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**Charter of the City**  
*of* **Winter Park**  
**Florida**

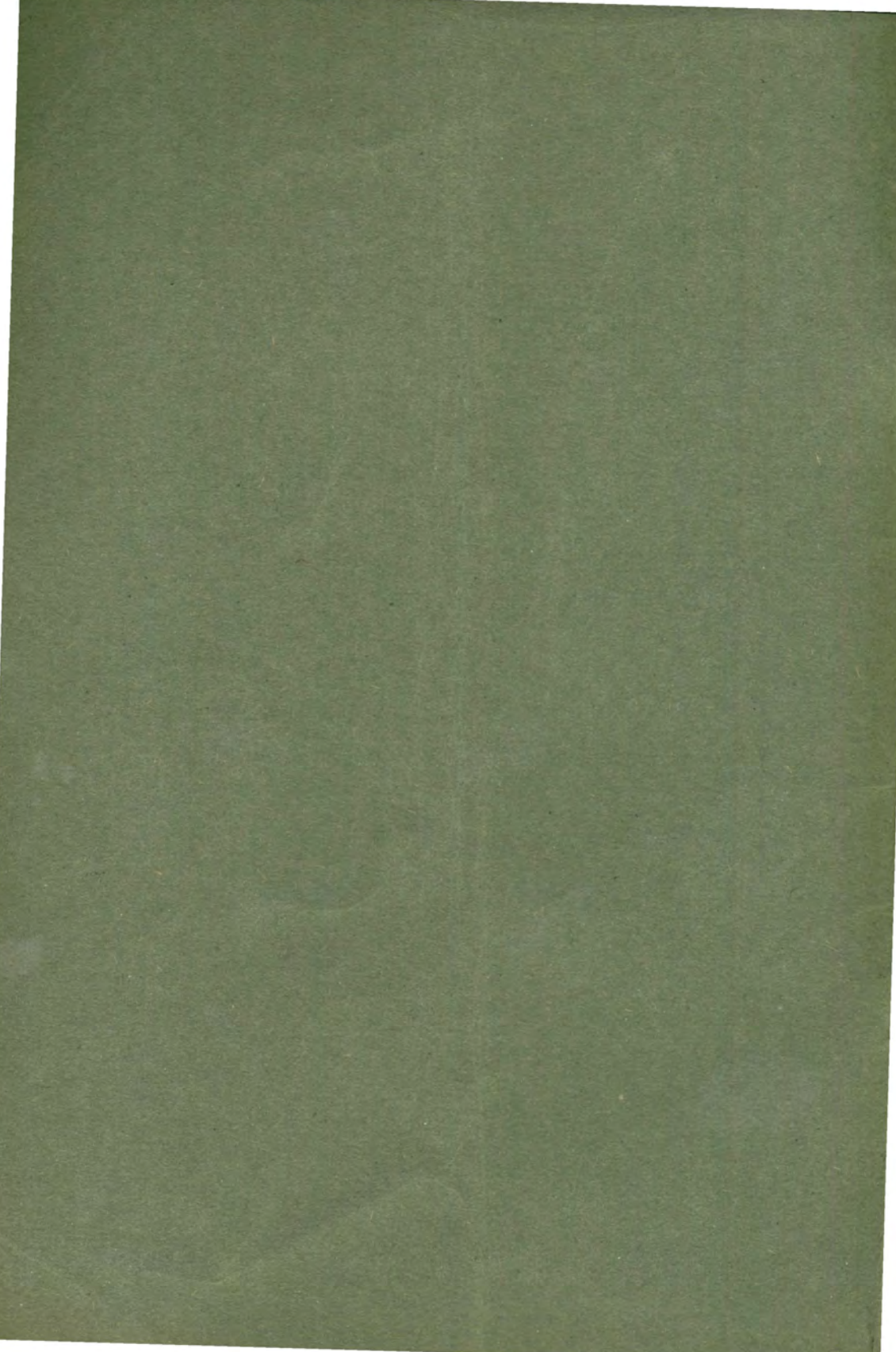
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**CHAPTER 11325, LAWS OF FLORIDA**

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**Passed at the 1925 Session of the  
Legislature**







CHAPTER 11325—(No. 1303).

AN ACT to Abolish the Present Municipal Government of the Town of Winter Park, in the County of Orange, State of Florida; to Create, Establish, Organize and Incorporate a City and a Municipal Corporation to be Known and Designated as the City of Winter Park; to Designate the Territorial Boundaries of Said Municipality; and to Define and Prescribe the Jurisdiction, Powers, Privileges and Functions of Said Municipality.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. That the existing municipality of the Town of Winter Park, in the County of Orange and the State of Florida, be, and the same is, hereby abolished.

Sec. 2. That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held and owned by the Municipality of the Town of Winter Park, Florida, shall pass to and be vested in the Municipal Corporation organized and created under and by this Act to succeed the Municipality abolished.

Sec. 3. That no obligation or contract of said municipality, including bonds heretofore issued, shall be impaired or avoided by this Act, but such debts and obligations shall pass to and be binding upon the new municipality which is hereby created.

Sec. 4. That all officers heretofore elected or appointed and holding office under the said municipality abolished, shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and qualified under the provisions of this Act; and all existing ordinances of the said municipality, not in conflict with the provisions of this Act, shall continue in effect and unimpaired until repealed, amended or modified by the municipality hereby created.

Sec. 5. That a new municipality to be known as the City of Winter Park is hereby created and established to succeed the former municipality of the Town of Winter Park, Orange County, Florida, and as such shall have perpetual succession.

Sec. 6. The boundaries within which shall be included the territory of the said City of Winter Park shall be as follows:

Beginning at the SW cor. of Sec. 2, Tp. 22, S. R. 29 E. run thence north along the Section line one mile, more or less, to the NW. cor. of said Sec. 2, thence east along the Section line two (2) miles, more or less, to the N.E. cor. of Sec. 1, Tp. 22, S. R. 29 E., thence north along the Range line one-half ( $\frac{1}{2}$ ) mile, more or less to the N.W. cor. of the S.W $\frac{1}{4}$  of Sec. 31, Tp. 21, S. R. 30 E., thence east along the Quarter Section line  $\frac{15}{16}$  of a mile, more or less, to a point at the S.E. cor. of the Maitland corporate limits and 330 feet west of the N.E. cor. of the SE $\frac{1}{4}$  of said Sec. 31, thence north along the east line of the Maitland corporate limits one-half ( $\frac{1}{2}$ ) mile, more or less, to the north line of said Sec. 31, at a point 330 feet west of the N.E. cor. of said Sec. 31, thence east along the Section line  $1\frac{1}{16}$  miles, more or less, to the N.E. cor. of Sec. 32, Tp. 21, S. R. 30 E. at the Seminole County line, thence east to Seminole County, along the Section line one-half ( $\frac{1}{2}$ ) mile, more or less, to the N.E. cor. of the NW $\frac{1}{4}$  of Sec. 33, Tp. 21, S. R. 30 E., thence south along the Quarter Section line one (1) mile, more or less, to the S. E. cor. of the SW $\frac{1}{4}$  of said Sec. 33, thence west along the Township line 120 feet, more or less, to the N.E. cor. of the NW $\frac{1}{4}$  of Sec. 4, Tp. 22, S. R. 30 east, thence south along the Quarter Section line  $2\frac{1}{2}$  miles, more or less, to the S.E. cor. of the NW $\frac{1}{4}$  of Sec. 16, Tp. 22, S. R. 30 E., thence west along the quarter ( $\frac{1}{4}$ ) section line  $2\frac{1}{2}$  miles, more or less, to the S.W. cor. of NW $\frac{1}{4}$  of Sec. 18, Tp. 22, S. R. 30, E., thence north along the Range line one-half ( $\frac{1}{2}$ ) mile, more or less, to the S.E. cor. of Sec. 12, Tp. 22, S. R. 29 E., thence west along the Section line One (1) mile more or less, to the S.W. cor. of Sec. 12, Tp. 22, S. R. 29 E., hence north along the Section line one-half ( $\frac{1}{2}$ ) mile, more or less, to the S.E. cor. of the NE $\frac{1}{4}$  of Sec. 11, Tp. 22, S. R. 29 E., thence west along the center line of said Sec. 11, a distance of one (1) mile, more or less, to the S.W. cor. of the NW $\frac{1}{4}$  of said Sec. 11, thence north one-half ( $\frac{1}{2}$ ) mile, more or less, to the S.W. cor. of Sec. 2, Tp. 22, S. R. 29 E., at the point of beginning.

Sec. 7. The City of Winter Park shall have perpetual succession; may sue and be sued; plead and be impleaded, and shall have power



To purchase, lease acquire by eminent domain, receive and hold property, real and personal, within the city; and to sell, alienate, convey, lease or otherwise dispose of the same for the benefit and advantage of said city; and may purchase, acquire by eminent domain, lease, receive and hold property, real and personal, within or without the limits of the said city, to be used for the burial of the dead; for the erection, construction and maintenance of waterworks and lighting plants; for the establishment of hospitals, poor houses and houses of detention and correction; for the establishment of docks, wharves, bulkheads, breakwaters and boat basins, public parks, play grounds, golf grounds, fair grounds, and for such other public purposes as the City Commission may by ordinance or otherwise deem necessary and proper; and may sell, lease or otherwise dispose of said property for the benefit of said city to the same extent that natural persons might or could do; to pass and enforce ordinances for the preservation of the property of said city and to preserve order on the same either within or without its limits; to borrow money for current expenses, provided any amount so borrowed shall not exceed an amount equal to twenty-five per cent. of the revenue derived from taxation during any fiscal year; to regulate, perform and furnish all public services and to own and acquire by purchase or by eminent domain, public utilities, public docks, wharves and boat basins; to acquire, establish, own and operate, as a public utility, waterworks, and to provide the city and inhabitants thereof with water; to assess and collect annually against each and every lot in the city not having a connection with the water mains of the water plant, a fee of one dollar as a "ready-to-serve fee," when a complete and proper water main has been provided contiguous to said lot or lots; to furnish and supply water, electricity and gas to consumers outside of the territorial limits of the city at the same or a higher rate to such consumers than charged for similar service within the territorial limits of the city; to acquire, own, establish maintain and operate, as a public utility, gas works, and to furnish the city and the inhabitants thereof with commercial gas; to acquire, own, establish, operate and maintain, as a public utility, electric plants, and to furnish the city and the inhabitants with electricity; to issue and sell bonds upon the public utilities owned and operated by the city, and to pledge said property and the income therefrom, or either of them, for

