing such rate of interest not exceeding six per cent, in an amount not exceeding in the aggregate ten per cent., of the assessed value of the real estate in the town at the time of issue; provided, that no such bonds shall be issued except for the purpose of raising money in pursuance of the provisions in Section 2 hereof, or for the purpose of paying the debt of the town, or for the purpose of the completion of previous issues of bonds, or for the purpose of the construction of public works and other municipal purposes, or for the purpose of the construction of necessary buildings, acquisition or improvement of streets, highways and streets, or for other municipal purposes of general benefit in their behalf to the municipality; provided, that before the issue of any such bonds shall be made, an ordinance shall be passed expressing in such ordinance the amount of the contemplated issue and the purposes for which the same are to be realized, and that such ordinance proposing the issue of such bonds shall subsequently be approved by a majority vote of the legal voters of the town who are qualified to vote as shown by the registration books of the town, and the same shall be held for that purpose, and in such manner as may be provided by law and the town shall have the question of the issuance of such bonds for any specified purpose may be renewed from time to time, and may be renewed once a year with relation

CHARTER OF THE TOWN OF EVERGLADES

Franchises and Public Utilities.

to each purpose specified.

SECTION 51. FRANCHISES AND PUBLIC UTILITIES. a. The Commission may by ordinance grant permission to any individual, company or corporation to construct and operate a public utility on the submerged lands, water front, riparian properties or in the streets and public grounds of the town. The ordinance granting any such franchise shall be subject to the Initiative and Referendum as specified in Sections 14 and 15 of this Charter. No franchise shall be considered an emergency measure.

b. The Commission may, by ordinance, renew any grant for the construction or operation of any utility, at its expiration subject to the Initiative and Referendum as before stated.

c. No Exclusive franchise or renewal shall ever be granted.

d. The Commission in any ordinance granting or renewing any franchise to construct and operate a public utility, may prescribe the kind and quality of service or product to be furnished, the rate or rates to be charged therefor, the manner in which the water fronts and riparian properties, streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest.

e. All such grants and renewals shall reserve to the town the right to terminate the same and to purchase the property of the utility in the water fronts, riparian properties, streets and public grounds of the town and elsewhere, as may be provided in the ordinance making the grant or renewal, used in or useful for the operation of the utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the town from

acquiring the property of any such utility by condemnation proceedings or in any other lawful manner; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinafore provided. Upon the acquisition by the town of the property of any utility, by purchase, condemnation, or otherwise, all grants or renewals shall at once terminate.

f. No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the town for the property to be acquired by it from such utility, by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

g. The Commission may by ordinance grant to any individual, company or corporation operating a public utility the right to extend the appliances and services of such utility, subject to the Initiative and Referendum as before stated. All such extensions shall become a part of the aggregate property, and shall be subject to all the obligations and reserved rights in favor of the town applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made, or any renewal thereof.

h. No consent of the owner of property abutting on any highway, public ground or riparian property shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such

CHARTER OF THE TOWN OF EVERGLADES

highways, riparian or public grounds.

1. The Commission shall at all times control the distribution of space in, over, under or across all streets, public grounds or riparian properties occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Commission to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues, highways, water fronts, riparian and other properties in the town as shall, in the opinion of the Commission, be necessary in the public interest.

GENERAL PROVISIONS

Salaries.

SECTION 52. SALARIES. The Commission shall fix by ordinance the salary or compensation of the officers and employes; but the total of City Manager shall fix the number and compensation of all other officers and employes; but the total number of such expenditure shall not exceed the amount appropriated for such purpose in the annual budget or other appropriation ordinances. All such salaries and rates of pay with the dates of employment and discharge shall be immediately reported to the Auditor. All fees and moneys received or collected by officers and employes shall be promptly paid over to the town treasury.

Oath and Office.

SECTION 53. OATH AND OFFICE. Every officer of the town 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 Clerk; which oath shall be in substantially the form prescribed for state officers.

Official Bonds.

SECTION 54. OFFICIAL BONDS. The Commission or City Manager in fixing the salary of any officer, clerk or

employee, shall determine whether or not such officer, clerk or employee, shall give bond, and the amount thereof which bond shall be procured from a regularly accredited surety company authorized to do business under the laws of Florida; the premiums on such bonds to be paid by the town. All such bonds shall be filed in the office of the Clerk.

SECTION 55. PUBLICITY OF ACCOUNTS. All accounts and the records of every office and Department of the town shall be open to the public at all reasonable times and under reasonable regulations, except record and documents from which may be secured information which might defeat the lawful purpose of the officer or Department withholding them from access to the public.

Publicity of Accounts.

SECTION 56. AUDIT. The books, records and reports of the Treasurer, Collector, and of all other officers and employes who receive and disburse public funds, and the books, records and reports of such other officers, employes and Departments as the Commission may direct, may be examined and audited by a certified public accountant at least once a year, and oftener, if the Commission so desires; and a condensed report of such examination and audit shall be published by the Commission.

Audit.

SECTION 57. INVESTIGATIONS. The Commission or the City Manager may, without notice, at any time cause the affairs of any Department or the conduct of any officer or employe to be examined. The Commission, the City Manager, and any person or persons appointed by them or either of them to conduct an investigation of city affairs, shall have the same power to subpoena witnesses, administer oaths, compel the production of books, papers and other evidence, and to cause witnesses to be punished for contempt, as

Investigations.

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PUBLICITY OF AC
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sons, except record and
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AUDIT. The books,
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INVESTIGATIONS. Inspe
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shed for contempt, as

CHARTER OF THE TOWN OF EVERGLADES

is conferred upon the Municipal Judge by this Charter.

Modification of Contracts.

SECTION 58. MODIFICATION OF CONTRACTS. When, in the opinion of the City Manager, it becomes necessary in the prosecution of any work or improvement under contract, to make alteration or modification in such contract, such alteration or modification, if made, shall be of no effect until the price to be paid for the work or material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and by the City Manager and approved by the Commission.

City Planning

SECTION 59. CITY PLANNING. Until such time as the Commission shall constitute a specialized City Planning Board, the members of the Commission, together with the City Manager, shall function as such Board. It shall be the duty of the Board to keep itself informed of the progress of city planning in this and other countries, to make studies and recommendations for the improvement of the plan of the town with a view to the present and future movement of traffic, the convenience, amenity, health, recreation, general welfare, and other needs of the town dependent on the town plan; to consider and report upon the designs and their relation to the town plan of all new public ways, lands, buildings, bridges, parks and parkways along the streets, 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 town, or of the territory adjacent to or near the town.

