

**PART I**  
**CHARTER\***

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\* **Editors Note:** Printed herein is the 1982 revised Charter of the City of Plantation, implemented by Ord. No. 1038, adopted Feb. 10, 1982, incorporating all special acts and ordinances since the initial enactment of the Charter by a special act of 1953. Catchlines or subcatchlines have been altered or added to facilitate reference and indexing. Amendments to the Charter enacted subsequent to Feb. 10, 1982, will be cited in a history note following the amended section. Certain sections have been editorially deleted at the direction of the city pursuant to F.S. § 166.021. An editor's note was inserted after the deleted section. The sections have not been renumbered. Amendments to the Charter have been included and a history note inserted after the amended section. The absence of a history note indicates the section remains unchanged from Ord. No. 1038, adopted Feb. 10, 1982.

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**Section 1. Establishment of new municipality.**

The inhabitants of the City of Plantation, Florida, as its limits are hereinafter established shall be a body politic and corporate to be known and designated as the "City of Plantation" and as such shall have perpetual succession. Said city shall have and use a common seal and may change the same at its pleasure; the city may sue and be sued; may plead and be impleaded in all courts and places, in all matters and proceedings, and may contract and be contracted with in regard to all matters and things.

**Section 2. Boundaries.**

The territorial boundaries of said City of Plantation have been established by various enactments from time to time.

**Editors Note:** The boundaries of the city are depicted on the official zoning map of Plantation which is adopted and amended by ordinance which is on file in the city clerk's office.

**Section 3. Occupational licenses.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 14-20.

**Section 4. Restorations and reservations preserved.**

All present deed and plat restrictions, reservations and limitations, including utility easement reservations, concerning any of the above-described property, are hereby recognized by the city and are not to be in any way affected or impaired by this Charter.

**Section 5. Powers of the city.**

The City of Plantation shall have the following powers:

- (1) *Taxes and assessments.* Deleted.
- (2) *Streets and sidewalks, etc.* [Transferred to Code, § 23-1.]

- (3) *Special assessments.* Deleted.
- (4) *City indebtedness.* Deleted.
- (5) *Budgets/expenditures of funds.* The municipal budget of the city shall be adopted by a resolution (and not by an ordinance which requires two (2) readings and advertising requirements as set forth in Chapter 166, Florida Statutes), which resolution shall be adopted after the advertised hearing process and procedures set forth in Chapter 200, Florida Statutes, as same is amended from time to time, (or as established in other procedural law pertaining to the establishment of millage and municipal budgets) have occurred. (Ord. No. 2100, § 1, 8-28-96)
- (6) *Acquiring property.* Deleted.
- (7) *Use of property.* To hold, use, and enjoy any of said property, real or personal, whether within or without the territorial limits of the municipality, for parks, playgrounds, roads, golf courses, aviation fields, stadiums, art museums, cemeteries, gymnasiums, schools, courthouses, fire and police stations, houses of detention and correction, hospitals, infirmaries, asylums, dispensaries, poorhouses, crematories, wharves, docks, piers, slips, canals, and ports, markets, lighting and power plants, water works, gas plants and systems, sewerage plants and systems, municipal buildings, works, quarries, edifices, libraries, swimming pools, auditoriums, aquariums, cultural and educational institutions and structures of every character.

(8) *Property in trust.*

**Editors Note:** This section has been converted to an ordinance by operation of F.S. § 166.021(4). It has been editorially transferred to the Code, § 2-161.

(9) *Eminent domain.*

**Editors Note:** This section has been converted to an ordinance by operation of F.S. § 166.021(4). It has been editorially transferred to the Code, § 2-162.

(10) *Cultural and educational institutions.*

**Editors Note:** This section has been converted to an ordinance by operation of F.S. § 166.021(4). It has been editorially transferred to the Code, § 2-2.

(11) *Public service.*

**Editors Note:** This section has been converted to an ordinance by operation of F.S. § 166.021(4). It has been editorially transferred to the Code, § 11-2.

- (12) *Public utilities.* To purchase, hire, construct, own, maintain, operate or lease local public utilities, including street railways, busses, boats, and aircraft, and all other kinds of transportation systems by land, air and water, electric light, telephone and telegraph systems, sewerage systems, and works and distribution lines for supplying the city and its inhabitants with water, ice, gas for illuminating and heating purposes, and also all other manner of utilities; to sell the services of such utilities to consumers both within and without the limits of the City of Plantation.

(13) *Street lighting.* Deleted.

(14) *Water supply, sewerage system, gas system.* Deleted.

- (15) *Water rates, gas, electric sewerage and public utilities.* Deleted.
- (16) *City map.* Deleted.
- (17) *Utilizing the officers of Broward County.* Deleted.
- (18) *Collection and disposal of garbage, etc.* To collect and dispose of sewerage, offal, ashes, garbage, rubbish, carcasses of dead animals and other refuse, inside and outside the limits of the municipality, and to acquire and operate reduction, cremation, neutralization or other plants for the utilization of such materials, or for any of them, inside and outside the limits of the municipality; and to contract for and regulate the collection and disposal thereof and to charge fees or taxes to defray the cost of such collection and disposal.
- (19) *Nuisances.* [Transferred to the Code, § 11-1.]
- (20) *Weights, meters, measures.* [Transferred to the Code, § 11-3.]
- (21) *Fire prevention.* [Transferred to the Code, § 8-1.]
- (22) *Firearms and fireworks.* [Transferred to the Code, § 11-3.]
- (23) *General health.* Deleted.
- (24) *Care of orphans and indigent persons.* Deleted.
- (25) *Provision of charitable, recreational or penal institutions.* To provide and maintain, either within or without the city, charitable, recreational, curative, correctional, detentive or penal institutions.
- (26) *Lands for interment of the dead.* To acquire by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary and/or reasonable rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead.
- (27) *Police powers.* Deleted.
- (28) *Promoting the general welfare.* To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants.
- (29) *Penalties for violations.* Deleted.
- (30) *Business licenses.* To license and tax privileges, business, occupations and professions carried on and engaged in within the city limits, and the amount of such licenses and the amount of such license taxes shall not be dependent upon any general state revenue law.