the payment thereof; to grant to corporations or private individuals franchises and privileges in said municipality; to pass ordinances for the correction of abuses and to prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons or property, or performing other services of a public nature, and to provide for the enforcement of such ordinances by adequate penalty and forfeitures; to issue and sell bonds for any of the purposes herein enumerated, and to finance the abutting property owners' share of the cost of public improvements and apply the proceeds of special assessments to the payment of said bonds, as hereinafter provided; (the issuance of bonds for such latter purpose, however, not in any way to impair the validity of such special assessments); to issue bonds for such other municipal purposes as may be from time to time prescribed by ordinance, or as may be otherwise provided by this charter; to construct public improvements and assess all or any portion of the cost thereof against the property abutting such improvements. (and all such assessments for public improvements shall constitute a lien against the property assessed until such assessment is paid, and assessment of taxes for the general purposes of the municipality shall likewise constitute a lien upon the property assessed until such assessment is paid); to impose a license tax upon professions, businesses and occupations carried on within the municipality, the amount of such tax to be determined independently of the amount imposed by the State of Florida; to regulate the use of docks and boat landings in said municipality; to prohibit the manufacture, sale, transportation and possession of intoxicating, spirituous, vinous and malt liquors within the municipality; to abate nuisances therein; to adopt and enforce local police, sanitary and other regulations not in conflict with the laws of the State of Florida; to provide for the enforcement of the ordinances and regulations of said city by the imposing of fines and penalties, or both, for the violations thereof, but in no case shall the fine so imposed exceed three hundred (\$300) dollars or sentence of imprisonment exceed four months; to assess, levy and collect taxes within the limitations of this Act upon all property, privileges and professions within the corporate limits of said city, including those not taxable for State purposes unless exempt from taxation under the State Constitution. (taxes upon all real and personal property of rail-



road, telegraph, and telephone companies shall be assessed, levied and collected in the same manner and by the same method as other taxes on personal and real property within the corporate limits of the municipality, and that, without reference to any assessment or levy of taxes for the State and County); to tax, regulate and license in such sums and in such manner as the City Commission may deem proper, any and all exhibitions and shows, and to prohibit the same; to require the construction and repair of sidewalks by abutting property owners, and, if said abutting property owners fail to construct or repair said sidewalks, to construct or repair the same and assess the entire cost thereof against the abutting property; said assessments to be and remain liens against the land assessed until paid; said liens to draw interest at the rate of not more than eight per cent. per annum, (and said liens shall not be barred by any statute of limitations now existing or hereafter enacted that does not in terms refer to assessment liens of the City of Winter Park); to open, extend, straighten, improve, repair, rebuild, hard-surface, pave, close, vacate and abandon streets, alleys and highways; to condemn and order to be demolished and removed, or to be put in a state of sound repair, any and all dilapidated, unsanitary and unsafe buildings or structures, and to provide and enforce penalty for failure so to do; to require all lands, lots and other premises within the said city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owner, assessing the cost thereof against said property, the city to have and hold a lien thereon therefor, until discharged by payment, for any and all expenses incurred in so cleaning property and lots and making the same sanitary and free from weeds; to regulate, restrain or prevent the carrying on of manufactories dangerous in creating or producing fires or so obnoxious or offensive in nature as to constitute a nuisance; to establish, maintain and regulate markets; to provide for the regulation and inspection of meats, vegetables, groceries, provisions and beverages of every kind and description; to beautify the streets, parks and public thoroughfares of the city by the planting of trees, palms and shrubbery; to supervise, regulate and control the planting, culture and conservation of shade trees, and to levy and impose a special tax therefor in the manner hereinafter provided; and to create and establish a City Planning and Zoning Commission, said Board to consist of



not less than three nor more than five members, the powers, duties and functions of said City Planning and Zoning Commission to be regulated and prescribed by ordinances from time to time adopted by the City Commission.

The enumeration of the particular powers hereinabove set forth shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein or implied hereby, the city shall have and may exercise all other powers which under the Constitution and laws of Florida it would be competent for this paragraph specifically to enumerate. All of the powers hereby conferred upon said city shall be exercised in the manner hereinafter prescribed or in the manner prescribed by the Laws of the State of Florida applicable thereto.

#### FORM OF GOVERNMENT.

Sec. 8. The form of government of the City of Winter Park, provided for under this charter, shall be known and designated as the "Mayor-Commission-Optional-Manager Plan."

Sec. 9. There is hereby created a City Commission to consist of five members one of whom shall be known and designated as "Mayor-Commissioner," the other four shall be known and designated as "Commissioners." The City Commission shall be elected at large and hold office in the manner hereinafter provided, and shall constitute the governing power and authority of the City of Winter Park, with all the powers and privileges herein granted and provided.

The Mayor-Commissioner shall be the chief executive officer of the city and shall act and serve as Chairman of the City Commission. He shall have general supervision over all city affairs and shall see that the provisions of this charter and all ordinances, laws and rules are complied with and enforced. He shall have power to bid in all property for the city at any and all judicial sales under process of law. He shall sign all deeds, negotiable bonds, evidences of indebtedness, or other instruments in writing to which the city is a party when authorized so to do by the City Commission.

Sec. 10. The City Commission shall be the judge of the election and qualification of its own members, subject to review by the courts. Any member of the Commission who

shall be convicted of crime, while in office, shall forfeit his office.

Sec. 11. All powers of the city, except such as are vested in the jurisdiction of the Municipal Court and except as otherwise provided in this Act or by the Constitution of the State, are hereby vested in the City Commission; and, except as otherwise provided by this Act or by the Constitution of the State of Florida, the City Commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised.

Sec. 12. Members of the City Commission shall be residents of the city and shall have the qualifications of electors therein. Officers and employees of the city, except the City Manager, may hold more than one office or be employed in more than one department of the city, but no official or employee shall be interested in any contract which he may have the letting of or the supervision of the work done under the same, and any such contract, in which any officer or employee may become interested, shall be declared void by the Commission.

#### CITY COMMISSION.

Sec. 13. The City Commission shall meet at the usual place for holding the meetings of the legislative body of the city, and at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each month. The Mayor-Commissioner, or any member of the Commission, may call special meetings of the Commission, upon at least twelve hours' written notice to each member, served personally or left at their usual place of business. All meetings of the City Commission and all committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

The Commission shall determine its own rules and order of business, and shall keep a record of its proceedings.

Sec. 14. A majority of all the members elected to the City Commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of three members shall be necessary to



adopt any ordinance or resolution, and the passage of all ordinances and resolutions shall be taken by Yeas and Nays, and entered upon the minutes.

Sec. 15. Absence from four consecutive regular meetings of the Commission shall operate to vacate the seat of the member absent, unless such absence shall be excused by the Commission by resolution setting forth the fact of such excuse duly entered upon the minutes.

Sec. 16. Members of the City Commission, including the Mayor-Commissioner, as such, shall receive a per diem of Two Dollars (\$2.00) for each regular or special meeting attended; provided, however, the per diem paid to any Commissioner during any one year shall not exceed the sum of One Hundred Fifty (\$150.00) Dollars.

Sec. 17. No Commissioner or other officer or employee of the city shall except a frank, free ticket, pass or service, either directly or indirectly, from any person, firm or corporation, upon terms more favorable than are granted to the public generally; provided that such prohibition of free service shall not apply to policemen or firemen in uniform or wearing officers' badges, when the same is authorized by ordinance.

Sec. 18. Every officer of the city, before entering the duties of his office, shall take and subscribe to an oath or affirmation to be filed with the City Clerk, which oath shall be in a form prescribed for State officers under the Constitution of the State.

Sec. 19. The City Commission, in fixing the salary or compensation of any officer, clerk or employee, shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof; provided that the City Commission may by ordinance provide which of such officers or employees shall give bond, and the bonds, when given, shall be payable to the city and filed in the office of the City Clerk. The City Commission shall provide for the payment of premiums on such bonds.

Sec. 20. A vacancy in the Commission shall be filled for the remainder of the unexpired term by a vote of the remaining members of the Commission, if there shall be less than sixty days between the happening of such vacancy and any general or special election, but, if there be more than sixty days so intervening between such

vacancy and such general or special election, such vacancy shall be filled by a special election held for that purpose, in the manner provided for holding general elections under this Act or by ordinance.

Sec. 21. Every proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which subject shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which money is to be appropriated. The enacting clause of all ordinances shall be: "Be it Enacted by the People of the City of Winter Park." No ordinance shall be passed until it shall have been read at two regular meetings not less than one week apart, or unless the requirements of such reading has been dispensed with by unanimous vote of the Commission.

All ordinances and resolutions passed by the City Commission shall become effective thirty days from date of passage, unless otherwise provided therein.

Sec. 22. Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the Clerk of the Commission. Every ordinance of a general or permanent nature shall be published in a newspaper of general circulation published in the City of Winter Park, once within ten days, after its final passage or posted for a period of four weeks in three conspicuous places within the territorial limits of the municipality. The manner of publication of all ordinances adopted shall be stated in the body of any and all ordinances from time to time adopted.

#### CITY MANAGER.

Sec. 23. The City Commission may appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission, and he shall hold office at the pleasure of the City Commission; he need not be a resident of the City or State at the time of his appointment. Before the appointment or during the absence or disability of the City Manager, the City Commission may designate some properly qualified person, including the Mayor-Commissioner, to execute the functions of the office of City Manager.



Sec. 24. The City Manager shall be responsible to the City Commission for the proper administration of all affairs of the city, and to that end his powers shall be:

- (a) To see that the laws and ordinances are enforced;
- (b) Except as herein otherwise provided, to appoint and remove all subordinate officers and employees of the city, all appointments to be made upon merit and fitness alone;
- (c) Except as otherwise provided, to exercise, control and direct supervision over all departments and divisions of the municipal government under this Act, or which may hereafter be created by the City Commission;
- (d) To keep the City Commission fully advised of the financial condition and needs of the city, and to submit for its consideration an annual budget;
- (e) To perform such other duties as may be prescribed under this Act, or that may be required by ordinance or resolution of the City Commission;
- (f) He shall be the purchasing agent for the city, by whom all purchases of supplies shall be made, and he shall approve all vouchers for the payment of the same. In the capacity of purchasing agent, he shall also conduct the sales of personal property which the Commission may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the City Commission may from time to time prescribe, but in any case if an amount in excess of two hundred (\$200) dollars is involved, opportunity for competition shall be given.