Supervision Streets and Public Grounds

SECTION 60. SUPERVISION, ALTERATION AND DEDICATION OF STREETS AND PUBLIC GROUNDS.
a. The Commission shall provide by ordinance for the care, supervision, con-

trol and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts and viaducts within the town and shall cause them to be kept open in repair and free from nuisances.

b. Whenever it may be deemed necessary the Commission may cause any street, alley or public highway to be opened, extended, straightened, diverted, narrowed, widened or vacated.

c. No street or alley hereafter dedicated to public use by the owner of any land within the town shall be deemed a public street or alley unless the dedication is accepted and confirmed by ordinance or resolution passed for such purpose, or unless the provisions of any ordinance relating to platting subdivisions shall have been complied with.

Revised Ordinances

SECTION 61. REVISED ORDINANCES. The Commissioners shall, within the first year after organization under this Charter, cause all ordinances, at such time in force, to be revised and classified under appropriate heads properly indexed and published in book form, together with the Charter of the Town, and may include in such publication such provisions of the constitution of the United States and of the Constitution and Laws of Florida as they deem expedient.

City Commission

SECTION 62. CITY COMMISSION. A temporary Commission consisting of JOHN LAW KERR, D. W. McLEOD and C. M. COLLIER is hereby designated the governing Board of said Town, with the powers herein provided for, and such temporary Commissioners shall hold and exercise the powers of such office until the election and qualification of the first Commissioners to be elected, as herein provided.

SECTION 63. SAVING CLAUSE. If any Section or part of a Section of

CHARTER OF THE TOWN OF EVERGLADES

this Charter proves 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 operation upon the Section or part of a Section so held unconstitutional or invalid.

SECTION 64. This act shall become effective upon its passage and approval by the Governor or upon its becoming a law without such approval.

CHARTER

ARTICLE I. A OF

SECTION 1.

officers of every
ment of the T
shall, upon enteri
their offices sub
the following oath

I, _____

swear that I will
defend the Const
ment of the Unite
State of Florida,
domestic or foreign
true faith, loyalty
the same; that I
office under the
State and Charter
Everglades; and th
perform all the du

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this _____ day

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Clerk of the

SECTION 2. MI

COMMISSION. TH

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Report of Mayor,

Report of City Ma

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tion and Public Wor

Report of Clerk.

CHARTER OF THE TOWN OF EVERGLADES

ARTICLE 1. ADMINISTRATIVE OFFICES

Official Oath

SECTION 1. OFFICIAL OATH. All officers of every Department of Government of the Town of Everglades, shall, upon entering on the duties of their offices subscribe to and swear the following oath:

I, _____, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States, and of the State of Florida, against all enemies, domestic or foreign, that I will bear true faith, loyalty and allegiance to the same; that I am entitled to hold office under the constitution of the State and Charter of the Town of Everglades; and that I will faithfully perform all the duties of the office of _____, of the Town of Everglades, on which I am about to enter, SO HELP ME GOD.

(Signed) _____

Sworn and subscribed to before me this _____ day of _____, A. D., 192—.

Clerk of the Town of Everglades.

Meetings of Commission

SECTION 2. MEETINGS OF THE COMMISSION. The Commission shall hold a regular meeting at 7:30 o'clock P. M. on the first Wednesday after the first Monday of each month, and on the second Wednesday thereafter. Procedure shall be governed by the usual rules of Parliamentary Order, and ordinarily observe the following.

DOCKET

Call to Order. Roll Call.

Minutes of last regular meeting and all intervening meetings.

Report of Mayor.

Report of City Manager, and Departments; Law, Finance, Safety; Sanitation and Public Works.

Report of Clerk.

Report of Treasurer-Collector.
Report of Special Committees.
Petitions and Communications.
Ordinances and Resolutions.
Miscellaneous Business.
Adjournment.

The Commission shall hold a special meeting when called by the Mayor or by any two Commissioners or by the City Manager, upon at least eight hours written notice to each member, served personally, or left at his usual place of business or residence.

The Clerk

SECTION 3. THE CLERK. The Clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records, contracts, and archives belonging to the Town, or to any department thereof, not in actual use by other officers or elsewhere by special provision committed to their custody. He shall be present at each meeting of the Commission and keep and attest full and accurate minutes of its proceedings, and also separate books in which respectively, he shall record all ordinances and official bonds and all contracts to which the Town is party; he shall keep all said books properly indexed and open to inspection when not in use.

He shall have power to take affidavits and administer oaths in all matters relating to the business of the town and shall make no charge therefor.

He shall act as Clerk ex-officio of any Board or Commission of the city Government and shall keep full and accurate minutes of the proceedings thereof. He shall act as Clerk of the Municipal Court; he shall write and sign all warrants, each drawn on its appropriate fund, covering all bills or demands against the town that have been ordered paid by the Commission, which warrants when countersigned by

CHARTER OF THE TOWN OF EVERGLADES

the City Manager or Mayor shall be payable by the Treasurer-Collector.

He shall perform such other duties as may be prescribed by the town charter and ordinances or by general Law.

Qualifications To Register

REGISTRATION AND ELECTIONS
SECTION 3. QUALIFICATIONS TO REGISTER. All persons shall be allowed to register during the time the Registration Book of the town of Everglades is open for registration, who are qualified to register under the laws of the State of Florida and who have resided in the town of Everglades for six months next preceding such election.

Registration Book

SECTION 4. REGISTRATION BOOK. Four weeks before any general or special municipal election, the City Clerk shall give notice, published at least in one issue of some newspaper published in the Town, that the Registration Book of such Town is open for the registration of electors, and it shall be his duty to keep said books open for that purpose, at his office during the hours from 9:00 A. M. to 4:00 P. M. of each day, except Sundays and holidays; said books shall be closed twelve days before the election.

A naturalized citizen may be required to produce to the City Clerk before registration, a certificate of naturalization or a certified copy thereof, and make oath that he is the person named in such certificate.