- (31) *Advertisement of attractions of the city; local organizations; municipal library.* To advertise the resources and attractions of the city and its surrounding territories by the use of such means as the council shall deem most expedient; to foster and assist the work of any organization within or without the city created for the purpose of advancing the interest of the City of Plantation; to aid, and assist in the creation and extension of a municipal library; to aid and assist in the creation of a municipal band; and to make appropriations and provide special funds to be expended for the above named purposes.
- (32) *Regulation of aircraft.* Deleted.
- (33) *Regulation of intoxicating liquors.* Deleted.
- (34) *Regulation of theaters, exhibitions, amusements, etc.* Deleted.
- (35) *Prohibition of gambling houses, etc.* Deleted.
- (36) *Regulation and prohibition of games of chance.* Deleted.
- (37) *Regulation of dance halls, etc.* [Transferred to the Code, § 14-77.]
- (38) *Bird sanctuary.* Deleted.
- (39) *Regulation of traffic.* To license, control, tax and regulate traffic and sales upon the street, sidewalks and public places, within the city and the use of space in such places, and to regulate, suppress and prohibit hawkers and peddlers and beggars upon such streets, sidewalks and public places; and to license, cause to be registered, control, tax, regulate or prohibit in designated streets, or parts of streets, motor vehicles, bicycles, motorcycles, motor scooters, carriages, omnibusses, motor busses, cars, wagons, drays, jitney busses and other vehicles; to license, tax, cause to be registered and control the drivers thereof; to fix the rate to be charged for the carriage of persons and property within the city and to the public works beyond the limits of said city; to make and promulgate regulations for traffic on the streets, or part of the streets during such hours as may be necessary or convenient; to provide for parking spaces on the street and public places; to regulate or vacate or discontinue the use of such places; to require all vehicles for the carriage of persons for hire to execute a bond to be conditioned as required by ordinance for the protection of passengers and of the public and to make such bond inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicle for hire; and to require such bond with such surety to be furnished by all vehicles for hire operating upon the streets of the city, whether such operation be wholly within the limits of the city, or between the City of Plantation and other cities and towns and places outside of the City of Plantation.
- (40) *Zoning.* In the interest of the public health, safety, order, convenience, comfort, prosperity, or general welfare to adopt a plan or plans for the districting or zoning of the city for the purpose of regulating the location of trades, industries, apartment houses, hotels, motels, dwellings and other use of property, or for the purpose of regulating the heights and floor area of buildings and other structures, or the area and dimensions of lots or yards in connection with buildings, or other

structures, and for the purpose of regulating the alignment of buildings or other structures on street frontages.

(41) *Auto trailers or house cars.* Deleted.

(42) *Central radio station and country club.* Deleted.

(43) *Police protection four miles outside city limits.* To furnish as deemed appropriate, police protection within four (4) miles of the corporation limits, provided that this extension of power shall not extend into any other municipal corporation without appropriate cooperative inter-local governmental agreements pertaining thereto.

(44) *Parks and playgrounds.*

**Editors Note:** This section has been converted to an ordinance by operation of F.S. § 166.021(4). It has been editorially transferred to the Code, § 23-171.

(45) *Fishing piers, golf courses, etc.* To purchase, acquire, construct, improve, build, repair, lease, establish, maintain and operate fishing piers (within or without the limits of said city), golf courses, tennis courts, ballgrounds and stadiums, swimming pools, gymnasiums, recreational centers and playgrounds, and to charge and collect a reasonable admission fee for the use of such facilities.

(46) *Disciplinary procedure for city employees.* The disciplinary proceeding and disciplinary review procedures for all nonprobationary employees of the city, other than elected officials, shall be as follows (probationary employees are not entitled to disciplinary proceedings):

1. The mayor, assistant personnel director, a department head or their respective designee(s) shall serve upon the affected employee a written statement notifying the employee of proposed disciplinary action together with sufficient facts and reasons therefor as will enable the employee to make an explanation and/or defense to such proposed discipline. An employee, under notice of proposed disciplinary action, who timely contests the proposed disciplinary action in accordance with the below procedure, shall be considered in pay status until such time as the personnel director renders his written decision pursuant to section 2(B)(3), below. However, nothing herein shall preclude the mayor, assistant personnel director or a department head from imposing immediate disciplinary action, without advance notice, where it is believed by the person taking disciplinary action that giving such notice would result in damage to property of the city, would be detrimental to the interest of the city, or would result in injury to the employee, a fellow employee or the general public. However, in such circumstances, the employee, although not in pay status, will be given reasons for the disciplinary action after it takes effect and will thereafter be entitled to utilize the hearing procedures set forth in section 2 below.
2. If an employee desires to contest the disciplinary action proposed by the mayor, assistant personnel director, a department head, or their respective designees, he shall be entitled to utilize the following procedure:
  - A. Within ten (10) calendar days of receipt of notice of the proposed disciplinary

action, the employee shall file with the personnel director, or his designee, a written request for a hearing, together with a brief written statement of the reasons for the request. If a request is not timely made, the employee will be conclusively presumed to have concurred in the proposed disciplinary action and such action will become final and binding on the parties.

- B. A hearing will be scheduled by the personnel director or his designee not less than ten (10) calendar days from the date of receipt of the hearing request. The hearing will be informal and will be conducted as follows:
1. The personnel director or his designee will orally inform the employee of the proposed disciplinary action and may take the testimony of witnesses.
  2. The employee may be accompanied by a representative of his choice. The employee shall have the right to respond to the charge(s) made against him, both in writing to, and orally before, the personnel director. The employee may call witnesses in support of his case.
  3. The personnel director shall render his final written decision within ten (10) calendar days after the hearing. The decision shall advise the employee of the disciplinary action to be taken.
  3. The determination of the personnel director shall be final and binding on the parties in all cases except where the disciplinary action taken involves discharge, reduction in pay, demotion with loss of pay, or suspension without pay for more than five (5) working days. In such cases, employees desirous of contesting such disciplinary action imposed by the personnel director may appeal to the job description committee, as provided below:
    - A. A written appeal of the personnel director's decision shall be served upon the job description committee within ten (10) calendar days after receipt of the personnel director's decision. Said appeal must contain: (1) a copy of the employee's written appeal to the personnel director; (2) a copy of the written decision of the personnel director; and (3) a brief written statement of the basis for the appeal to the job description committee. Failure to file an appeal as specified above will result in a waiver of the right to appeal.
    - B. If the disciplinary action was initially proposed by the mayor, then, for appeal purposes only, the mayor's position on the job description committee will be filled by another elected official, to be selected by lot.
    - C. The job description committee should schedule a hearing within thirty (30) calendar days after receipt of the notice of appeal, which

hearing shall be open to the public. The employee shall be given written notice of the time and place of the hearing, at least ten (10) calendar days in advance of the hearing date.