Sec. 25. The City Manager, or the Mayor-Commissioner acting as the City Manager, shall receive such compensation as the City Commission may by ordinance or resolution prescribe.

#### MUNICIPAL COURT.

Sec. 26. There shall be and is hereby established in the City of Winter Park, a Municipal Court to be known as the "Municipal Court of the City of Winter Park" for the trial of all offenders against the municipal ordinances. Such court shall be presided over by a municipal judge, who may be appointed by the City Commission and who shall serve at the pleasure of the City Commission.

Should the City Commission in the exercise of their discretion determine it unnecessary to name and appoint a municipal judge, then and in such case, the Mayor-Commissioner shall be ex-officio the Judge of said Municipal Court.

The Municipal Judge other than the Mayor-Commissioner, shall receive such compensation as the City Commission may by ordinance or resolution prescribe.

Sec. 27. The Municipal Judge shall have the power to issue warrants for the apprehension of offenders against the city ordinances, to try and punish for all violations of the city ordinances, to summon and compel the attendance of witnesses upon the trial of any case before him, to administer oaths, to take and approve bail for the appearance of any person accused, to impose such fines and penalties as are provided by the ordinances of the city, and shall have power within the limits of the State and Federal Constitutions to issue search warrants, and shall have and exercise such other powers and duties as are incident to the proper performance of the functions of his office and as may be now or hereafter provided by the general laws of the State of Florida, or as may be provided by ordinance.

Sec. 28. The City Clerk shall be Clerk of the Municipal Court, and shall attend all sessions of the same; he shall keep a docket in which shall be entered the title of all cases tried in such court, and the nature of the offense charged, and the names of all witnesses sworn, and by whom called, the finding and the judgment of the court, and the costs incurred; and he shall perform such other duties as may be required of him by the laws and ordinances of the city or by direction of the court. His compensation as Clerk of the Municipal Court shall be fixed by the City Commission.

Sec. 29. In all cases where the accused persons have been released upon bond, or other security, and fail to appear for trial, the Municipal Judge shall declare such bond estreated, and such action shall be recorded upon the docket, and the Municipal Judge may in his discretion issue a *capias* for the re-arrest of the accused person.

Sec. 30. All persons imprisoned after conviction in the Municipal Court shall be required to work for the city at hard labor.



Sec. 31. As the executive officer of the Municipal Court, the Chief of Police shall collect all fines and costs imposed by the Municipal Court, and shall deposit the money in such depository as the City Commission may designate.

Sec. 32. No fine or other penalty imposed in the Municipal Court shall be remitted except by the action of the City Commission, upon the recommendation of the Municipal Judge.

Sec. 33. Appeals from the Municipal Court shall be taken in the manner provided by law for appeals in criminal cases from the County Judge's Court, and shall be carried to the Circuit Court.

#### CITY ATTORNEY.

Sec. 34. The City Commission shall appoint a City Attorney who shall act as legal advisor to the municipality and its officers in matters relating to their official duties. Upon request, he shall furnish the City Commission, the City Manager, or the head of any department, his opinion on any question of law relating to their respective duties; provided that he shall not be required to give his opinion to any subordinate thereof, and perform such other duties as the City Commission may require.

Sec. 35. The City Attorney shall be a lawyer of experience and authorized to practice law in all the Courts of the State. His compensation shall be fixed by the City Commission.

#### CITY CLERK AND ASSESSOR.

Sec. 36. There shall be a City Clerk and Assessor who shall be ex-officio City Auditor and who shall be appointed by and serve at the pleasure of the City Commission. He shall issue all warrants for the payment of money by the city; he shall keep an accurate account of all taxes and assessments and of all moneys due to, and all receipts and disbursements by the municipality, and shall submit to the City Commission, at the first meeting in each month, a complete report covering the receipts and expenditures of the preceding month, showing the financial condition of the city. He shall furnish such reports and data as may be necessary to fully inform the City Commission as to

the municipal affairs of the city, and such estimates of expenses for the city government as may be required to form a basis for the annual budget to determine the revenue necessary to be raised each year. He shall perform such other duties as shall be required under this Act or by the direction of the City Commission or the laws of the city.

Sec. 37. He shall receive such compensation as may be fixed by the City Commission.

#### TAX COLLECTOR.

Sec. 38. There shall be a City Tax Collector who shall be appointed by and serve at the pleasure of the City Commission. He shall perform such duties as are required by this Act, by the laws and ordinances of the city or by the City Commission.

Sec. 39. He shall receive such compensation as may be fixed by the City Commission.

#### POLICE DEPARTMENT.

Sec. 40. There shall be a Chief of Police who shall be appointed by, and serve at the pleasure of, the City Commission, and there shall be such under or subordinate policemen as may from time to time be determined by the City Commission to be necessary.

Sec. 41. The Chief of Police shall be the head of the Police Department, and as such shall appoint his subordinates, with the approval of the City Commission. He shall be the executive officer of the Municipal Court, shall serve the process and execute the judgments and sentences of said court. He shall attend the meetings of the City Commission and, through the City Clerk, make monthly reports to the Commission concerning all matters pertaining to his Department. He shall have power, for cause, to suspend any officer or employee of the police force, and shall report the same to the City Commission at its next regular or special meeting, and shall perform such other duties as may be required by this Act, by the laws and ordinances of the city or by the City Commission. He shall be responsible to the Commission for the proper functioning of his department.

Sec. 42. The Chief of Police shall have the power and authority to take and approve bonds for the appearance



for trial of offenders against the laws and ordinances of the city, but in no case shall such bonds exceed the sum of three hundred (\$300.00) dollars.

Sec. 43. The Chief of Police and other policemen or patrolmen shall receive such compensation as may be fixed by the City Commission.

#### FIRE DEPARTMENT.

Sec. 44. There shall be a Fire Department, to consist of a chief, and such subordinate officers or employees as may be deemed necessary, all of whom shall be appointed by and serve at the pleasure of the City Commission.

Sec. 45. The Chief of the Fire Department shall have control of the stationing and transferring of all firemen, subject to such rules and regulations as are prescribed by the City Commission. The Fire Chief shall have the right, for cause, to suspend any officer or employee of his Department, and shall report the same to the City Commission at its next regular meeting. He shall perform such other duties as are required by this Act, by the laws of the city or by the City Commission.

Sec. 46. The Chief of the Fire Department and his subordinates shall receive such compensation as may be fixed by the City Commission.

#### CITY PHYSICIAN.

Sec. 47. There shall be a City Physician who shall be appointed by and serve at the pleasure of the City Commission. His duties and compensation shall be prescribed by the City Commission.

#### CITY PLANNING AND ZONING COMMISSION.

Sec. 48. The governing body of Winter Park is hereby authorized and empowered to create and appoint a board to be known as the "City Planning and Zoning Commission." Such Board shall consist of not less than three nor more than five members; one of whom shall be the Mayor-Commissioner or an executive officer appointed by the mayor. Of the original appointees to such board at least two shall be appointed for a term of one year, and the remaining member or members for a term of two years.

The services of the Mayor-Commissioner as ex-officio member shall terminate with his tenure in office. The successors of the original appointees shall be appointed for a term of two years. Vacancies upon such board shall be filled by the governing body for the unexpired term. The members of such board shall serve without pay, except that the governing body of Winter Park may prescribe a per diem for attendance upon meetings not to exceed five dollars per meeting.

Sec. 49. Such City Planning and Zoning Board, as soon as practicable, after its appointment, shall meet and organize by electing one of its members chairman, and shall also elect a secretary, who may be a member of such board, and shall meet thereafter at some designated place upon some designated date in each month to be fixed by resolution for the transaction of its business, and oftener if necessary.

Sec. 50. The said board, with the approval of the City Commission, is hereby authorized and empowered to employ such clerks and subordinates, including technical and expert advisors, and to incur such expenses as in its judgment may be necessary; provided, that the total amount of expenditures made by such board, shall not exceed, in the aggregate, the amount set apart in the budget of the City for such purpose.

Sec. 51. Such City Planning and Zoning Board shall study the resources and possibilities, and needs of the city, and shall prepare plans and maps for the systematic future development and betterment of the city, and from time to time make changes in the same, when change is deemed advisable; and to this end shall subdivide the city into districts or zones and prepare maps and plans of same, specifying and governing the height, area and manner of construction of buildings thereafter to be erected, altered or reconstructed in such zones, the purpose for which buildings and premises therein may be used, and establish rules governing building lines; and submit same to the governing body for its approval and adoption.

Sec. 52. Before any new street is opened, or any existing street is extended, or before any new subdivision for residence, business, or industrial uses is made, the person or persons opening such street or proposing such new



subdivision for residence, business, or industrial purposes, shall submit a detailed plan with blue prints and other necessary data to such board. It shall be the duty of said board to carefully examine the plans for such subdivisions as regards their nature and purpose, the number, width, character and location of streets and alleys, and the size, material and manner of laying of water mains and sewer lines; and transmit such application, with all data to the governing body with its recommendations in writing. The jurisdiction of such board concerning the regulation of subdivisions shall extend one mile beyond the corporate limits of the city. Said board shall have the right to make recommendations for the correction, widening, or relocating of any interior street to the governing body.

Sec. 53. Said Board is authorized to make a study of the existing parks and submit plans for development of same, to locate new parks and recommend to the governing body the acquisition of same, and submit plans for the development of existing play grounds, and to locate and make recommendations for the acquisition and development of such new play grounds.

Sec. 54. Such City Planning and Zoning Board shall, at the direction of the City Commission, make recommendations for the promotion of economic and industrial prosperity and enhancement of the health, comfort and convenience of the people generally. It shall study, and recommend, way and means which will tend to prevent or relieve congestion, either of population or traffic, to control the fire hazard, to preserve the natural or historic features of the city, and to beautify the same. Such board may also prepare and issue reports on the best method of financing and assessing the cost of public improvements. It may investigate, prepare surveys of, and make recommendations on any matter which in its opinion may make the community a better place to live in, or a better place to work in. Plans may be made by such board for new streets, roads, boulevards, alleyways, viaducts, bridges, subways, parks, play grounds, aviation fields, docks, wharves, basins, water front improvements, public utilities, public buildings, and all other public improvements. Wherever any of the foregoing shall exist then the city planning board may make recommendations as

to their respective removal, relocation, widening and extension, as occasion may necessitate or require, all of which shall be subject to approval of the City Commission.

Sec. 55. The governing body of Winter Park is hereby authorized and empowered to make provision in its budget for the purpose of carrying out the provisions of this Act.