Electors List

SECTION 5. ELECTORS LIST. It shall be the duty of the Commission to revise the Registration list at a meeting to be held not less than ten days prior to each municipal election, and strike therefrom the names of all electors known to be dead or removed beyond the City limits, or otherwise disqualified, and the Clerk shall publish in a newspaper published in the town, as soon thereafter as practicable, for

one publication, a list arranged alphabetically, of the names so stricken from the register; together with a notice of a certain place within said City where, within and not more than two days prior to such election the Commission will meet to restore such name or names to the registration list which may have been improperly stricken therefrom, and a copy of the registration list, so revised and alphabetically arranged, shall be furnished the election inspectors.

SECTION 6. ELECTION OFFICIALS. At its meeting for the completion of the registration list the Commission shall appoint the election officials provided for in the Charter, Section _____, all of whom shall be qualified voters of the City; In case of the absence of or refusal of any of said appointees to serve, the Mayor shall appoint others who can and will act instantler.

Election Officials

Before taking or receiving any votes the inspectors and clerk of election shall take the following oath:

"I, _____, will well and truly perform the duties of inspector (or clerk), according to Law, in this election, and will endeavor to prevent all fraud, deceit and abuse in conducting the same. SO HELP ME GOD."

SECTION 7. ELECTIONS. The inspectors and clerk shall hold the election on the day appointed, at the place or places designated by the Commission, by publication in a newspaper of the town or by notice posted in at least three places frequented by the public.

Elections

The polls shall be open at such voting places at 8:00 o'clock A. M. on the day of election and shall be kept open until sundown of the same day. The inspectors may, however, adjourn between 12:00 M. and 1:00, noon. The

CHARTER OF THE TOWN OF EVERGLADES

inspectors shall make public proclamation of the opening and closing of the polls and of the midday adjournment. During the adjournment the ballot box shall be kept in the possession of, and in view of two inspectors, who shall not have the key thereof; and during the election and the canvassing of the votes, the ballot box shall not be concealed from the public.

The election officials shall receive votes from those only whose names are on the registration list furnished by the Clerk, or who shall produce satisfactory proof that they are legally qualified to vote.

SECTION 8. DECLARATION OF RESULT. Upon closing the polls the election officials shall immediately proceed to count the votes cast for each candidate for each office, shall make out a list of all those voted for with the number of votes cast for each, and certify such list in duplicate and hand one of such certified lists, securely sealed, to the Mayor and the other to the City Clerk. As soon after any election as practicable the Commission shall meet, and shall canvass the returns and certify and declare the results of the election, which results shall be entered upon the minutes of the Commission by the Clerk. The person receiving the highest number of votes for an office shall be declared elected to that office for the term prescribed in the Charter. In case two or more persons shall receive an equal and the highest number of votes for the same office an election shall be ordered to fill that particular office, which election shall be held within thirty days, on a date designated and published or posted in the usual manner by the Commission.

SECTION 9. THE MUNICIPAL COURT. The Municipal Court of the

Town of Everglades shall have jurisdiction in all cases involving violation of any of the provisions of the City Charter and ordinances. It shall be the duty of the Municipal Judge to hold daily terms of Court except on Sundays and Holidays, if there be cases awaiting his decision. The rules of practise and procedure obtaining in the State Courts of Florida shall apply in said Municipal Court, in so far as they are applicable and expedient in the administration of justice.

When upon the trial of any person the evidence discloses probable grounds for belief that such person is guilty of a felony or other crime against the State which is not covered by or punishable under the ordinances of the City, the Municipal Judge shall discontinue the trial and turn the person over to the County Judge.

SECTION 10. CONTROL OF PUBLIC PROPERTY. All property and improvements belonging to or under control of the City shall be under the control of the Commission, and under the immediate management of the City Manager.

No boisterous or unseemly conduct or profane, vulgar or obscene language shall be permitted at any time in or on any of the said parks or public property.

ARTICLE 2. DEPARTMENT OF FINANCE

SECTION 1. OCCUPATIONAL LICENSES. No person, firm, corporation or association, shall engage in or manage any business, profession or occupation in this Section mentioned without first obtaining from the City Collector a license therefor; and the assessments of such license taxes are hereby fixed as in the schedule appended.

Any license to any person, firm, corporation or association may be revoked

Declaration of Result

Control Public Property

Occupational Licenses

Municipal Court

CHARTER OF THE TOWN OF EVERGLADES

ed at any time by the Commission whenever the continuation of such licensed business is deemed harmful to the welfare of the community, the pro rata unexpired portion of the license tax to be refunded to the holder of the license.

Any license may be transferred with the approval of the Mayor or City Manager.

Each license shall be conspicuously posted in the place of business, office, boat or vehicle covered thereby, or carried by the tradesman operating thereunder and exhibited on demand to any authorized officer of the city. Any violation of this provision shall be punished by a fine not exceeding \$5 and costs of prosecution.

The provisions of this ordinance shall

not apply to sales made to licensed dealers by commercial travelers or selling agents, wholesale only.

Any person, firm, corporation or association that shall carry on or conduct any business, occupation or profession for which a license is hereby required without first obtaining such license shall upon conviction be punished by a fine of not more than \$100.00 or by imprisonment for not more than thirty days, or both.

It shall be the duty of all officers and agents of any corporation required by this ordinance to be licensed to see that such corporation complies herewith and any violation of the foregoing provisions concerning licenses by any such corporation shall subject the officers and agents of the same to the penalty imposed for such violation.