D. The hearing on appeal shall be conducted in the following manner:

1. The personnel director or his designee shall first call witnesses and/or introduce such other evidence as he may wish in support of the disciplinary action. The employee, who has the right to be accompanied by a representative of his choice, shall then call witnesses and/or introduce such other evidence as he may wish to offer in his defense. The parties may then offer rebuttal evidence. Both the personnel director or his designee and the employee or his representative may cross-examine witnesses called by the other side. The personnel director or his designee and the employee or his representative shall have the right to make opening statements and closing arguments.
2. All parties may, within ten (10) calendar days after the close of the hearing, file briefs or proposed findings of fact with the job description committee.
3. Within thirty (30) calendar days after the close of the hearing, the job description committee shall render its final decision. Said decision will be in writing, and shall be final and binding on the parties.
4. Disciplinary action concerning sworn police officers will also be governed by the above specified procedure. However, if the Law Enforcement Officer's Bill of Rights (i.e., Section 112.051, et seq., Fla. Statutes) is applicable to the particular case, officers may not utilize said procedure until: (1) they first receive an advisory hearing pursuant to the Law Enforcement Officer's Bill of Rights; or (2) they waive their bill of rights hearing in writing. In cases where an officer utilizes the advisory hearing procedure specified by the city pursuant to the bill of rights, the ten-day time limit for appealing the recommended disciplinary action provided for in section 2(A) will not begin to run until the police chief acts on the recommended decision of the complaint review board. (Ord. No. 1064, § 1, 7-21-82; Ord. No. 1437, § 1, 11-19-86)

(47) *To borrow money.* [Transferred to the Code.]

- (48) *Building code.* Deleted.
- (49) *Taxes on public services.* Deleted.
- (50) *Public utility franchises.* Deleted.
- (51) *Emergency relief appropriation.* Deleted.
- (52) *Conveying real estate to U.S.A. or state.* Deleted.
- (53) *Borrowing from governmental agencies.* Deleted.
- (54) *Limitation of powers.* Deleted.
- (55) *Cigarette taxes.* Deleted.
- (56) *Revenue bonds or certificates.* [Transferred to the Code; §§ 2-281--2-288.]
- (57) *Additional powers; additional assessments for local improvements.* The City of Plantation shall have the power and authority to regulate and control the construction, building or establishment of docks, wharves, bulkheads, seawalls, boat basins and promenades; and to own and acquire same by purchase, eminent domain, or any other lawful manner; to provide for the construction or repair of sidewalks, bulkheads, seawalls and promenades by abutting property owners; and to provide that the cost of the construction, building, establishment or repair of bulkheads and seawalls shall be paid for by the property owners benefited thereby by assessing the cost of same against abutting property owners, and said assessments shall remain liens upon the lands against which assessed until paid, in accordance with the procedure as set forth by section 57 of the Charter of the City of Plantation.

The City of Plantation shall have the owner to provide for the regulation and control of the use and occupancy of all the waters, waterways, water bottoms, wharves, docks and piers located in the corporate limits of the City of Plantation, and to impose and enforce adequate penalties for violations of such regulations.

The mayor and city council of the City of Plantation, Florida, shall have the power and authority to establish, by ordinance, a pension, annuity and retirement system for any and all groups of officers and employees employed by said city. Any system so established may provide for disability and death benefits. Any such pension, annuity and retirement system shall be established on a joint contributory basis, with the officers and employees paying part of the cost, and the city contributing into said system the balance in an amount necessary to create an adequate pension plan. The cost of the system shall be determined actuarially on the basis of such mortality and service as the city shall prove, and shall be calculated and contributed on a uniform, or decreasing, percentage of the payroll of members. Any such system may provide for the manner in which the officers and employees may come under the operation of such system, and to provide for repayment to members leaving the service of the city.

The mayor and city council of the City of Plantation shall have the authority to provide the benefits contemplated by this Act under insurance contracts issued by a carrier authorized to do business in Florida.

Members of the police department of the City of Plantation are specifically included within the provisions of this Act, and the provisions of this Act shall be deemed to be concurrent and not exclusive of the general Florida Statutes relating to the police pension retirement plan.

Special assessments for local improvements:

- A. *Improvements authorized.* City of Plantation, in Broward County, Florida, by its city council, shall have power and authority to cause local improvements to be constructed, wholly or in part, at the cost of the property owners benefited, thereby, by levying and collecting special assessments, for the following improvements:
- (a) Extending, enlarging or improving its sanitary sewer system, by constructing additional sanitary sewerage mains, pumping stations, laterals, storm sewers, and other drains and sewers, and necessary appurtenances thereto;
  - (b) Extending its waterworks system into new territory, by the construction of additional water mains, pumps, etc., and the laying or relaying of same, together with the necessary appurtenances thereto, either inside or outside of the corporate limits or partly inside and partly outside;
  - (c) To pave, repave, grade, regrade, macadamize, remacadamize, hard surface, improve, layout, open, widen, close, curb, extend, demolish, rebuild and otherwise improve streets, alleys, boulevards, avenues, lanes, sidewalks, including any bridges, culverts, fills, grades, swales or other appurtenances which may constitute or form a part of same, or any parks, promenades, piers, wharves, docks, sea walls, adjacent or contiguous thereto; to build, demolish, rebuild or otherwise improve any bridges, grades, fills, culverts, swales and appurtenances; and any one or more of such purposes may be combined in the same improvement;
  - (d) To drain, fill in, redrain, dewater or devegetate navigable and non-navigable waterfront property, swamps, marshes and overflowed lands for the purpose of protecting the health of the inhabitants of the city, rendering such lands or waters more healthful, sightly and/or usable and constructing bulkheads, promenades, streets, parking places and other improvements in connection therewith;

This provision as to special assessment for drainage facilities is not in any way to be construed as being in conflict with the powers, purposes, activities, jurisdiction and operation of either the Old Plantation Water Control District, or the Plantation Acres Improvement District but the power of the municipality is to be subordinate thereto;

- (e) To clear and clean real property of weeds, undergrowth, rubbish, debris, brush, and unsightly and unsanitary matters, and to fill unsanitary excavations and depressions; to remove dilapidated and unsightly buildings which constitute a nuisance or a menace to the health of the inhabitants of the city;
- (f) To collect and dispose of garbage, trash and refuse;
- (g) To beautify and landscape parks and roadways, including the planting and maintenance of trees, flowers and shrubs along streets, roadways, sidewalks and parkways;
- (h) To install and maintain street lights and street lighting and the lighting of public buildings and public areas;
- (i) To control and eliminate sandflies and mosquitoes and their breeding places.