Upon the submission to the governing body of maps and plans subdividing said City of Winter Park into districts or zones, under the provisions hereof, it shall be the duty of the governing body, before adopting said subdivision into districts or zones to give a public hearing, notice of the same to be published twice a week for two weeks next preceding such hearing in a newspaper of general circulation published in said City of Winter Park.

Sec. 56. The City of Winter Park is authorized and empowered, in the exercise of its police power, to pass and adopt all ordinances and resolutions and to do all things necessary to carry out the recommendations that may be made by such City Planning and Zoning Board, under the provisions and powers herein granted where not contrary to law.

#### CITY DEPOSITORIES.

Sec. 57. Any bank in the city authorized to do business in the State, that will pay two per cent. per annum on daily balances of city funds, when such funds exceed two thousand (2,000.00) dollars and four per cent. per annum on balances on time deposits of the City's funds, deposited for a period of three months or more, and give, when so required by the City Commission, a surety bond in an amount to be determined and fixed by the City Commission, such bond to be given with a recognized company as surety, or, when required by the City Commission, deposit to the credit of the city with the City Commission or the City Auditor and Clerk, Federal, State, County, School District, or Municipal Bonds, in such an amount as the City Commission may determine and require for the protection of said deposits, may be designated by the City Commission as a City Depository and authorized and entitled to receive funds of the City of Winter Park



in the manner and method as hereinafter provided in this Act.

Sec. 58. Banks of the City qualified as aforesaid, may make application to the City Commission, to be designated as city depositories, between the first and fifteenth days of December of each year, and the City Commission shall make designation of depositories for city funds between said dates.

Sec. 59. Officers and employees having, receiving or collecting any of the city funds shall pay the same to the bank or banks qualified to receive the same. Each bank receiving any money, as provided in this Act, shall make triplicate receipt for the same, one copy of which the said bank will carefully preserve and keep, one copy to be delivered to the person making the deposit, and one copy to be transmitted to the City Clerk. Each bank so acting as a depository shall keep two sets of accounts for the city, one account shall contain the daily balance account, subject to immediate checking; the other shall be the savings or time deposit account, and shall not be subject to check without being transferred to the checking account. All interest earned by the daily balances account shall be credited by the bank to the General Fund of the city, and all interest earned by the time deposit account shall be credited to the account which earned the same.

Sec. 60. Any bank acting as a depository shall make monthly reports to the City Commission, showing the balances on hand at the beginning of the month, the sums received and paid out during the month, and the balances on hand at the end of the month, and return with said report all checks or warrants properly cancelled which the said bank has paid during the month.

Sec. 61. The accounts of the city in any bank acting as a depository shall at all times be subject to inspection and audit by the City Auditor.

Sec. 62. The City Commission shall cause its Clerk to keep accurate accounts and a complete set of books showing the amount of money on hand, amount received, amount expended, and the balances thereof at the end of each month, in every fund carried by the city; and no check or warrant shall ever be drawn in excess of the known balances to the credit of that fund.

Sec. 63. All moneys drawn from any depository shall be upon a check or warrant issued by the City Commission, said check or warrant (as to number, amount, account from which drawn, to whom drawn, and for what purpose) shall be recorded in the minutes of the meeting of the City Commission at which the same is ordered drawn, and each check or warrant so issued shall be signed by the presiding officer of the City Commission and countersigned by the City Clerk, and shall bear the imprint of the official seal of the city.

Sec. 64. No warrant or check, for the payment of any claim or account, shall be issued by the City Commission until such account or claim shall have been approved by the head of the Department for which such indebtedness was incurred, and such officers and their sureties shall be liable to the municipality for any loss or damage sustained by the municipality by reason of the improper or corrupt approval of any such claim or account against the municipality.

Sec. 65. The City Commission shall have authority to invest any surplus funds of the City in Federal, State, County, School District or Municipal interest bearing bonds, but no such bonds shall be purchased at a higher price than their market price at the time of such purchase; provided that no bonds shall be purchased until the City Attorney shall have approved the issue of such bonds.

#### SINKING FUND.

Sec. 66. The members of the City Commission shall constitute the trustees of the sinking fund of the City, and shall succeed to all of the duties and powers and responsibilities imposed by ordinance of the City of Winter Park, or by any law, on any board of bond trustees now existing or that may have been heretofore elected under the provisions of any former Act with reference to bonds, and bond trustees of the City of Winter Park, or under the provisions of any former ordinance of the City of Winter Park. It is hereby made the duty of each and every board of bond trustees heretofore acting as bond trustees of bonds of the City of Winter Park, to turn over all moneys, securities, bonds and other papers pertaining to their office to the City Commissioners within ten days after the City Commission shall have become organized



and the City Commission shall receipt the said Trustees for all moneys, bonds, etc., and shall cause the accounts of the said Trustees to be audited, and shall deposit such funds, bonds or securities in designated depositories for sinking funds. The City Commission as Trustees of the sinking fund, shall be Trustees of such bonds as may be issued from time to time for authorized municipal purposes and shall manage and control the sinking funds created for the liquidation of such bonds, subject to the provisions of the General Laws of the State and the ordinances of the City with relation to the management of such funds.

#### FISCAL YEAR.

Sec. 67. The fiscal year of the City shall begin on the first day of January and end on the thirty-first day of December of each year.

#### BUDGET OF EXPENSES.

Sec. 68. Prior to the first day of June of each year, the City Clerk shall make up and submit to the City Commission an estimate or budget of the revenues and expenditures of the City for the ensuing year; such estimate of expenditures to be made with particular application to the various departments of the City. Such estimate or budget shall form the basis for all tax levies and appropriations made by the City Commission for the year for which such estimate is made.

Sec. 69. No warrants or obligations against the City shall be drawn in excess of the appropriations made in accordance with and under the next preceding section.

#### TAXATION.

Sec. 70. The City of Winter Park shall have the power to levy taxes each year for the ordinary purposes of the municipality; provided that such levy shall not exceed two per cent. of the assessed valuation of taxable property within its limits.

Sec. 71. In addition to the levy provided in the next preceding section, the said municipality may levy and collect annually such special taxes as may be required to

meet any outstanding indebtedness with interest, including any judgments which may be rendered against the City, also a special tax of four (4) mills for publicity purposes, a special tax of not more than three (3) mills for school purposes and a special tax not exceeding one (1) mill for the beautification of streets and parks, and the planting, preservation and culture of shade trees.

#### ASSESSMENT OF TAXES.

Sec. 72. The taxation herein authorized shall in each case be upon the valuation of taxable property in said City, as set forth in the assessment roll; provided that all property shall be assessed at its full cash value.

Sec. 73. All taxable property within the City shall be assessed and listed for the purpose of taxation on the City tax assessment roll in the name of the owner, when the name of the owner is known to the assessing officer, and as "Unknown", when the name of the owner is not known. Each lot or 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.

Sec. 74. All property shall be assessed as of the first day of January of the year for which the assessment is made.

Sec. 75. The City Assessor shall make up and complete the tax assessment roll and submit the same to the City Commission as an Equalizing Board on the first Monday in July of each year.

Sec. 76. If the Assessor of taxes in making the assessment shall discover that any land in the City was omitted in the assessment roll, of either or all the three previous years, or that any land was illegally sold for taxes, and is then liable to taxation, he shall assess such land for the current year, and shall also assess the same separately for each year or years for which the same may have been omitted or was illegally sold or assessed for taxes, at the cash value thereof at the time, noting the year or years



when such omission occurred; and such assessments shall have the same effect as if made in the year or years when the assessments were omitted or illegally made or sold, and the taxes shall be levied and collected thereon in like manner, together with the taxes for the year in which the assessments are being made.

Sec. 77. All persons, corporations or firms owning property, whether real or personal, subject to taxation by the City of Winter Park, shall be required to make returns of the same before the first day of April to the Assessor of the City; such returns shall be upon and in conformity with blanks prepared and to be supplied for the purpose through the office of the Assessor, and such returns shall contain a complete list of all property taxable by the City belonging to such person, firm or corporation, for which such return is made, together with the full cash value thereof, giving, separately, an intelligent description and the full cash value of each separate lot or parcel of real property; which description and valuation thus returned may be considered by the assessing officer in making assessments, but he shall not be bound thereby.

Should any person, corporation or firm omit to make such return, as above required, the assessing officer shall assess the property, not thus returned, in the name of the owner, if the owner shall be known to him, and where the name of the owner is not known to the assessing officer, he shall assess it in the name of "Unknown", and in no case where the real owner has failed to make return of his property, as herein required, shall the assessment thereof be declared invalid or not lawfully made or the enforced payment of the taxes thereof be refused by reason of such property being assessed otherwise than in the name of the owner.

Sec. 78. The property of railway companies, telegraph companies and telephone companies and other common carriers, both real and personal, shall be subject to taxation in the same manner and at the same rate of valuation as all other properties.

#### EQUALIZING BOARD.

Sec. 79. The Equalizing Board of the City shall be composed of the members of the City Commission, and it shall meet on the first Monday of July of each year. The

City Clerk shall be the Clerk of the Board and shall keep an accurate record of all the changes made in the valuation of property, and all other proceedings of such Board.

Sec. 80. 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 City Clerk may adjourn the Board from day to day, and publicly announce the time to which the meeting is to be adjourned.

Sec. 81. 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 section, the City Clerk shall cause to be published, in a newspaper of the city, notice that the city assessment roll will be submitted to the Equalizing Board for approval on the day and at the place and time fixed for such meeting, and requiring all persons, desiring to have corrections made in such roll, whether in the listing or valuation of property, or otherwise, to file with him, on or before the day previous to the meeting of such Equalizing Board, a petition setting forth their objections to such assessment and the corrections which they desire to have made.

Sec. 82. All petitions, for the correction of assessments, so filed with the City Clerk, shall be delivered by him to the Equalizing Board with the city assessment roll at the first meeting of the Board in July, and the Equalizing Board shall receive, consider and act upon said petitions and shall give such petitioners or their representatives permission to be heard in person or by their attorney, in open session.

Sec. 83. The Equalizing Board shall have the power to change the valuation or assessment of any real or personal property upon the roll by increasing or decreasing the assessed 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 the owner or his agent notice of the intention of the Board to increase it. Such notice shall be by personal service upon the owner or agent, or by leaving a copy of the written notice at his usual place of business or last place of residence, and by publication once in a newspaper of the City of Winter Park, and shall state therein the time when the Board will be in session to act upon the matter.