SCHEDULE

Abstracters of title	\$7.50
Advertising, street banners, floats or any movable means, per person	\$3.00
property, notes or otherwise	\$7.50
Advertising, street, banners, using vehicle	\$10.00
Agency, Loan Company or Association, lending money on personal	
Agency, Claim and Collection	\$10.00
Agency for Advertising, foreign	\$5.00
Auto painting, auto top repairing, not holding garage license	\$5.00
Architect	\$5.00
Artificial stone or tile factory	\$5.00
Auctioneer	\$5.00
Auctioneer, non-resident	\$15.00
Automobiles, tractors, motor vehicles, motorcycles, dealers in, alone or	
in connection with any other business	\$10.00
Automobile Garage or repair shop	\$10.00
Automobile accessories and supplies, dealers in not holding garage or	
merchants license	\$5.00
Bakery or baker's wagon	\$5.00
Barber shop, not more than two chairs	\$5.00
Each additional chair	\$1.00
Bicycle dealer in, repair and rental	\$5.00
Billiard and pool tables for public use and profit, one table	\$15.00

made to licensed
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CHARTER OF THE TOWN OF EVERGLADES

Additional tables, each	\$5.00
Blacksmith, horseshoeing, wheel wright	\$5.00
Boats, houseboats, towboats, launches, guideboats for hire, (pleasure or business)	\$5.00
Bottling works, alone or in connection with other business	\$5.00
Brokers in futures and options	\$10.00
Broker in merchandise, building materials, hardware furniture, drygoods, clothing, food stuffs, drugs, medicines, toilet articles, jewelry, electric fixtures, without permanent stock assessed for taxation and licensed at valuation of not less than \$500, which stock shall be located within, or within one mile of the limits of the Town of Everglades	\$100.00
Brokers in Stocks and Bonds	\$20.00
Builders and carpenters, contracting or bidding or supervising the con- struction of or moving of buildings	\$5.00
Brick or stone masons building by contract or job	\$5.00
Building and Loan Association, foreign	\$10.00
Boot black stand, per seat	\$1.00
Bowling alleys for profit, per alley	\$10.00
Candy manufacturing, wholesaling or retailing	\$5.00
Cigar manufacturing, employing not more than 3 hands	\$5.00
For each additional hand employed above 325
Cigars and tobacco, retailers, not carrying merchandise license	\$5.00
Cigarette and cigarette paper dealers in, in addition to any other license	\$5.00
Canvassers, soliciting agents for out-of-town dealers, retail, see Broker in Merchandise.	
Carpenters, contractors, see builders.	
Circuses, carnivals, minstrels, vaudeville, dog, pony or animal shows of any kind, showing in tents or temporary structures where charge for admission, or for admission and seat, reserved, or otherwise, is 25c or less, per day	\$15.00
Per week	\$50.00
Same, where charge is more than 25c; per day	\$25.00
Per week	\$100.00
For each side show, eating place, refreshment booth, additional per day	\$10.00
For each parade through the city streets when the performance is held outside the city limits	\$25.00
For each circus parade showing elephants, steam organs, or like heavy exhibits a bond in the sum of \$200 shall be given the City Collector against damages to city pavements.	
Civil Engineers	\$5.00
Clairvoyants, Hypnotists, fortune tellers, mental or divine healers, palm- ists, phrenologists and all like professionals	\$250.00
Chiropractic	\$5.00

CHARTER OF THE TOWN OF EVERGLADES

Cold Storage Warehouse	\$5.00
Commission merchant, handling on consignment only, fruit vegetables, feed, wholesale	\$5.00
Cold drinks, candy, ice cream, fruit, and like stands not carrying mer- chandise license	\$5.00
Concrete contractor, sidewalks, cisterns, etc	\$5.00
Curios, dealer in	\$5.00
Concert halls, dance halls, roof gardens and the like	\$10.00
Card writing, engraving, cutting, painting, etc., itinerant	\$10.00
Dentists	\$5.00
Dentists, non-resident	\$15.00
Dog and Pony shows, see circus.	
Drovers, see livery and sales stables.	
Dry dock, marine ways, machine shops, boiler shops, foundries	\$5.00
Dry cleaners, see tailors.	
Dye works, see tailors.	
Dance halls, See Concert Halls.	
Dairies	\$2.00
Electric machinery, fixtures, supplies, dealers in	\$5.00
Electric Contractors, installing wires, fixtures, repairing, etc.	\$5.00
Electric light power, or gas plants	\$10.00
Express company	\$37.50
Employment agency	\$5.00
Embalmers and undertakers	\$5.50
Hearses, carryalls, for hire, each vehicle	\$5.00
Florist	\$5.00
Fertilizer, dealer in, alone or in connection with other business	\$5.00
Fiber factory	\$5.00
Ferry, passengers or freight	\$5.00
Freight and baggage transfer, one ton capacity or less	\$5.00
More than one to capacity	\$10.00
Fruit, vegetables, dealer in, retail, not holding merchandise license	\$5.00
Fruit broker	\$5.00
Fruit packing house, capacity not over two cars daily	\$15.00
Capacity upwards of two cars daily	\$30.00
Fortune tellers. See clairvoyants. --	
Gasoline. See oil.	
Gas plants. See electric light plants.	
Gas engines, agents or dealers in, not holding merchandise license	\$5.00
Guarantee and Surety companies, each	\$2.00
Guns, pistols, bowie knives or any deadly weapons, dealer in, not hold- ing merchandise license	\$25.00
Gunsmith. See repair shop.	
Hat cleaning and blocking, not holding other license	\$2.50

CHARTER OF THE TOWN OF EVERGLADES

House moving. See builders.	
Hospitals and sanitariums, private	\$12.50
Hotels, boarding houses, lodging houses, apartments, etc., with capacity	
for less than 10 boarders or lodgers	\$2.50
Capacity 10 to 25 lodgers or boarders	\$5.00
Capacity 26 to 50 lodgers or boarders	\$7.50
Capacity 51 to 75 lodgers or boarders	\$10.00
Capacity 76 to 100 lodgers or boarders	\$15.00
Capacity 101 to 200 lodgers or boarders	\$30.00
Capacity 201 and over lodgers or boarders	\$50.00
Ice plants, per ton capacity50
Insurance company, local	\$10.00
Insurance agent fire, life, accident, health, burglary, auto, workman's in-	
demnity, etc., for each company	\$2.00
Insurance agent itinerant	\$25.00
Ice cream wagons. See street carts.	
Junk, dealer in, yard or wagon	\$10.00
Job printing office	\$5.00
Knife and scissor sharpener	\$5.00
Laundry, steam, hand, Chinese	\$5.00
Lawyers	\$5.00
Livery, feed or sale stables, drovers, selling by auction or otherwise	
operating with less than 5 animals	\$5.00
With 5 animals and less than 10	\$7.50
With 10 animals and less than 20	\$12.50
With 20 animals and less than 30	\$17.50
With 30 and over	\$22.50
Lumber, dealer in, retailing and carrying stock within or within one mile	
city limits	\$7.50
Machine shops. See dry dock.	
Manufactories, not otherwise listed	\$5.00
Manicure, masseur, chiropodist	\$2.00
Mason. See Brick Mason.	
Mattress maker, upholster	\$5.00
Meat Market, butcher wagons, etc.	\$5.00
Merchants, storekeepers and druggists, with permanent place of business	
in the town of Everglades, Florida, for \$3,000 or less of stock	\$5.00
For each additional \$1000 of stock50
Said license to include the right to carry on any business which a	
license to merchants, storekeepers or druggists granted under the	
State revenue laws cover.	
Merchants-wholesale, carrying stock in city	\$20.00
Messengers service	\$5.00
Milliners, costumers, dressmakers	\$2.50