B. *Certificates of indebtedness or revenue certificates.* For the purpose of obtaining the money to make such improvements mentioned under subsections (a) and (b) of subparagraph (58)A of this section, City of Plantation shall have the power to issue certificates of indebtedness or revenue bonds or certificates payable solely from the income derived from the operation of such utility, or, where utilities are operated jointly or supplement each other, from the revenue derived from the operation of both utilities, or of either utility. Property specially benefited by the extension of the sewerage system or the waterworks system, or both, may be specially assessed for the cost of such extension, enlargement or improvement, either wholly or in part, by the levying of special assessment liens, it being recognized as a power of the city in its proprietary capacity to levy special assessments against property specially benefited by the extension of sanitary sewerage system or waterworks system, or both, in order to repay moneys obtained by the issuance of revenue bonds or certificates. The moneys collected from such special assessment liens shall be used to pay off and discharge any certificates of indebtedness, revenue bonds or certificates issued to obtain money with which to make such improvements.

C. *Resolution of necessity.* Whenever the city council shall determine that it is wise and expedient to make any of the local improvements herein specified, the cost of which, or any part thereof, is to be assessed against property benefited, it shall adopt a resolution declaring a necessity for the proposed improvements, describing the nature and extent of the work, the general character of materials to be used, a general description of such improvements, the estimated cost of the improvements, and the location or area in which such improvements are to be made. Said resolution shall fix a date when the city council shall meet, which shall not be less than twelve (12) days after the date of the first publication of the notice herein provided, for the purpose of hearing any objections or remonstrances that may be made to said improvements. Notice of the hearing upon said resolution shall be published once a week in a local daily newspaper for two (2) consecutive weeks (the first publication to be not less than twelve (12) days prior to the date fixed for hearing), which notice shall embrace substantially all the matters required

to be set forth in the resolution of necessity. Provided, however, that no newspaper advertisement is required if the notice is given by registered mail, return receipt requested.

- D. *Bids on public improvements.* As soon as the city council shall have adopted the said resolution of necessity as to such improvement, or at a later date if it so desires, in cases where the improvement is not to be made by regular city employees, it shall advertise for competitive procurement in accordance with proper procedures. If at the hearing the city council shall determine to proceed with the improvement, it shall let the contract for such improvement to the lowest and best responsible bidder, but the council shall have the right to change or modify the improvement if it desires at the time of adopting a resolution determining to proceed, in which event it can direct all proposers to change their proposals.

(Ord. No. 2355, § 15, 10-5-2005)

- E. *Cost of the improvement.* The city council shall have the power to pay out of its general fund, or out of any special fund that may be provided for the purpose, such portion of the cost of the proposed improvement as it may deem to be the proper portion to be borne by the city. Interest accrued while an improvement is under construction, and for six (6) months thereafter, shall be deemed part of the cost of the improvement. All engineering and inspection costs, legal and advertising costs, including a proper proportion of the compensation, salaries and expenses of the engineering staff, properly chargeable to any improvement, shall be deemed a part of the cost of the improvement. When revenue bonds or certificates are issued in order to obtain money with which to make the improvement, all cost and estimated cost incurred in issuing such revenue bonds or certificates and obtaining such funds shall be deemed a part of the cost of the improvement. When local improvements are made by city employees, all legal charges, advertising cost, engineering cost, payroll, materials, equipment rental at the prevailing rates, plus not more than fifteen (15) per cent of the total of payroll, material and equipment rental cost for general overhead expenses, may be included in the cost of the improvement. When the improvement has been completed, the city council shall ascertain and determine the total cost of the improvement.

- F. *Method of making special assessments.* Special assessments upon the property deemed to be benefited by a public improvement shall be by any one of the following methods:
- (a) By a percentage of the assessed taxable value of the property assessed;
  - (b) In proportion to the benefits which may result from the improvement;
  - (c) By the foot frontage of the property bounding or abutting upon the improvement.

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

- G. *Objections to improvements.* At said meeting for hearing objections, or at a time and place to which the same may be adjourned, any person aggrieved may appear in person, by attorney or by petition, and may object to or protest against said improvement. The city council shall consider the objections and protests, if any, and may confirm, amend, modify or rescind the resolution of necessity, and shall determine whether the said improvement shall be made, and how the cost thereof shall be paid. The determination of the city council shall be final and conclusive. If the city council determines to proceed with such improvement as originally proposed or in an amended or modified form, it shall adopt a resolution determining to proceed, as hereinafter set out.
- H. *Claims arising out of improvements.* The owner of any lot or land bounding and abutting upon a proposed special improvement, who claims that he will sustain damage by reason of the improvement, shall present such claim to the city council at the time of its meeting on the question of whether it should proceed with the improvement as provided in the preceding section. Such claim shall be in writing, and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails to do so shall be deemed to have waived such damage, and shall be barred from thereafter filing a claim or receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising without his fault from acts of the city or its agents.
- I. *Resolution determining to proceed.* If, after hearing the objections and protests, if any, the city council determines that it is expedient to proceed with such improvement in the original or modified form, said city council shall adopt a resolution determining to proceed with such improvement, which resolution shall disclose what part of the total cost and expenses of the improvement shall be chargeable against and assessed against the property benefited by the improvement, and what part or proportion of the total costs shall be paid by the City of Plantation from its general fund or any special fund on hand for such purpose. The resolution may direct that the whole or any part of the cost and expenses thereof be assessed against the property abutting upon the improvement; or may provide that all property benefited by the improvement may be assessed for such improvement in the manner set out therein.
- J. *Assessment roll and notice.* Upon the completion of any improvement hereunder, the city council shall cause to be prepared a roll or list to be called the assessment list, showing the improvement number, the number of the assessment lien, a description of each lot or parcel of land proposed to be assessed for such improvement, the amount proposed to be assessed against each lot or parcel of land, and the name of each owner as shown on the city tax roll or records. Such list shall be a public record constituting notice to the public of the lien against the land so assessed and no other record or notice thereof shall be necessary to any person or corporation for that purpose. No errors, omissions, or mistakes in regard to description of property shall be held to invalidate any assessment appearing upon such assessment list, where the description given is sufficient to identify the property. After the completion of said assessment list, same shall be delivered to the city

clerk of the City of Plantation, who shall thereupon give notice by publication once a week for two (2) weeks in some newspaper published in said municipality that the assessment list has been delivered to him, and is open for inspection at his office, and that at a time and place therein mentioned, not less than fifteen (15) days from the first publication, the city council will meet to hear and determine any objections or defenses that may be filed to such assessment or the amount thereof. Said notice shall state the number of the improvement, the general character of the work which has been performed, the name by which such improvement is generally known, and the location in which such improvement has been constructed. Instead of publishing in the newspaper as aforesaid, the city council may authorize the notice to be sent by registered mail, return receipt requested, to the affected property owners if the council determines that it would be less expensive and the property owner would be as well advised by mail as by publication.