Sec. 84. All changes made by the Equalizing Board shall be noted in the assessment roll by the City Assessor, and, within thirty 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 City Assessor as having been corrected and equalized by the Equalizing Board, to the City Commission, and shall stand as the assessment for the year of the taxable property within the city.

Sec. 85. As soon as practicable after receiving the assessment roll, the City Commission shall determine the amount and fix the rate of taxation and make the annual tax levy for the current year. It shall be the duty of the Assessor, as soon as the City Commission has determined the rate of taxation and made the annual tax levy for the current year, to calculate and carry out the total amount of city taxes, setting opposite the aggregate sum set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents. And the Assessor shall make out, in addition to the original, one fair copy of the assessment roll, as thus completed, and shall annex to the original and the copy thereof a certificate substantially in the following form:

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

Dated ..... 19 .....

.....  
 City Tax Assessor.

A majority of the City Commission shall endorse on said completed assessment roll the following certificate, to-wit:

“State of Florida, }  
County of Orange. } s.s.

This is to certify that the above and foregoing assessment roll has been duly examined, corrected and approved by the City Commission of Winter Park, and constitutes the assessment roll of the City of Winter Park for the year, A. D. 19....; and the Assessor is hereby directed to affix and annex to said roll a warrant directed to the Tax Collector to collect out of the property and from each of the persons, corporations and firms named in the foregoing roll, the taxes set down in such roll opposite each name, corporation or firm or parcel of land described.

Given under our hands this ..... day of .....,  
A. D. 19.....

.....  
.....  
.....  
City Commission of Winter Park.”

The Tax Assessor shall then issue and annex to said assessment roll a warrant substantially in the following form, to-wit:

“State of Florida }  
County of Orange } s.s  
City of Winter Park. }

To: ....., Tax Collector of the  
City of Winter Park.

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 hold and account for as provided for by the charter and ordinances of the City of Winter Park.

Given under my hand this ..... day of .....,  
A. D. 19.....

.....  
Tax Assessor of City of Winter Park.”

Sec. 86. If in any year the City Commission shall fail to make a tax levy or if the levy in any year shall be in-



valid or inoperative, the levy of taxes for that year shall be the same as it was the year before, item for item.

Sec. 87. 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 or claims until the same shall be paid.

Sec. 88. Nothing in this Act shall be construed so as to impair the validity of any assessment made by the Town of Winter Park, prior to the adoption of this Charter. And any and all tax certificates heretofore issued by the Town of Winter Park are hereby validated, and no error or other imperfection of or in the said tax certificates or the assessment of property, on which same are based, not amounting to taking property without due process of law, shall ever be held to invalidate the same.

Sec. 89. That all assessments and liens for sidewalks, paving or other improvements, and all collections of the same heretofore made and obtained by the corporation of the Town of Winter Park, are hereby legalized and declared valid and of full force, virtue and effect, and binding in law or equity. The assessment rolls of the Town of Winter Park heretofore made are hereby validated and confirmed, and the same shall not be set aside or invalidated for any error, defect, informality, or omission which shall not amount to a want of due process of law under the Constitution of the State or the Constitution of the United States.

Sec. 90. Unless inconsistent with the provisions of this Act or the ordinances of the city, the general laws of the State, with reference to the assessment of taxes by the County Tax Assessor, shall apply to and be binding upon the City Tax Assessor, where no provision is made in this Act governing his actions.

#### COLLECTION OF TAXES.

Sec. 91. 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 Tax Collector, of which he shall give notice by publication; and the Tax Collector is hereby vested with power, and it shall be his duty, to collect by levy and sale of the goods and chattels, lands and tenements assessed, all taxes that remain unpaid on the first Monday in April of the following year. If any taxpayer shall pay his taxes between

the first day of November and the first day of December, he shall be allowed by the City Tax Collector a discount of two per centum therefrom; and if he shall pay on the first day of December, or between that day and the first day of January, he shall be allowed a discount therefrom of one per centum thereof. The City Tax Collector may appoint deputies to collect unpaid taxes on personal property, and a written appointment from the City Tax Collector with a statement from him of the person in whose name the property is assessed and the amount of taxes due, shall be sufficient warrant and authority for such deputy to act, and it shall not be necessary for a deputy tax collector to take the tax roll or warrant annexed thereto with him; provided deputy tax collectors so appointed shall be liable to the same penalties prescribed in this Act as the City Tax Collector would be for violation or for neglect of duty; deputy city tax collectors shall be entitled to the following fees (which shall be collected from delinquent taxpayers at the time such tax is collected): On amounts of less than ten (\$10) dollars taxes, his fee shall be one (\$1) dollar; and on amounts over ten (\$10) dollars taxes, his fee shall be an amount equal to ten per cent. of the tax collected; provided, in no case shall the fee exceed the sum of ten (\$10) dollars.

Sec. 92. The tax books shall close on the first day of April of each year, and the City Tax Collector shall proceed to enforce the payment of all taxes assessed and not paid on the first Monday of each year, as herein provided.

Sec. 93. When personal property shall be levied upon for any taxes, the City Tax Collector or his deputy shall give public notice of the time and place of sale and of the property to be sold at least fifteen (15) days previous to the sale by advertisement to be posted up in at least three public places in the city, one of which shall be at the City Hall, and the property sold shall be present at the sale, if practicable, but at any time previous to the sale the owner or claimant of such property may release the same by the payment of the taxes and the charges for which the same was liable to be sold. In case any levy shall be made, as aforesaid, the City Tax Collector shall be entitled to the same fees and charges as are allowed sheriffs upon executions. If the property levied upon shall be sold for more than the amount of taxes, costs and collection fees, the surplus shall be returned to the person in whose possession the said property was when the levy was made.



or to the owner of the property. Any assessment of taxes shall be a lien upon the property assessed from the date of assessment.

The City Tax Collector shall have the power to attach for taxes assessed thereon any personal property which has been assessed at any time before the payment if he has reason to believe that such property is being or has been removed from the city or disposed of, so as to prevent or endanger the payment of the city taxes thereon, in the same manner and under the same rules of law governing attachments for debts, dues or demands in other cases.

Sec. 94. When the City Tax Collector discovers that any land has been assessed more than once for the same year's taxes, he shall collect only the tax justly due thereon, and shall make return of the balance as a double assessment, and shall be credited therefor by the City Tax Assessor and by the City Commission. He shall also report to the City Tax Assessor and the City Commission the errors, double assessments and insolvencies for which he is to be credited, under different heads, giving in every case the names of the parties on whose account the credit is to be allowed.

Sec. 95. The City Tax Collector is required to make all collections on or before the first Monday in April, and on or before the first Monday in August he is required to make final report and settlement with the City Commission; provided, however, that all outstanding warrants shall be and remain in full force and effect until all the taxes remaining unpaid shall have been collected and final report and settlement is made by the City Tax Collector.

Sec. 96. If the taxes upon any real estate shall not be paid before the first day of April of any year, the City Tax Collector shall advertise and sell said real estate in the manner following: He shall make out a statement of all such real estate, specifying the amount due on each parcel, together with the cost of advertising and expense of sale, in the same order in which the land was assessed, and such lists shall be published once each week for four consecutive weeks in a newspaper published in the City of Winter Park, said newspaper to be selected by the City Commission at its first regular meeting in February of each year, and if there be no such newspaper published within the City, then by posting at three public places in the City, one of which shall be at the City Hall. All

tax sales shall commence on the regular sales day prescribed by law for the sale of lands for nonpayment of State and County taxes, and may be continued from day to day. Such tax sale advertisement shall be in the following form, to-wit: Notice—Notice is hereby given that the following described lands, or so much thereof as will be necessary to pay the amount due for taxes thereon set opposite each piece of land described, together with costs of such sale and advertising, will be sold at public auction on the . . . . . day of . . . . . 19. . . . , at the office of the City Tax Collector, beginning at 10 o'clock A. M. in the City of Winter Park, Orange County, Florida.

Description	To Whom Assessed.	Taxes Due.
of land		

To be signed: .....

Tax Collector, City of Winter Park.

The publisher, proprietor or foreman of any newspaper publishing such notice shall deliver one copy of each number of his paper (containing such notice) to the City Tax Collector and one copy to the City Clerk, and, when the tax sale notice is completed as provided by law, the publisher shall make affidavit thereto in a form prescribed by the City Clerk, attaching to such affidavit a copy of the paper containing said advertisement, and deliver one copy to the City Clerk and one to the City Tax Collector, and the City Tax Collector shall affix such copy and certificate furnished him to his report of the tax sale or list of lands sold.

Sec. 97. On the day designated in the Notice of Sale, at 10 o'clock in the forenoon, the City Tax Collector shall commence the sale of the lands on which the taxes have not been paid, and shall continue the sale from day to day until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, costs and charges thereon; and, in case there are no bidders, the said lands shall be bought by the City Tax Collector for the City of Winter Park.

Sec. 98. Should the City Tax Collector sell lands upon which the taxes have been paid, he shall refund to the City such costs as may have been incurred in advertising and selling the said lands.

Sec. 99. The land shall be struck off to the person who shall pay the tax, costs and charges for the least portion





each certificate, the name of the owner, as assessed, a description of the land sold, the name of the purchaser, the amount for which the sale was made, and he shall append to each of said lists a certificate setting forth the fact that such sale was made in accordance with law. One of such lists shall be retained by the City Tax Collector, one forwarded to the City Assessor to be filled by him, and the third list shall be filed in the office of the Clerk of the Circuit Court of Orange County, Florida, and recorded in a book to be provided for such purpose, which said book shall be substantially in the form provided for the recordation of lists of lands for State and County taxes.

All tax certificates covering land purchased by the City of Winter Park at tax sales shall be held by the City Tax Collector subject to redemption by parties entitled to redeem the same.

All tax certificates issued by the City of Winter Park shall be transferable by endorsement by the City Tax Collector at any time before they are redeemed or a tax deed is issued thereon, or the lien thereof is foreclosed, as hereinafter provided, upon payment to the City Tax Collector of the principal amount thereof, with interest from date at the rate of twelve per cent. per annum for the first year, or part thereof, and eight per cent. for the remaining period, and a fee of fifty cents for the City Tax Collector. Tax certificates held by individuals may be transferred by endorsement by the owner thereof.