CHARTER OF THE TOWN OF EVERGLADES

Monuments, tomb stones, maker or agent	\$5.00
Monuments, tomb stones, non-resident agent	\$10.00
Moving picture, theatre when admission charge is not more than 10c ..	\$10.00
When admission charge is over 10c	\$15.00
Showing vaudeville in addition to films, a license tax in addition to the above of	\$2.50
Musicians, street, music teachers (maimed are exempt)	\$2.50
Music boxes, auto pianos, etc., for profit, each	\$2.50
News stand, not holding merchandise license	\$2.50
Nursery, plant or seed store or agent	\$5.00
Nursery stock or seed agent, non-resident	\$10.00
Oil and gasoline, wholesale dealers in	\$12.50
Oil and gasoline, retail dealer in, filling station not holding merchandise or garage license	\$5.00
Oculist or optician	\$5.00
Oculist or optician itinerant	\$25.00
Osteopath	\$5.00
Paper hanger, painter and contracting	\$5.00
Pawnbrokers	\$25.00
Peanut stands. See candy stands.	
Peddlers, all persons offering for sale books, maps, charts, pictures, jew- elry, wares or merchandise direct to the consumer, by samples or otherwise, on the street or from house to house except transactions affecting interstate commerce	\$100.00
Photographers, ferrotypers, crayon artists photo supplies and finishing, not holding merchandise license	\$5.00
Photographers, ferrotypers, crayon artists, itinerant	\$25.00
Physicians and surgeons	\$5.00
Pile drivers, dredges, well drills, each	\$5.00
Piano tuners	\$5.00
Planing mills and novelty works, sash and door factories, employing 3 hands or less	\$5.00
Each additional hand50
Plasterer contracting	\$5.00
Plumbers contracting	\$5.00
Pressing clubs. See tailor.	
Railroads, steam or electric, or gas	\$25.00
Restaurants, Cafeterias, seating capacity less than 20 persons	\$5.00
More than 20 persons	\$10.00
Repair shops, locks, guns, typewriters, trunks and the like	\$5.00
Real Estate Agency, association or individual handling realty on com- mission or option	\$10.00
Safes, agents for or dealers in, not holding merchandise license	\$5.00
Sewing machines, agents for dealers in, not holding merchandise license	\$5.00

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CHARTER OF THE TOWN OF EVERGLADES

Shoemaker, cobbler, each workman	\$2.50
Shooting gallery, ball alley, knife rack, cane rack ring toss and the like	\$20.00
Sign painters and writers	\$5.00
Slot machines, weighing machines and the like for profit, each machine	\$2.50
Skating rink	\$5.00
Steamboat, passenger or freight	\$7.50
Storage Warehouse	\$5.00
Street wagons, push carts, street stands, selling sandwiches, wienies, candy, nuts, drinks, fruits, and the like	\$10.00
Tailors, pressing clubs, dry cleaners, dye works	\$5.00
Taxi passenger service, per passenger capacity, each	\$1.50
Telephone company, each phone05
Telegraph company	\$20.00
Travelling theatrical companies in suitable building or hall, each performance	\$5.00
Theatres exhibiting plays	\$25.00
Typewriter, dealer in or agent, including supplies and repairing, not mer- chandise license	\$5.00
Undertakers. See embalmers.	
Upholsterer. See mattress maker.	
Veterinary surgeon	\$5.00
Watch repairing	\$5.00
Wood yard, coal dealer	\$5.00

**Discount
on Taxes**

SECTION 2. DISCOUNT ON TAXES. If any taxpayer shall pay his taxes on or before the last Tuesday of November, he shall be allowed by the Tax Collector a discount of two per cent therefrom; and if he shall pay his taxes after the last day of November and before the first day of January, he shall be allowed a discount therefrom of one percent, thereof. No discount shall be allowed for the payment of taxes on or after the first day of the year.

ARTICLE III. DEPARTMENT OF WELFARE AND SAFETY

SECTION 1. APPOINTMENT, DUTIES AND DEPARTMENT OF POLICE OFFICERS.

Appointment: Upon approval of the Commission, the City Manager shall appoint the Chief of Police or Marshall,

who upon approval of the City Manager shall prescribe such rules and regulations for the government of his Department as he shall deem necessary and which are not in conflict with the ordinances. Said officer shall upon approval of the City Manager or the City Commission appoint all officers serving under the Police Department.

It shall be the duty of the Chief of Police to inspect the premises of all persons, firms, corporations, or associations, who are engaged in the carrying on of any business, profession or occupation, within the limits of the City, and to arrest with or without warrant, and prosecute all persons, firms, corporations or associations doing business without the necessary license, after they have been notified to procure the required license.

**Police
Officers**

CHARTER OF THE TOWN OF EVERGLADES

Department: Members of the Police Force must at all times refrain from harsh, violent, coarse, profane or insulting language, and at the same time, when required, act with firmness and sufficient energy to perform their duty.

No member of the force shall wilfully maltreat or use unnecessary violence toward a prisoner or a citizen, and on complaint being made the fact of a violation hereof being established by competent testimony, such officer shall be immediately dismissed.

Any violation of this section or any part thereof shall be sufficient cause for dismissal.

Assault Department

CRIMES AND MISDEMEANORS

SECTION 2. ASSAULT. It shall be unlawful for any person to commit an assault or threaten to do bodily harm to another, or to draw on another, or draw from a place of concealment, about his person any pistol, dirk, bowie-knife or other deadly weapon or to secretly carry arms of any kind on or about his person, except a common pocket knife.