- K. *Hearings; confirmation of assessment list.* At the time fixed in such notice, or at an adjourned meeting, the city council shall hear objections to the amount of such assessment which may be made by the owners of real property assessed for such improvement, or by parties having an interest therein, and the city council shall determine and hear all objections and protests to the proposed assessments under such rules and regulations as it may adopt. The city council shall have a right to change or adjust any assessment appearing upon such assessment list, at such meeting, or at any adjourned meeting thereof. When such assessment list has been finally corrected and adjusted, the city council shall adopt a resolution approving and confirming assessment list and therein shall approve and confirm all assessments as finally fixed and adjusted at such hearing, and such assessments shall, from date of confirmation by such resolution, constitute a lien on the respective lots or parcels of land, or other real property upon which they are levied, superior to all other liens, except those for city and county taxes. All persons who fail to object to the proposed assessments in the manner herein provided, shall be deemed to have consented to and approved the same. All persons who appeared at such hearing and whose objections were overruled or denied shall be deemed to be bound by the action of the city council after thirty (30) days from the adoption of such resolution approving and confirming assessment list, unless suit challenging such assessments be filed. Substantial compliance with the procedure outlined shall be all that is necessary to render such assessment liens valid and incontestable, it being the expressed intention of the legislature that the requirements are directory rather than mandatory.
- L. *Assessments against United States or political subdivisions.* No special assessments shall be made under this Act against the property of the United States, nor against the State of Florida, nor any political subdivision or taxing district of the State of Florida owning real estate within the City of Plantation.
- M. *Setting aside special assessments or their subsequent proration.* If any special assessment, or subsequent proration thereof, made hereunder to defray the whole or part of the expense of any local improvement shall be either in whole or in part annulled, vacated or set aside by the judgment of any court or the city council shall be satisfied that any assessment, or subsequent proration thereof, is so irregular or defective that the same cannot be enforced and collected, or if the said city council shall have omitted to make

such assessment, or subsequent proration thereof, when it may have done so, it is hereby authorized to take all steps to cause a new assessment for the whole or any part of any improvement or against any property benefited by any improvement, following as near as may be under the circumstances the provisions of this Act; and in case such second assessment shall be annulled, the city council may obtain and make other assessments until a valid assessment shall be made. No omission, informality, or irregularity in the proceedings preliminary to the making of any special assessment, or subsequent proration thereof, shall affect the validity of the same, where the assessment list has been conformed by the city council, and the assessment list and the record thereof kept by the city clerk shall be competent and sufficient evidence that the assessment was duly levied (or prorated as the case may be) and the assessment list was duly made adopted, and amended, and that all other proceedings necessary to the adoption or amendment of said assessment list were duly had, taken and performed as required by this statute, and no variance from the directions herein contained as to the form and manner of any of the proceedings shall be held material, unless it be clearly shown that the party objecting was materially injured thereby. In case any special assessment or its subsequent proration shall, in any suit where its validity shall be questioned, be adjudged invalid, the city council may in its discretion notify the city collector to cease the collections, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment (or its subsequent proration) which shall have been adjudged invalid, and the city clerk, before delivering such new assessment to the city collector for collection, shall ascertain and note thereon payments which have been made on such invalid assessment (or its subsequent proration) for the same purpose, which notation shall cancel the assessments (or such subsequent prorated assessment) as to the parcels and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments. (Ord. No. 1585, § 1, 10-5-88)

- N. *Suits, actions, writs or special proceedings.* For the period of thirty (30) days after the date of the confirmation of any special assessment, any person aggrieved shall have the right to contest the legality thereof by suit, action, writ or special proceedings, after which time no suit, action, writ or special proceedings in any manner questioning the legality of the said special assessment shall lie for any cause whatsoever.
- O. *Method of collection.* The resolution approving and confirming the assessment list shall provide whether such special assessments shall be payable in cash within thirty (30) days after the adoption of such resolution, or whether such special assessment shall be payable in annual installments not exceeding the number of installments set forth in Florida Statutes, 170.09, or any successor amendatory provisions thereto, the first of which shall be payable on or before the expiration of thirty (30) days from the date of confirmation. If the city council desires that the assessment shall be payable in annual installments, it shall fix an interest rate not exceeding the pertinent interest limitation of Florida Statutes, 170.09, or any successor amendatory provisions thereto. The owner of the property desiring to pay his assessment in installments, if same shall be permitted, shall, on or before thirty (30) days from the confirmation of such assessments, file with the city clerk

a written application to pay said assessments in installments, which application shall state that the applicant and property owner waives all irregularities or defects, constitutional, jurisdictional or otherwise, in the proceedings for the improvement for which the assessments are levied, and in the apportionment of the cost thereof; and thereafter the validity of such assessments shall not be called in question. The payment of an assessment, in whole or in part, shall constitute a waiver of all defects, constitutional, jurisdictional or otherwise, in the proceedings. Said application shall also contain an agreement that the applicant and property owner will pay the said assessment in installments at the date fixed by said resolution, with interest at the rates specified in said resolution. Said application shall also make a reference to the number of improvements, and shall contain a description of the lots or parcels of property of the applicant, assessed for such improvement.