Any person, or agent of such person, owning or claiming such lands sold for City taxes, or any part thereof, or any interest therein, or the creditor of any such owner or claimant, may redeem the same at any time after such sale and before a tax deed is issued, by paying to the City Tax Collector the principal of the certificate of sale, or such portion thereof as the part or interest redeemed shall bear to the whole, with interest thereon at the rate of twelve per cent. per annum for the first year, or portion thereof, and eight per cent. for the time after the first year to the date of redemption, together with a fee of fifty cents for the City Tax Collector for each certificate or part of certificate so redeemed. The fact of such redemption shall be entered upon the record of lands sold for taxes in the offices of the Clerk of the Circuit Court and the City Tax Collector.



In the matter of redemption of land sold for taxes, the City Tax Collector shall follow the procedure, as nearly as may be, now prescribed by law for the redemption of land sold for non-payment of State and County taxes.

Upon failure of any party or parties, entitled to do so, to redeem any lands sold for non-payment of City taxes within two years after the date of the sale, the holder of such certificate (other than the City of Winter Park) may make application to the City Tax Collector for a tax deed on such property. Upon such application being made, the City Tax Collector shall issue, in the name of the City of Winter Park, a tax deed, to the party so applying, to the property so covered by such tax certificate, after complying, in the matter of the issuance of such tax deed, with the requirements now prescribed by law for the issuance of tax deed by the Clerk of the Circuit Court, and the City Tax Collector shall be entitled to such fees for the issuance of such tax deed as are now allowed the Clerk of the Circuit Court for the issuance of tax deed; and, if the certificate be redeemed after application for tax deed, the party so redeeming the same shall pay all costs that have accrued. The form of the tax deed, to be issued by the City Tax Collector, shall be substantially that now prescribed by the General Laws for the issuance of tax deeds by the Clerk of the Circuit Court. All tax deeds issued by the City Tax Collector, as aforesaid, shall be prima facie valid.

The City Commission may, at the end of two years after the issuance of tax certificates covering lands sold for non-payment of City taxes, direct the City Tax Collector to deliver to the City Attorney all tax certificates remaining unredeemed at the end of said period of two years that have not been assigned by the City, for foreclosure of the lien evidenced by such certificates, and it shall thereupon become the duty of the City Attorney to foreclose such tax liens by an ordinary suit in chancery, to which all parties claiming an interest in such property shall be made defendants, and, if the City Attorney does not know the parties interested in the property, he may obtain such information from an abstract company, and the expense thereof shall be taxed as costs in the case.

Service of process against non-resident defendants may be had by publication, as now provided by law in other

chancery suits. The suit shall be prosecuted to a sale and conveyance of the property, as now done in suits to foreclose mortgages.

A reasonable attorney's fee shall be allowed the City Attorney for any tax certificate foreclosed, said attorney's fee to be taxed as a part of the costs of foreclosure.

Sec. 102. When the holder of land under a City tax deed goes into actual possession of such land, no suit for the recovery of the possession thereof shall be brought by the former owner or claimant, his heirs or assigns or his or their legal representatives, for the recovery of the possession of such land, unless such suit be commenced within four years after the holder of such tax deed goes in possession of the said land; and the holder of such City tax deed, where said real estate is in the adverse actual possession of any person or persons, shall not be entitled to recover possession of such real estate acquired by such City tax deed, unless suit for such recovery shall be brought within one year from the date of acquiring such tax deed. When a recovery is had by any person or corporation of any land sold for City taxes under this Act, either in an action of ejectment or by bill in chancery to set aside the tax deed, the person or corporation having such recovery shall pay to the party, from whom recovery is had, all the taxes he has paid upon the land up to the time of issuance of tax deed, and all taxes he has paid since issuance of tax deed, with eight per cent. interest thereon plus the value of all permanent improvements made upon said land.

Sec. 103. All prior tax assessment rolls of the Town of Winter Park, Florida, with all assessments thereon, and all prior tax sales and certificates of tax sales heretofore made, are hereby validated and confirmed and the same shall not be set aside or invalidated for any error, defect, informality or omission which shall not amount to a want of due process of law under the Constitution of this State or the Constitution of the United States, and the payment of all said delinquent taxes due the municipality remaining unpaid at the time this Act takes effect, shall be enforced in the manner prescribed by law at the time the assessments therefor were made.



## PUBLIC STREET IMPROVEMENTS.

Sec. 104. The City Commission shall have power by resolution to provide for the construction, re-construction, paving, re-paving and repair, by contract, or directly by the employment of labor, of streets, boulevards and alleys, and to provide for the payment of all or any part of the cost of any such street improvements by levying and collecting special assessments on the abutting, adjoining and contiguous or other specially benefited property.

Sec. 105. Special assessments against property deemed to be benefited by local improvements, as provided for in the preceding section, may be made upon a foot frontage basis of the property bounding or abutting the improvement, or in proportion to the benefits which may result from the improvements.

Sec. 106. The whole, or such part as the City Commission may fix, of the cost of paving, re-paving, surfacing or re-surfacing, and constructing or re-constructing streets, avenue, boulevards and alleys, may be assessed, upon property specially benefited by the improvement, in proportion to the benefits to be derived therefrom, or, if the City Commission finds that all property abutting upon such improvement is specially benefited, it may direct that the whole, or such part of the cost and expense thereof as it shall fix, be assessed against the property abutting upon the improvement, according to the frontage thereof.

Sec. 107. When the City Commission may determine to make any public improvement or repairs in streets, and defray the whole or any part of the expense thereof by special assessments, they shall so declare by resolution stating the nature of the proposed improvement and designating the streets to be so improved, and what part or proportion of the expense thereof is to be paid by special assessment, the manner in which said assessment shall be made, when said assessments are to be paid, what part (if any) shall be apportioned to be paid, from the General Improvement Fund of the city, and shall designate the lands upon which the special assessment shall be levied; and, in describing said lands, it shall be sufficient to

describe the lots and lands abutting upon the contemplated improvement to be specially assessed therefor, as: "All lots and lands adjoining and contiguous or bounding and abutting upon such improvement." Such resolution shall also state the total estimated cost of the improvement.

Sec. 108. At the time of passing the resolution, hereinafter provided for, there shall be on file at the office of the City Clerk plans and specifications with the estimated cost of the proposed improvements, which plans and specifications and estimate shall be open to the inspection of the public.

Sec. 109. The resolution, as thus adopted, shall be published one time in a newspaper published in the City of Winter Park; and the City Tax Assessor and City Clerk shall thereupon proceed to make an assessment roll in accordance with the method of assessment provided for in the resolution, which roll shall be completed and filed with the City Commission as promptly as possible, and shall show the lots and lands assessed and the amount of the assessment against each, and the number of annual installments in which the assessment shall be divided shall be entered upon the assessment roll.

Sec. 110. Upon the completion of said assessment roll, the City Clerk shall cause a copy thereof to be published two times successively, once each week, in a newspaper published in Winter Park, and shall attach to said assessment roll, so published, a notice directed to all property owners interested in said assessments, of the time and place where complaints will be heard, and when said assessment roll will be finally confirmed by the City Commission, sitting as an Equalizing Board.

Sec. 111. At the time and place named in the notice, provided for in the preceding section, the City Commission shall meet as an Equalizing Board and hear and consider all complaints as to such special assessments, and shall adjust and equalize the same on a basis of justice and right, and when so equalized and approved such assessments shall stand confirmed and be and remain binding liens upon the property against which such assessments are made, until paid, in accordance with the provisions of this Act; provided, however, that upon the completion of the street improvement, the city shall rebate



to the owner of any property which shall have been specially assessed for any street improvement, the proportionate difference in the total assessment as originally made and confirmed, and the actual cost of said street improvement to be paid by special assessments as finally determined upon the completion of said street improvement.

Sec. 112. Special assessments for the improvement, hard-surfacing, and paving of any streets shall be payable by the owners of the property abutting upon said street or streets assessed for said improvement at the times and in the manner stipulated in the resolution providing for said improvement, and said special assessment shall be and remain liens superior in dignity to all other liens, except liens for taxes, until paid, from the date of the assessment upon the respective lots and parcels of land assessed, and shall bear interest at the rate of not more than eight per cent. per annum, and shall be payable in equal yearly installments with accrued interest on all deferred payments, unless paid within thirty days after said assessments shall stand confirmed, as provided in the preceding section.

Sec. 113. Each annual installment shall be paid upon the date specified in said resolution, with interest upon all deferred payments until the entire amount of said assessment has been paid, and, upon the failure of any property owner to pay any installment due or any part thereof or any annual interest upon deferred payments, the City Attorney, by direction of the City Commission shall proceed to bring the necessary legal proceedings by bill in chancery to enforce payment with all accrued interest, together with all legal costs incurred, including a reasonable attorney's fee, to be assessed as part of the costs, and in event of default in the payment of any installment of an assessment or any accrued interest on said assessment, all unpaid annual installments, with the interest thereon, shall immediately become due and payable and subject to foreclosure.

Sec. 114. After the equalization, approval and confirmation of the levy of special assessments for street improvements, as hereinbefore provided by Section 111 of this Act, and as soon as a contract for said street improvements has been finally let, the City Commission may, by resolution, issue bonds pledging the full faith and credit

of the municipality to an amount not exceeding seventy per cent. of the proportionate part of the cost of said street improvements to be paid by special assessment, and the estimated cost of said street improvements, as stated in the resolution provided by Section 107 of this Act, shall be used as a basis of calculation in determining seventy per cent. of the proportionate part of the cost of said street improvements to be paid by special assessment; said bonds shall be general obligations of the municipality; and, if special assessments be not imposed and collected in respect of the improvement in season to pay the principal and interest, the City Commission shall levy and collect on all taxable property in the municipality a tax sufficient to pay such principal and interest as the same respectively become due and payable. All bonds issued under the provisions of this section shall be excluded from any limitation of bond indebtedness otherwise prescribed by this Act, and shall not impair or invalidate any special assessment made against abutting property under the provisions of this Act, and said bonds shall be issued upon the adoption of a resolution by the City Commission providing for the issue thereof without submitting the question as to the issuance of said bonds to a vote of the electors of said municipality.

Sec. 115. After the levy of special assessments for street improvements stands confirmed, and after the completion and acceptance of said improvements by the City Commission, the City Commission may, by resolution, issue further bonds, pledging the full faith and credit of the municipality to an amount not exceeding the unpaid assessments for said street improvements: provided, however, that if any bonds have been issued under the preceding section, upon an estimate of the cost of the improvement, the bonds issued under the preceding section and the bonds issued under this section shall not in the aggregate exceed the amount of the unpaid assessments.