Riot, Unlawful Assembly

SECTION 2b. RIOT AND UNLAWFUL ASSEMBLY. If any number of persons whether armed or not, are unlawfully, riotously or tumultuously assembled in the Town, it shall be the duty of the Mayor or any public officer of the City to go among the persons so assembled or as near to them as may be with safety and in the name of the state command all such persons as assembled, immediately and peaceably to disperse, and if such persons perse, it shall be the duty of said officer to command the assistance of all persons in seizing, arresting and securing such persons in custody; and if any person present being so commanded to

aid and assist in seizing and securing such rioters or persons unlawfully assembled or suppressing such riot or assembly refuses or neglects to obey such command or when required by such officer to depart from the place, refuses or neglects to do so, he shall be deemed one of the rioters or persons unlawfully assembled, who shall be punished as provided in Section 13.

SECTION 3. FIGHTING, UNLAWFUL LANGUAGE.

It shall be unlawful for any person, within the limits of this City to fight, except in cases wherein the same is excusable or justifiable, under the laws of Florida, to brawl, quarrel, commit mischief or otherwise behave in a disorderly manner, or to aid, encourage or provoke the same to be done.

It shall be unlawful for any person to use language towards another calculated to incite a breach of peace or to use any profane or obscene language upon the streets, highways or alleys of the Town, or within any public place, or the private enclosure of another. It shall be unlawful for any person to commit any act of public indecency within the limits of Town.

SECTION 4. VAGRANCY. All persons wandering or strolling about in the streets, who are able to work, and have no property to support them; all persons leading an idle immoral or profligate life, who have no property to support them; all persons who have no visible means of fair, honest and reputable livelihood; all persons who do not have a known place of residence or who are found begging; and all professional gamblers shall be deemed and considered vagrants, and it shall be the duty of the police to notify all such persons to keep off the streets of the Town; and all such persons so

Fighting, Unlawful Language

Vagrancy

CHARTER OF THE TOWN OF EVERGLADES

notified who shall again appear on the streets shall be punished as Provided in Section 13. All tramps who shall remain in the Town two hours after having been warned by the police to leave, shall be arrested and punished in Section 13.

Prostitution Harboring Soliciting

SECTION 5. PROSTITUTION, HARBORING, SOLICITING FOR. It shall be unlawful for any person to keep, maintain, live in or frequent a house of ill fame or solicit for such house or any inmate thereof within this Town. It shall be unlawful for any hotel, apartment or boarding house, restaurant or private house to harbor or permit to frequent their premises any person known or notoriously reputed to be of a lewd character.

Drunkennes

SECTION 6. DRUNKENNESS. Any person who appears on the streets, docks, wharves, parks or other public places of this Town in a state of intoxication or drunkenness shall be arrested by the police and shall be punished as provided in Section 13, but such person shall not be tried until he becomes sober and in his right mind. If he give bail, while intoxicated or drunk, and afterward appears in the streets in that condition he shall be arrested without privilege of again giving bond.

Alcoholic Liquor

SECTION 7. MANUFACTURE, SALE OR POSSESSION OF ALCOHOLIC LIQUOR. It shall be unlawful for any person or persons, firm, corporation or association of persons to manufacture, sell, barter, or exchange, or to have in their possession or control any alcoholic, spiritous, vinous, malt or intoxicating liquors or beverages within the corporate limits of the Town of Everglades, except as is allowed and made legal by the Laws of the United States and the State of Florida.

SECTION 8. INJURY TO PROPERTY PUBLIC OR PRIVATE. It shall be unlawful for any person within the town to deface, write upon or mutilate any public building, or injure any sign boards, sidewalks, benches, trees, shrubs, flowers, or any other public property in any of the streets, parkways, parks or public grounds of the town.

Injury to to Property

It shall be unlawful for any person within the town to deface or mutilate any private building, fence, or any other structure, without consent of the owner, or by the use of any filthy substance to defile any house, fence or other structure, or to wantonly injure or destroy any property.

Cruelty to Animals

SECTION 9. CRUELTY TO ANIMALS. It shall be unlawful for any person to overload, torture, torment, or deprive of necessary sustenance and shelter, or to cruelly beat, to work when sick or injured, to mutilate or unnecessarily kill any animal within the town.

Burial of Bodies

SECTION 10. BURIAL OF BODIES. It shall be unlawful for any person to bury, cause to be buried or assist in burying any dead body in this Town at a depth of less than three feet from the general surface of the earth.

Resisting An Officer

SECTION 11. RESISTING AN OFFICER, ESCAPE OF PRISONER. It shall be unlawful for any person to resist arrest by any police officer of the town, or in any way to obstruct the police in making an arrest, or in attending to their proper duties or, not being physically incapacitated when called on by the police to aid in making an arrest, or quelling a riot or other disturbances, to fail or refuse to do so.

It shall be unlawful for any person to convey or aid in conveying to the

CHARTER OF THE TOWN OF EVERGLADES

Town jail, or other prison any instrument, tool or weapon, or any other thing whatsoever to aid any prisoner to make his escape, or by any other means to aid any prisoner to make his escape therefrom; or to attempt forcibly to rescue any prisoner held in custody, from any officer; or to assist any prisoner in escaping or attempting to escape from any officer; or to oppose or obstruct any officer or any legally authorized person in the execution of legal process, or in the lawful execution of any legal duty.

Negligence of Officers

SECTION 12. NEGLIGENCE OF OFFICERS. It shall be unlawful for the Chief of Police, policeman, or any other officer of the town, through negligence to suffer any prisoner, or any person in legal custody, to escape.

It shall be unlawful for any officer of the town authorized to serve processes to wilfully or corruptly refuse to execute any lawful process to him directed and requiring him to apprehend and confine any person, or to wilfully or corruptly omit or delay to execute such process, whereby such person escapes.

Penalty

SECTION 13. PENALTY. The doing or performing or causing to be done or performed any of the acts or things by this Code prohibited or declared to be unlawful, or the failure or omission to do and perform any act, thing or duty by this code required, of any person, firm, corporation or municipal officer, shall constitute a misdemeanor, and any person convicted thereof shall, except in cases where the penalty thereof is elsewhere in this Code especially provided, be punished by fine not exceeding two hundred dollars, or by imprisonment at hard labor, on the street or other public works of the Town for not exceed-

ing ninety days, or both such fine and imprisonment, at the discretion of the Municipal Judge. Any person who shall be duly convicted of violating any provision of the Charter of the Town, or any ordinance of the Town, for which violation a specific penalty is not set forth, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment at hard labor on the streets or other public works of the Town not exceeding sixty days, or both such fine and imprisonment, at the discretion of the Municipal Judge.