- P. *Lien docket.* The city clerk shall keep all applications in convenient forms for examination, and such applications shall show the date of filing, the name of the applicant, the amount of the assessment as shown in the application, and the number of installments in which same shall be payable. Such approved assessment list, such applications for installment payments, and any amendments to the list for subsequent assessment prorations, shall constitute a docket and shall stand as a lien docket for the assessment and its subsequent prorations (if any) in favor of City of Plantation against the lot or parcel of land affected, until such assessment (or its subsequent proration thereof, if any) and interest and penalties are paid in the manner hereinafter provided. Such approved assessment list or roll, as the same may be amended for subsequent assessment proration, shall be the official record to evidence the continuation of the original assessment lien, and the form or manner of keeping and preserving same shall not be material so long as said list or roll, as the same may be amended for subsequent assessment prorations, contains the necessary information and is prepared and approved in the manner herein specified. All unpaid assessments (and the subsequent prorations thereof as hereinafter provided), penalties and interest shall be and shall continue as the original assessment lien on each lot or parcel of land identified on the assessment list as the same may be amended for subsequent prorations, respectively, in favor of the municipality, and such lien shall have priority over all other liens and encumbrances whatsoever, except liens for city and county taxes. The date such lien attaches to the property affected shall be the date the city promulgates the confirming resolution described in paragraph "K" above (or the date the city promulgates an applicable confirming resolution under Chapter 170, Florida Statutes, if a statutory assessment procedure is used). (Ord. No. 1585, § 2, 1-05-88)
- Q. *Special assessment revolving fund.* The city council shall have the right to create by ordinance any special assessment revolving fund or funds, out of which may be paid the cost of any proposed improvement, where special assessments are levied or to be levied to pay all or a portion of the cost thereof, may be deposited in such special assessment revolving fund or funds, and the proceeds from the collection of principal and interest of any such assessment liens shall be deposited to the credit of and shall replenish the fund. The city shall transfer to such fund or funds yearly from the general fund or other source of revenue an amount not less than the city's portion of the cost of the improvements

made from moneys in such fund. Such special assessment revolving fund or funds shall constitute a permanent fund or funds to be used for the purpose of paying the cost of legal improvements, where the proceeds of the assessment liens levied in connection therewith are to be deposited in the fund as collected. The moneys in such special assessment revolving fund or funds at the close of the fiscal year shall not be transferred or appropriated to any other fund, but shall be used exclusively for the purposes of making local improvements where special assessments are to be levied to repay all or a part of the cost thereof.

R. *Assessment prorations.*

1. Except as provided in this subparagraph R, assessments liens for local improvements are not assignable or transferable, but when same become defaulted, they shall be foreclosed by the city.
2. Special assessments are levied against a particularly described parcel of land when the confirming city resolution is adopted. After the said resolution is adopted, the parcel secures the unpaid assessment by virtue of a lien as aforesaid. If any part or all of the assessment becomes in default, the entire parcel or any part thereof may be judicially sold to satisfy such assessment's delinquent balance and pay for the city's litigation and other collection expenses. During the period of time it takes to satisfy an assessment, some of the liened parcels may be subdivided. Owners of lots into which such liened parcels are subdivided may contract with each other concerning how they wish to pay the assessment against the subdivided parcel; however, unless the city agrees to prorate the assessment and modify its collection privileges so as to permit each such lot effectively to secure only the amount of the assessment prorated to it, a lot owner cannot be assured that his lot will not be sold to satisfy the assessment even if he pays his agreed share. Therefore, without such a proration procedure, the value of the land securing the assessments may become depressed. In order to protect affected land values (and thus the value of the assessments' security), a proration procedure is deemed reasonably necessary. This proration procedure shall also be applicable to special assessments made under applicable provisions of the Florida Statutes.
3. As used in this subsection 5(57), the "original parcel" is that parcel of land described in the conforming city resolution promulgated pursuant to paragraph "K" above (or in an applicable confirming resolution promulgated under Chapter 170, Florida Statutes, if a statutory assessment procedure is used) levying the assessment for improvements, such assessment being also referred to as the "original assessment." The "original assessment lien" shall be that lien first created on the original parcel which secures the original assessment and all subsequent prorations thereof. When an original parcel is subdivided and the original assessment is prorated among the lots in the original parcel, the lots will become "existing parcels" and the assessment amounts prorated to each lot will be considered for such lot its "existing assessment." Thereafter, should any "existing parcel" be further subdivided and any "existing assessment" be further prorated

among such further subdivided land, each lot in such further subdivided land shall thereafter be called an "existing parcel" and the assessment prorated to each such further subdivided lot shall thereafter be called the "existing assessment."

4. Any land owner who wishes to subdivide an original parcel or an existing parcel and wishes the city to prorate the original assessment or existing assessment among the subdivision, shall file a written assessment proration request with the city engineer. This request shall contain a legal description of the original parcel or existing parcel, as the case may be, together with a description of each of the parcels into which the original parcel or existing parcel is to be subdivided. The assessment proration request shall contain a title opinion or title insurance company title binder indicating all lien holders and owners of the original parcel or existing parcel, as the case may be and the owners and lien holders of each of the parcels into which the original parcel and existing parcel is to be subdivided. The application may, when requested by the finance director, be accompanied by an M.A.I. appraisal prepared at applicants' expense in form acceptable to the finance director showing that the fair market values of each of the parcels into which the original parcel or existing parcel is to be subdivided is at least twice than the principal amount of the prorated assessment allocated to such parcels. The application shall be properly witnessed, notarized, and executed by all owners and lien holders identified in the title opinion or title binder, with all such lien holders expressly subordinating their lien rights to the City of Plantation's assessment lien securing each of the resulting prorated assessments. The application shall also contain a sealed survey depicting the affected land and certifying the square foot area of the original parcel or existing parcel (as the case may be), the square foot area of each parcel into which the original parcel or existing parcel is to be subdivided, and that the area of the original parcel or existing parcel equals the sum of the square foot areas of each of the parcels into which the original parcel or existing parcel is to be subdivided.
5. Upon receiving a complete assessment proration request, the city engineer will approve same upon confirming that the legal descriptions are accurate and proper and that the area of the original parcel or existing parcel, is equal to the sum of the areas of each of the parcels into which the original parcel or existing parcel is to be subdivided. Upon the city engineer's approval, the engineer shall forward the assessment proration request to the finance director for review. The finance director shall indicate on the assessment proration request the current balance of the original assessment or existing assessment, as the case may be and shall apportion such assessment among each parcel into which the original parcel or existing parcel is to be subdivided. Each such parcel's prorated amount shall be equivalent to the original assessment or existing assessment, as the case may be, multiplied by a fraction, the numerator of which is the square foot land area of such parcel and the denominator of which is the square foot area of the original parcel or the existing parcel. The finance director shall certify that the sum of the prorated assessments equal the original assessment or existing assessment, as the case may be. The finance director shall then forward the application to the city

attorney who shall review as to form the sufficiency of the title opinion or title binder and who shall review and approve the proper execution, witnessing, and notarization of all affected owners and subordinated lien holders (and who shall also review the adequacy of such lienholders' subordinating language). When the assessment proration request is approved by the city attorney, such request shall be sent to the city clerk together with a resolution accepting such request, prorating the assessment against each parcel into which the original parcel or existing parcel, is subdivided, and directing the city clerk to amend the assessment list accordingly. The city clerk shall agendize this resolution for the next available city council meeting.