All special assessments levied and imposed in respect of the improvement, under this and the preceding sections, shall constitute a fund for the payment of the bonds authorized by this and the preceding section, and, in the event there be a failure to collect and receive the said special assessments in season to pay the principal and interest of said bonds, the municipality shall levy and collect on all taxable property in said municipality a tax



sufficient to pay such principal and interest as the same respectively become due and payable. All bonds issued under the provisions of this section shall be excluded from any limitation of bond indebtedness prescribed by this Act, and shall be issued in the same manner as provided in the preceding section; provided that no bonds issued under the authority of this section shall be held in any way to impair or invalidate any special assessment made under the provisions of this Act.

Sec. 116. All bonds issued under Sections 114 and 115 of this Act shall be advertised for sale on sealed bids, which advertisement shall be published once a week for three weeks in a newspaper published in the City of Winter Park. In addition to the publication of said notice in a newspaper published in the City of Winter Park, notice of said sale may, at the option of the City Commission, be published once a week for two weeks in a financial paper, published in the City of New York or in a newspaper of general circulation published in a city in the State of Florida, having a population of not less than twenty thousand inhabitants according to the last Federal census. If the bonds be not sold pursuant to such advertisement, they may be sold at private sale at any time after the date advertised for the reception of sealed bids. No bonds issued under the authority of Sections 114 and 115, shall be sold for less than 95 per cent. of the par value thereof, with accrued interest, and provided further, that no private sale thereof shall be made at a price lower than the best sealed bid received therefor.

Sec. 117. If any special assessment made under the provisions of this Act to defray the whole or any part of the expense of any improvement shall be either in whole or in part annulled, vacated or set aside by the judgment of any court, or, if the City Commission shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or, if the City Commission shall have omitted to make such assessment, when it might have done so, the City Commission of the municipality is hereby authorized and required to take all necessary steps to cause a new assessment to be made for the whole or any part of any improvement or against any property benefited by any improvement following as nearly as may be the provisions of this Act; and, in case

such second assessment shall be annulled, the City Commission may obtain and make other assessments until a valid assessment shall be made.

Sec. 118. All assessments and liens for street paving and improvements heretofore made by the Town of Winter Park are hereby legalized and declared valid and in full force and virtue and binding in law and equity, and all such special assessment rolls heretofore made are validated and confirmed.

Sec. 119. The City Commission may, by resolution, declare that certain specific sidewalks shall be constructed or repaired. Upon the passing of such resolutions, the City Clerk shall cause written notice of the passage thereof to be served upon the owner or the agent of the owner of each parcel of land abutting upon such sidewalk, who may be a resident of the City, in the manner provided by law, for the service of summons in civil actions, except that the Chief of Police shall serve the notice. He shall return a copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it, to the City Clerk who shall file and preserve such return. For the purpose of such service, if the owner of such property be not a resident of the City, any person charged with the collection of rents or the payment of taxes on the property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like effect and force as though personal service were made upon the owner thereof. If it appears 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 general circulation in the City shall be deemed sufficient notice to the owner.

Sec. 120. All assessments and liens for sidewalks, paving or other improvements, and all collections of the same heretofore made and obtained by the corporation of the City of Winter Park are hereby legalized and declared valid and of full force, virtue and effect, and binding in law and equity. The assessment rolls of the City of Winter Park heretofore made are hereby validated and confirmed, and the same shall not be set aside or invalidated for any error, defect, informality or omission which shall not amount to a want of due process of law under the Constitution of the State or the Constitution of the United States.



Sec. 121. If such sidewalks shall not be constructed or repaired by the owner of the abutting property within sixty days after the service of the Notice provided for in the preceding section, or the publication thereof, the City Commission may, by direct employment of labor or by contract, construct or repair such sidewalks at the expense of the owner, and the cost of such construction or repair shall be charged against the owner and against the land abutting such sidewalks, and shall be a lien upon said land from that date, and shall draw interest from the date of the completion of such sidewalks until final payment at the rate of eight per cent. per annum; and such assessment shall be collected in the same manner as is provided for the collection of special assessments for street paving; and, in case it should become necessary to foreclose said lien, there shall be assessed, as a part of the costs of foreclosure, a reasonable attorney's fee.

Sec. 122. The City Commission in its corporate capacity is authorized to issue from time to time bonds of the City of such denominations and bearing such rate of interest, not to exceed six per cent. and becoming due in such time and upon such conditions as may be determined, for any and all municipal purposes mentioned in this Act, and for such other lawful municipal purposes as may be determined by ordinance; provided, however, that (except as otherwise provided in this Act) before the issue of any bonds shall be made, an ordinance shall be passed expressing in exact terms the amount of the bond issue and purpose for which such moneys 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 electors of the city, who are qualified to vote, as shown by the registration-books of the city, voting at an election held for that purpose, at such time and in such manner as may be prescribed by law and the city ordinances; and, provided further, that the aggregate issue of bonds outstanding and unpaid shall at no time exceed fifteen per cent. of the assessed valuation of the real and personal property of the municipality, as shown by the assessment roll of the municipality. The question of the issuance of bonds for any specific purpose may be submitted from time to time, not oftener than once each year, with relation to each purpose specified.

## UTILITY BONDS.

Sec. 123. That the City of Winter Park, by and through the City Commission, is hereby authorized to issue from time to time, in addition to the then bonded indebtedness of said city, negotiable public utility bonds of the City of Winter Park, to bear a rate of interest not exceeding six per cent. per annum, for the purpose of supplying the necessary funds for constructing, or purchasing water-works and water softening plants and for the constructing and purchasing of gas plants and electric plants to supply water, light and electric current for power and light to the said city and the inhabitants thereof, and to any other person or persons, city, town or community. Before any such bonds are issued, an ordinance shall be passed, expressing in exact terms the amount of bonds proposed to be issued and the purposes for which such moneys to be realized by said issue of bonds are to be used, which said ordinance proposing the issue of bonds, shall subsequently be approved by a majority vote of the electors of the city, who are qualified to vote, as shown by the registration books of the city, at an election held for that purpose, at such time and in such manner as may be prescribed by law and the city ordinances. If a majority of the registered voters, voting at said election, vote in favor of issuing the said bonds, the City Commission may then issue the same.

The City Commission may, if it deems it expedient, submit to the voters at any election or elections, as one proposition, the question of issuing bonds for any or all of the purposes mentioned in this section. No bonds issued under authority of this section shall be sold for less than ninety-five per cent. of the par value thereof with accrued interest.

Sec. 124. It shall be the duty of the City Commission of the City of Winter Park, provided any bonds are authorized under the preceding section, to apply the net income, revenue and profits of any water, light or power plant or plants constructed or purchased with the proceeds of said bonds in payment of interest and principal of said bonds, and also so far as necessary, to impose, levy and collect, while said bonds or any of them are outstanding or unpaid, a tax upon all taxable property in the City of Winter Park, sufficient to pay the interest on said bonds



as same become due and payable, and to retire said bonds at maturity.

Sec. 125. All the net income, revenue and profits derived by the City of Winter Park, in the operation of any water, power or light plant shall constitute a fund for the payment of any bonds issued under the authority of Section 122 of this Act, and in the event that the net income, revenue and profits derived by the City of Winter Park in the operation of any utility shall prove to be insufficient to pay the interest and to provide a sufficient sinking fund for the retirement of said utility bonds at maturity, the municipality, by its governing authority, shall levy and collect annually on all of the taxable property in the municipality, a tax sufficient to pay the interest and principal of any and all utility bonds as the same respectively become due and payable.

Sec. 126. Any and all bonds issued under provisions of Section 123 shall be deemed and considered general obligations of the municipality and the full faith and credit of the municipality shall be irrevocably pledged for the payment of all accrued interest on said bonds and the principal thereof at maturity, and all public utility bonds issued thereunder shall be excluded from any limitation of indebtedness prescribed by the charter of the municipality by Special Act or by the General Laws.

#### SALE OF BONDS.

Sec. 127. Any and all negotiable bonds issued under any of the provisions of this Act shall be advertised for sale on sealed bids which advertisement shall be published once a week for three weeks in a newspaper published in the City of Winter Park. In addition to the publication of said notice in a newspaper published in the City of Winter Park, notice of said sale may, at the option, of the City Commission, be published once a week for two weeks in a financial paper published in the City of New York or in a newspaper of general circulation published in a city in the State of Florida, having a population of not less than twenty thousand inhabitants, according to the last Federal census. If any bonds be not sold pursuant to such advertisement, they may be sold at private sale at any time within sixty days after the date advertised for the reception of sealed bids; except as otherwise herein

provided, no bonds issued under any provisions of this Act shall be sold for less than par with accrued interest.

Sec. 128. Beginning on the first Tuesday after the first Monday in December, A. D. 1926, regular municipal elections shall be held annually on the first Tuesday after the first Monday in December.

At the election to be held on the first Tuesday after the first Monday in December, A. D. 1926, there shall be elected a Mayor-Commissioner and two Commissioners, to serve for a term of two years and at the election to be held on the first Tuesday after the first Monday in December, A. D. 1927, there shall be elected two Commissioners to serve two years. Every two years after the first Tuesday after the first Monday in December, A. D. 1926, there shall be elected a Mayor-Commissioner and two Commissioners, and every two years after the first Tuesday after the first Monday in December, A. D. 1927, there shall be elected two Commissioners.

A special referendum election shall be called by the governing authority of the present Town of Winter Park, to be held on June 15th, A. D. 1925, to vote on the question of the adoption and approval of this Charter, and to elect the first Mayor-Commissioner and Commissioners to hold office under this Act, provided this Charter shall be approved and ratified by a majority vote of the qualified voters residing within the territorial limits of the City of Winter Park, Florida, defined in this Act, voting at said referendum election.

At said election, provided this Charter is by said election approved and ratified, there shall be elected a Mayor-Commissioner and two Commissioners to hold office until the first Tuesday after the First Monday in January A. D. 1927, and two Commissioners to hold office until the first Tuesday after the first Monday in January A. D. 1928.

The term of office of any person or persons elected Mayor-Commissioner or Commissioner of the City of Winter Park at any regular election held in the City of Winter Park, beginning with the election to be held on the first Tuesday after the first Monday in December, A. D. 1926, shall commence and begin on the first Tuesday after the first Monday in January following the year in which said election was held.



Any matter which by the terms of this Charter may be submitted to the electors of the City at any special election may be submitted and voted upon at a regular municipal election.

Sec. 129. Every person over the age of twenty-one years, residing in the City of Winter Park at the time of the holding of any municipal election and who shall have resided continuously in the State of Florida for one year and in the City of Winter Park for six months, shall be deemed a qualified elector and authorized to vote at any municipal election; provided such person has paid his poll tax in the County for the preceding two years and is properly registered in the City registration books.