No offense committed against or in violation of any ordinance of this Town shall be barred by limitation until the expiration of two years thereafter.

In all cases where imprisonment is defined as a punishment for the violation of the ordinances, it shall be at the option of the Municipal Judge to designate such imprisonment as either with or without hard labor.

SANITARY REGULATIONS

Sanitary Inspector

SECTION 14. APPOINTMENT AND DUTIES OF SANITARY INSPECTOR. The Sanitary Inspector shall be appointed by the City Manager and shall have full police power for the enforcement of the sanitary laws or ordinances. It shall be his duty to see that all such laws and ordinances are enforced and his further duty to see that all sweepings and garbage within the Town, are removed to a suitable place and in a suitable manner, and in like manner also to remove the body of any dead animal. When any person or occupant of any premises shall find the body of any such animal he shall notify the Sanitary Inspector immediately.

SECTION 15. MAINTENANCE OF SANITARY CONDITIONS. It shall be the duty of all persons, firms or cor-

Sanitary Conditions

CHARTER OF THE TOWN OF EVERGLADES

porations, occupying any premises within the corporate limits of the Town, and all owners of lots and premises unoccupied, to place and keep the same clean of all garbage, decayed meats, fruits, vegetables, and any and all unhealthful and unsanitary matter.

Enforcement

SECTION 16. ENFORCEMENT OF SANITARY MEASURES. Any person, firm or corporation who shall fail or refuse to comply with the provisions of the preceding paragraph shall be served with a written notice to comply with the same forthwith, which notice shall be issued and signed by the City Manager and served by an officer of the Police Department upon such delinquents as are residents of the Town of Everglades, and as to such delinquents who are non-residents of the Town it shall be the duty of the City Manager to mail such notice by registered mail to the owner or owners of such property, or to any one or more of the heirs, executors, administrators or personal representatives of such owner or owners at their last known address, and if the requirements of the notice shall not be complied with within a period of twenty days after the issuance of such notice, it shall be the duty of the City Manager to provide sufficient labor and place the said property in such condition as to comply with the provisions of this ordinance, the cost of which shall be audited by the Treasurer-Collector and approved by the City Commission, and when so approved the same shall be and constitute a lien on and against such property, and shall be collected by the Collector of the Town in the same manner as taxes are collected.

Dumping in River, Etc.

SECTION 17. DUMPING IN RIVER OR STREETS. It shall be unlawful for any person, persons, firm or corporations to throw or dump into

Barron's River or any of its tributaries within the corporate limits of the Town, any dead fish, fowl, animal or animals, or any parts thereof, or any other matter of like nature that may be offensive to smell, unsightly or unsanitary or that may in any way annoy the citizens or any of them of the said Town.

Penalty

SECTION 18. PENALTY. Whenever in the opinion of the City Manager or the police officers a nuisance is maintained or kept, it shall be the duty of such officer to at once notify the owner or occupant of such premises to abate the same, and if such owner or occupant fails to so abate the nuisance within twenty-four hours after receiving such notice, then the such owner or occupant shall be deemed guilty of a violation of the provisions of this ordinance.

Any person who, after due trial in the Municipal Court, is adjudged guilty of violating this ordinance, or who wilfully obstructs the proper officers in the discharge of their duties in connection with the same, shall be punishable as provided in Article —, Section — of the City Code.

PROTECTION OF ORNAMENTAL TREES

Protection Ornamental Trees

SECTION —. Any person, firm or corporation who, after having received written notice from the City that his or their electric wire, telephone wire, guy-wire, telegraph or telephone pole, or any other wire or pole is damaging or destroying any certain designated shade or ornamental tree along any sidewalk, street, avenue or alley within the city, fails, within three days after such notice, to remove such wire or pole or protect such tree from damage, shall be punished by a fine of not less than one hundred dollars, or be imprisoned in

CHARTER OF THE TOWN OF EVERGLADES

the Town jail for a period of thirty days, or both such fine and imprisonment in the discretion of the City Judge.

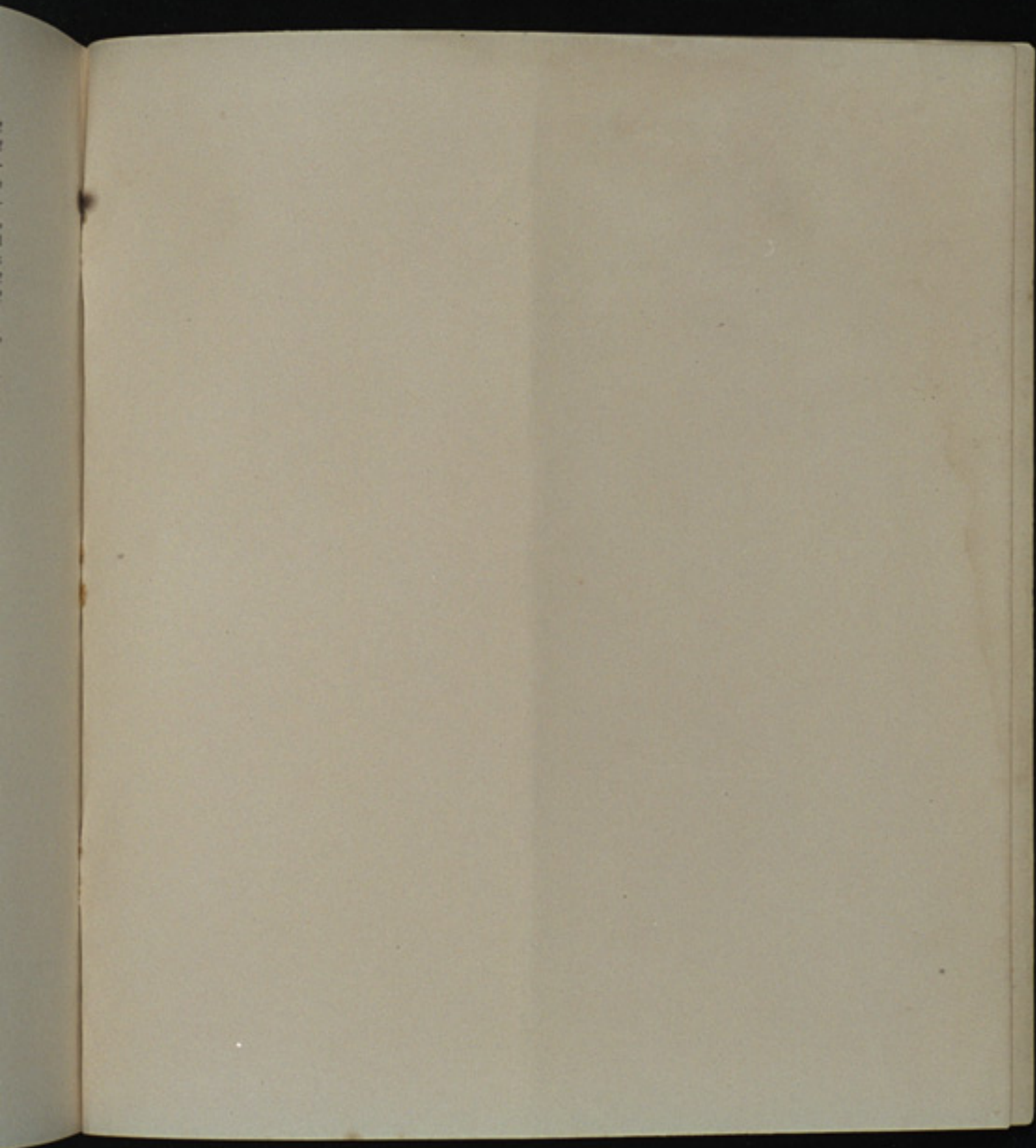
AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE ORDINANCES OF 1924 OF THE TOWN OF EVERGLADES, FLORIDA; PREPARED UNDER THE SUPERVISION OF THE COMMISSION.