6. After such resolution is adopted, the city's collection privileges against the original parcel or existing parcel (as the case may be) under the original assessment lien shall be deemed modified as explained below such that thereafter, each parcel into which the original parcel or existing parcel was subdivided shall effectively secure only the amount of the unpaid original assessment or unpaid existing assessment prorated to it. As stated generally in preceding paragraphs, unpaid assessments, interest thereon, and associated penalties shall be and shall continue the original assessment lien against each parcel of land described in the assessment roll, such original assessment lien having attached to the affected land when the city's confirming resolution described in paragraph "K" above was promulgated (or having attached to the affected land when city's confirming resolution was promulgated pursuant to applicable provisions of Chapter 170, Florida Statutes, if a statutory assessment procedure was used). After the assessment proration resolution is promulgated and with respect to each parcel of land into which the original parcel or existing parcel is subdivided, a credit against the unpaid original assessment or existing assessment shall be deemed to have been given such that the only amount of the assessment "unpaid" with respect to such parcels is the amount prorated to them. Thereafter, said unpaid prorated assessments and interest thereon, shall continue as the original assessment lien against such parcels, with the attachment date of such continued original assessment lien remaining as the date the city's confirming resolution, described in paragraph "K" above, was promulgated (or the date the city promulgated an applicable confirming resolution under Chapter 170, Florida Statutes, if a statutory assessment procedure is used).
  7. The city's administrative and outside fee consultant expenses associated with the processing, review, and approval of requested assessment prorations may be recovered through an application or review fee or may be recovered under the city's prepayment cost recovery program. (Ord. No. 1585, § 3, 10-5-88)
- S. *Foreclosure by the city.* Should any assessment lien remain in the hands of the City of Plantation and become in default, and remain in default for a period of ninety (90) days after becoming due and payable, it shall be the duty of the city clerk to forward to the city attorney for collection a certified assessment and lien list of such assessment liens. It shall be the duty of the city attorney to institute foreclosure proceedings to foreclose said

assessment liens against the property encumbered thereby, and against which the lien exists, and the owner of the property against which the lien exists shall be liable to the city for a reasonable attorney's fee with which to compensate its attorney for services in collecting the amounts due on said lien, including attorney's fees on appeal. The final decree to be entered shall decree the amount of said lien and reasonable attorney's fees and all costs occasioned or necessitated by such foreclosure, as a lien against the property described. The lien for attorney's fees and costs shall arise whenever the lien is placed in the hands of the city attorney for collection. In foreclosing such special assessment liens, the city may pursue and follow any recognized mortgage foreclosure procedure by which special assessments levied pursuant to the procedure established by the Florida Statutes may be foreclosed. Upon such suit or suits being brought, a certified copy of the assessment list and of the resolutions approving and confirming, and amended [amending], the assessment list shall constitute prima facie evidence of the amount and existence of the lien upon the property described. The decree rendered in said case for the enforcement and collection of the amount due thereunder shall provide for a reasonable attorney's fee for the institution of the suit and the collection of the amount due on said lien, together with all costs occasioned in bringing said suit and foreclosing said lien, and same shall be decreed to be a lien upon the property described and shall be collected at the time and in the manner provided for the collection of the amount evidenced by said assessment lien. Any number of assessment liens may be foreclosed in one mortgage foreclosure action, and the final decree, to be entered, shall determine the principal, interest, cost, and attorney's fees to be chargeable against each property encumbered.

(Ord. No. 1585, § 4, 10-5-88)

**State Law References:** Special assessments for local improvements, F.S. ch. 170.

(58) *Anticipation time warrants.* [Transferred to the Code, § 2-267.]

(59) *Regulation and control of motor vehicles on certain private property.* [Transferred to the Code.]

**Editors Note:** Certain powers, except extraterritorial powers, have been editorially deleted in recognition of the broad home rule powers granted to municipalities in article VII, § 2 of the Florida Constitution and F.S. ch. 166. Extraterritorial powers were not deleted as they may only be amended by general or special law. They have not been renumbered. Certain provisions were transferred to the Code as indicated. The location in the Code is indicated in the Code Comparative Table listed under Ordinance number 1038.

## **Section 6. Governing body of city.**

The government of the City of Plantation shall be vested in a mayor and a common council to consist of five (5) members to be called the city council of the City of Plantation and the mayor and the said five (5) councilmen shall be elected by the qualified electors of the said city at large in the manner hereinafter prescribed, except for the first officers of the city as hereinafter provided. The members of the council shall elect annually at the first regular meeting after the annual election herein provided for, one of their number as president of the council, who shall preside over its meetings, and enforce such rules as may be adopted by the council and perform such other duties as may be prescribed by ordinances. The council may elect a president pro tem to act in the absence or disability of the president.

## **Section 7. Qualifications of mayor and members of the council; filling vacancies in elected office or candidacy following close of qualifying period.**

A. The mayor and members of the council shall be residents of the city and have the qualifications of electors in the general municipal election of the city. When any mayor or member of the council shall cease to possess the qualifications required herein, he shall forthwith forfeit his office.

B. Whenever the mayor or any councilman shall cease to be a mayor or a member of the council for any reason, his successor to fill out the unexpired term shall be elected by and at a special municipal election to be called by the mayor, the president of the council, or the president pro tem, within forty-five (45) days of the date of vacancy, unless said vacancy occurs within less than six (6) months prior to the next general municipal election, in which case a majority of the council may appoint a person to fill out the unexpired term, with the mayor voting in case of a tie, in the event that it is not the mayor's office that is vacated.

The date the special election is held, and the date the qualifying period therefor shall open, shall be determined by the elected officer calling such election in consultation with the Supervisor of Elections, as is required by State law. While the election's date may be after the forty-five-day deadline for the election's call, the special election shall be conducted as soon as conveniently possible. The filing date for candidates in such special election shall open at 12:00 noon on any workday and close at noon on the fifth calendar day following such opening day [except when the qualifying period is extended for a two-day period pursuant to subsection C below]. Unless extended as aforesaid or unless the Supervisor of Elections requires additional time, such filing period shall close no later than 12:00 noon on the thirty-first-day preceding the date set for said special election.