Sec. 130. The City Clerk shall be the registration officer for the City and shall register all persons applying to him for that purpose, who are qualified to register under the provisions of this Act. For the purpose of registration, the registration books of the City shall be open from and after the third Monday in the second month preceding the holding of any primary election, between the hours of nine o'clock in the forenoon and twelve o'clock in the afternoon, and from two o'clock in the afternoon to five o'clock in the afternoon each day, except Sundays and holidays, and shall close ten days before the day of holding such election. And, for the purpose of registering for any general municipal election or special election, such books shall open thirty days before the holding of such election, and shall close ten days before such date. Each person applying to be registered shall take the following oath, which shall be administered by the registration officer or his duly authorized deputy: "I do solemnly swear that I am a bona fide resident of the City of Winter Park, and possess all the qualifications of an elector of said City." The City Commission shall provide by ordinance for the correction or revision of the registration books from year to year.

Sec. 131. The polls shall open at 8:00 o'clock a. m. Eastern time, and shall close at sundown. The result of the voting at each polling place, when ascertained, shall be certified by return in duplicate, signed by the Clerk and a majority of the inspectors of the election, one copy being delivered by such Clerk and inspectors to the Mayor-Commissioner, and the other to the City Clerk, both of

whom shall transmit such returns to the City Commission at a meeting to be held at 12:00 o'clock noon, on the day following the election. At such meeting, the City Commission shall canvass the returns, and results, as shown by such returns, shall be by the Commission declared as the result of the election. The City Clerk shall, not later than noon of the second day after the election, furnish a certificate of election to each person shown to have been elected.

Sec. 132. The form of ballot to be used in all City elections shall be substantially the form of ballot prescribed by the General Laws of the State.

Sec. 133. The City Commission shall provide by ordinance for the holding of primary elections, general, and special municipal elections, and prescribe rules and regulations covering the holding of the same.

Sec. 134. In any case, where there is no provision under this Charter or under the ordinances of the City covering the holding of elections, the General Laws of the State of Florida applicable to holding State and County elections shall apply.

Sec. 135. The City Commission may, by resolution, or ordinance, provide for and prescribe the mode, manner and procedure of holding and conducting election caucuses for the nomination of candidates to be voted upon at any regular or special election held and conducted under the authority of this Act.

#### MISCELLANEOUS.

Sec. 136. All General Laws of the State applicable to municipal corporations, now or which may hereafter be enacted, and which are not in conflict with the provisions of this charter or with the ordinances and resolutions hereafter enacted by the City Commission, shall be applicable to the City of Winter Park; provided, however, that nothing contained in this Charter shall be construed as limiting the power of the City Commission to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this Charter.

Sec. 137. The City of Winter Park shall have the power to regulate or prohibit the keeping in the corporate limits of the City, or the running at large within said



limits, of all cattle, horses, swine, sheep, goats, dogs and other animals or fowls, and to hold and impound the same and, upon notice to the owners, to authorize the sale of said animals or fowls for the payment of the penalty imposed by ordinance, including the costs, fees and expenses of impounding proceedings, not paid by the owner or owners.

Sec. 138. The City Commission shall have the power to create other offices and to provide by ordinance for the election or appointment of such officers, as may in their judgment be necessary for the good government of the City, not in conflict with the duties of the offices provided for in this Act, whose compensation and duties shall be fixed before election or appointment.

Sec. 139. The City Commission shall have the power, by ordinance or resolution, to require that all lots and lands and other premises within the city be kept clean, sanitary and free from weeds, trash and other litter, or to make them so at the expense of the owner, where the owner fails or refuses to keep them clean, assessing the cost thereof against the property and the city shall have and hold a lien, until discharged by payment, on any property from which weeds, trash or other litter shall have been removed at the expense of the city, for the amount of costs and expenses incurred in so cleaning such property, and may enforce payment of the same against the owner or against the property in a suit at law or in equity.

Sec. 140. The City Commission shall have the power, by ordinance, to regulate, require and provide for the construction, maintenance and repair, by railway companies, of safety crossings, safety gates and other safety appliances, bridges, viaducts and subways along and across streets and over and across their track or tracks, wherever and whenever the crossing or said street or streets by persons or vehicles will, in the opinion of the City Commission, be dangerous to life or property; to require the companies using, owning or operating such railroad track or tracks, to construct, maintain and repair any crossing and safety gate, safety appliances, bridge or viaduct; and, if such company shall fail to comply with the provisions of such ordinance, the City Commission shall have the work done and the city shall have,

until discharged by payment, a lien superior to all other liens (excepting only liens for taxes) for the total cost thereof against the property of the company.

Sec. 141. Every claim against the City of Winter Park, whether liquidated or unliquidated, shall be presented to the City Commission within one year from the time said claims accrued or became due, and shall be barred and unenforceable, if not so presented.

Sec. 142. Amendments to this Charter may be submitted to the electors of the City by a two-thirds vote of the City Commission. If the proposed amendments shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter at the time fixed therein.

Sec. 143. The terms and provisions of this Charter, or any of them, shall not be repealed by any law or parts of laws hereafter enacted by the Legislature that does not in terms specifically refer to the City Charter of the City of Winter Park.

Sec. 144. If any section, or part of section of this Charter proves to be 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 section, unless it appears that such other section or part of section is clearly or necessarily dependent for its operation upon the section, or part of section so held to be unconstitutional or invalid.

Sec. 145. The Mayor-Commissioner and Commissioners to be elected at the special election to be held on the 15th day of June, A. D. 1925, providing this Charter is by said election ratified and approved, shall assume the duties of their respective offices on the 6th day of July, A. D. 1925.

Sec. 146. The City Commission, or any committee thereof, the City Manager or any advisory board appointed by the City Commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employe, to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoena or attachments which shall be signed



by the president or chairman of the body, or by the officer making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths; and shall also have power to punish for contempt any person refusing to testify to any fact within his knowledge, or produce any books or papers under his control relating to the matter under investigation.

Sec. 147. All officers of the Town of Winter Park at the time this Act goes into effect shall continue in office and in the performance of their duties until provisions have been made in accordance with the provisions of this Charter for the performance or discontinuance of the duties of any such officer. When such provision shall have been made and notice thereof be given by resolution adopted by the City Commission the term of any such officer shall expire and the office shall stand abolished.

Sec. 148. Any proposed ordinance, including ordinances for the repeal or amendment of ordinances then in effect may be submitted to the City Commission by petition signed by at least 25% of the total number of registered voters in the municipality. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, each signer of the petition shall sign his name in ink and shall place on the petition opposite his name the date of his signature. The signatures on any such petition need not all be appended to one paper but to each page of said petition there shall be attached an affidavit by the circulators thereof stating the number of signers by the portion of the petition so circulated and that each signature appended to the petition is the genuine signature of the person whose name it purports to be and that said petition was signed in the presence of the affiant and on the date indicated.

Sec. 149. No ordinance adopted by an electoral vote shall be repealed or amended except by an electoral vote, but an ordinance to repeal or amend any such ordinance may, by resolution of the City Commission, be submitted to an electoral vote at any regular election or at any

special municipal election, providing notice of the intention so to do be published by the City Commission not more than sixty nor less than thirty days prior to such election.

Sec. 150. At any time within thirty days after the passage of any ordinance by the City Commission, a petition signed by 25% of the total number of registered voters in the municipality, may be filed with the City Clerk requesting that any ordinance adopted and enacted by the City Commission be repealed or amended in the manner stated in the petition. Said petition shall contain the proposed amendment to any ordinance, if an amendment is demanded, and shall be in all other respects subject to the same requirements provided by this Act in connection with petitions submitting proposed ordinances under the initiative.

Sec. 151. All ordinances passed by the City Commission shall be subject to referendum; provided however, if when submitted to a vote of the electors said measure be not approved by a majority of those voting thereon, nevertheless said measure shall be deemed a valid and effective ordinance during the period of time prior to said referendum election.

Sec. 152. Under the initiative and the referendum it shall be the duty of the Clerk to assemble all copies of any petitions filed in his office as one instrument and to examine the same and ascertain and certify whether the signatures thereon amount to at least 25% of the registered voters of the City. If such signatures do amount to such percentage he shall at once notify the City Commission thereof and also deliver to the City Commission a copy of the original petition or petitions, with his certificate as to the percentage of registered voters who signed same.

Sec. 153. If said petitions comply with the requirements of this Act, it shall be the duty of the City Commission to forthwith order and fix a date for the holding of an initiative or referendum election, as the case may be, and notice of such election shall be given for a period of not less than thirty days. Any and all initiative or referendum elections shall be held and conducted in the same manner as any general or special election of the City of Winter Park.



Sec. 154. Any ordinance initiated by petition in the manner hereinabove set forth, if approved by a majority of those voting in any initiative election, shall thereupon become a valid ordinance of the City of Winter Park, Florida and any measures voted upon in any referendum election shall be of no force and effect unless approved and ratified by a majority of the qualified electors voting thereon in any referendum election.

Sec. 155. The provisions of this Charter shall become operative and be in full force and effect on, from and after the 6th day of July, A. D. 1925, provided, this Act is ratified and approved by a majority vote of the qualified electors residing within the territorial limits of the City of Winter Park, Florida, as defined in this Act, voting at said election to be held on the 15th day of June, A.D. 1925, and it is hereby made the duty of the Town Council of the Town of Winter Park, Florida, to provide for and hold such election on the date named. Such election shall be held in conformity with the laws and ordinances now in force relating to elections, either general or special, in the Town of Winter Park, Florida.

Sec. 156. The Ballot to be used in said election shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

SPECIAL REFERENDUM CHARTER ELECTION.

CITY OF WINTER PARK,

FLORIDA.

June 15th, A. D. 1925.

Question:

Shall the Legislative Charter providing a Mayor-Commission, Optional Manager Plan of Government for the City of Winter Park, Florida, be adopted?

\_\_\_\_\_ For Adoption.

\_\_\_\_\_ Against Adoption.

For Mayor-Commissioner:

(Vote for one).

\_\_\_\_\_  
\_\_\_\_\_

For Commissioners to hold office until the first Tuesday after the First Monday in January, 1927.  
(Vote for two).

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For Commissioners to hold office until the first Tuesday after the first Monday in January, 1928.  
(Vote for two).

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Sec. 157. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 158. This Act shall take effect immediately upon its passage and approval by the Governor or upon becoming a law without his approval.

Approved May 8, 1925.