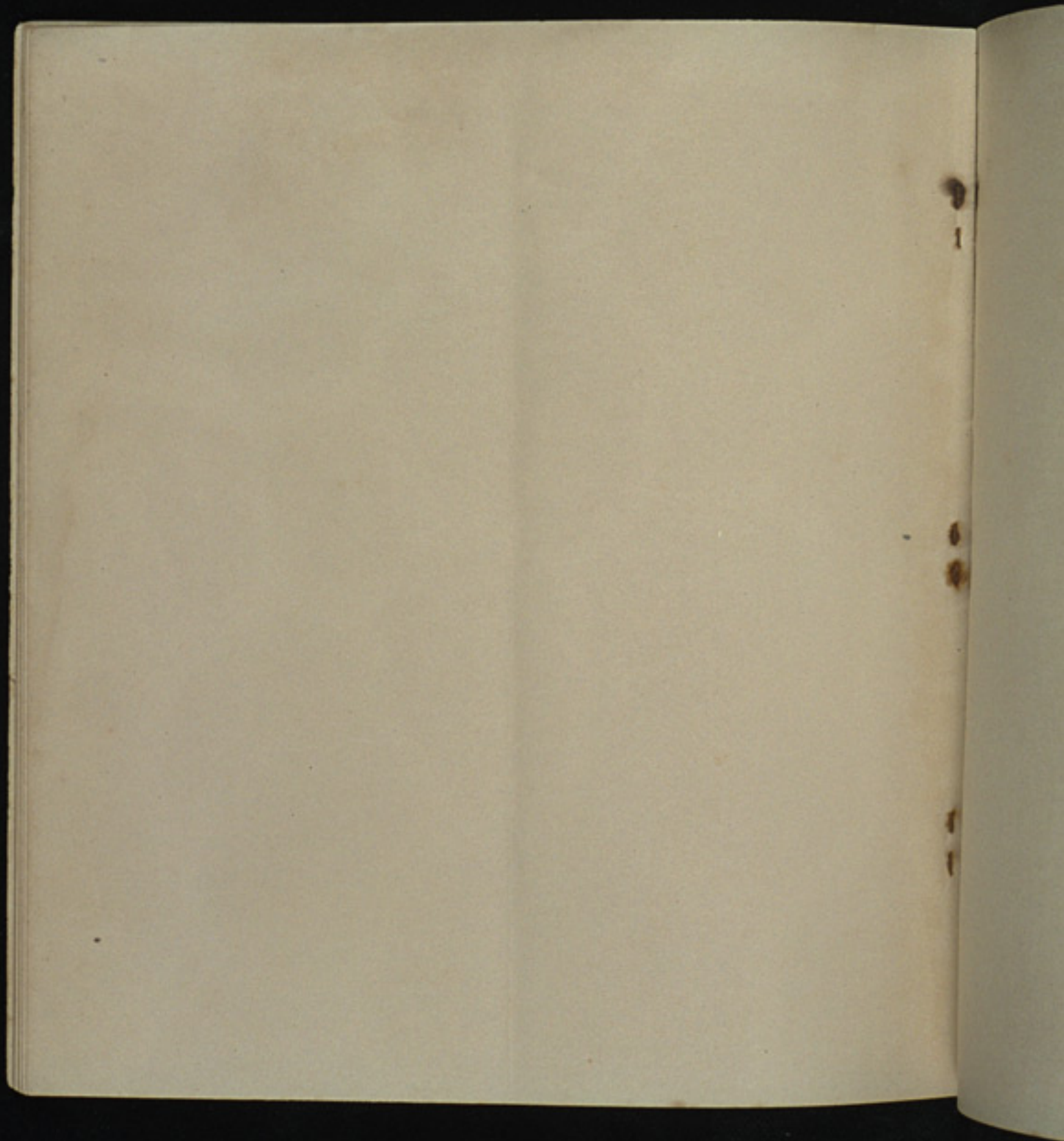
BE IT ENACTED BY THE COMMISSION OF THE TOWN OF EVERGLADES, FLORIDA, That:

The accompanying compilation of general and permanent ordinances of the Town of Everglades, Florida, prepared at the direction and under the supervision of the Commission as provided by the Charter of said Town, be and the same is hereby adopted and enacted as a general and permanent Code of ordinances of the Town of Everglades, Florida, under the title of "Ordinances of 1924."

Passed _____ day of _____, 19—.

Attest: D. W. McLEOD, City Clerk.





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