In the event the vacancy occurs more than six (6) months prior to the next general municipal election and no person remains qualified as a candidate for the vacant office at the expiration of the qualifying period, then the vacancy shall be filled by appointment of the council as above provided.

C. Whenever at the end of the qualifying period for an elected municipal office only one qualified candidate has filed for such elected office, such candidate shall be declared the winner of such election to such office. The prior sentence shall not apply to any elective office (either Mayor or a seat on the City Council) where:

- (i) The day before the qualifying period expires there is only one qualified candidate; and,
- (ii) On the last day of the qualifying period the candidate who had previously qualified withdrew his or her qualification; and,
- (iii) Only one person qualifies for election on the last day of the qualifying period.

Where the preceding sentence is applicable, the qualifying period for such affected elective office only (either Mayor or the seat number of the seat on the City Council) shall be extended one time for two (2) calendar days so as to expire at noon on the second day, and if at the end of such qualifying period extension there is only one person who has qualified for such elective office, such candidate shall be declared the winner of such election to such office. In the event a two calendar day extension of the qualifying period would cause same to otherwise expire on a Saturday, Sunday, or legal holiday, the expiration shall not occur until noon of the next ensuing day which is not a Saturday, Sunday, or legal holiday (note companion provision in Section 17 (a) of this Charter).

D. Whenever two (2) or more qualified candidates qualify for an elected municipal office and, following the close of the qualifying period, a vacancy or vacancies occur in such qualified candidates caused

by death, withdrawal, or removal from the ballot of a qualified candidate, leaving fewer than two (2) candidates for such elective office, then except as provided in the next sentence, the mayor, president of the council, or the president pro tem within seventy-two (72) hours of the date of such vacancy shall call a special election; provided however, that the remaining qualified candidate for such elected office shall not have to pay a new qualifying fee and shall be deemed to be already qualified for candidacy for such elected office in the ensuing special election. In the event the candidate vacancy occurs in a special election and within less than six (6) months prior to the next general municipal election, the majority of the Council may then appoint a person to fill out the vacant seat's unexpired term, with the mayor voting in case of a tie. The date of the special election provided for herein, the qualifying periods therefor and the elected officer appointment privileges if no person remains qualified as a candidate at the expiration of the qualifying period, shall be determined consistent with Subsection A above.

(Ord. No. 1754, § 1, 12-19-90; Ord. No. 2366, §§ 1--3, 5-31-2006)

### **Section 8. Meetings.**

The council shall meet at such time and place as may be prescribed by resolution or ordinance. All meetings of the council shall be public.

### **Section 9. Compensation.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 2-16.

### **Section 10. Appointing powers.**

The city council shall have the power to designate or create such offices, departments, or divisions as may be necessary for the administration of the affairs of the city; to provide the duties and powers of the officers and employees of such office, department or division; provide for the appointment and fix the salary or compensation of such officers or employees.

### **Section 11. Powers enumerated.**

All powers of the city, except such as are vested in the mayor and except as otherwise provided by this Charter or the Constitution of the State of Florida are hereby vested in the city council. The city council may, by ordinance or resolution, prescribe the manner in which any power of the city may be exercised. The council shall be the judge of the election and a qualification of its own members. The council may determine its own rule of procedure and may punish its own members for misconduct. If the mayor or any councilman shall fail to attend meetings for a consecutive period of three (3) months, he may be relieved of his office by a majority vote of the council. A majority of the members of the council shall constitute a quorum.

### **Section 12. Ordinances.**

All ordinances other than emergency ordinances shall not be passed until they have been read by title on two (2) separate days, the second reading being not sooner than the seventh day after the first reading. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered in the minutes of the proceedings of the council, and every ordinance or resolution shall require on final passage the affirmative vote of the majority of all members. No members shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved. Provision shall be made

for the printing, preservation, recording and indexing of all ordinances and resolutions by the city clerk, which shall at all reasonable times be open for inspection thereof by the public. The minimum statutory standards for emergency ordinances and nonemergency ordinances and their advertisement and for resolutions shall be deemed incorporated herein.

**State Law References:** Procedure for adoption of ordinances, F.S. § 166.041.

### **Section 13. Voting.**

The yeas and nays shall be called and entered on the minutes of each meeting upon the passage of every ordinance or resolution for the expenditure of money, and on every other ordinance or resolution when a request so to do is made by one of the members. No ordinance or resolution shall be adopted or order made unless at least three (3) votes are recorded in favor thereof. Ordinances and resolutions shall be effective immediately upon the passage of the same except where otherwise provided in any ordinance or resolution.

### **Section 14. Mayor.**

It shall be the duty of the mayor to attend all meetings of the city council, to see that all ordinances are executed; he shall appoint persons to perform, temporarily, the duties of any disabled or suspended appointed officer. The mayor shall, from time to time, communicate in writing to the city council such information, and recommend such measures touching the public service and the best interests of the town as he may deem proper. He shall have general supervision over all town affairs and officers, except councilmen, and may examine into the condition of their offices, books, records and papers, thereof and therein, and the manner of conducting their official business, and shall perform such other duties as the ordinances of said town may require.

The mayor shall be the chief executive officer of the city and shall see that the provisions of this Charter, ordinances, laws and rules of the city are complied with, and enforced; he shall put down riots and unlawful assemblies, and may use the police power of the city for such purposes, and shall see that peace, good order, safety and good morals are preserved within the city. He shall have no vote on any resolution or ordinance except in case there is an absence or disability of one councilman and a tie vote results among the remaining four (4) councilmen, but he shall have the power to veto any ordinance or resolution of the city council in which event such resolution or ordinance shall not become effective until passed over his veto by a four-fifths vote of the city council.

The president of the city council during the absence or disability of the mayor, shall act as such mayor, but while so acting as such mayor, he shall not act or vote as a member of the city council, except to the same extent as the mayor could have voted. The city council shall elect a president pro tem to serve while the president of the city council is acting as mayor.

### **Section 15. Qualifications of electors.**

**Editors Note:** This section has been editorially deleted as it is superseded by F.S. §§ 166.032, 98.041, 98.091.

### **Section 16. Registration of voters.**

To entitle the elector to vote in the City of Plantation elections, he shall register in the registration books and records of the supervisor of registration of Broward County, Florida, in the manner and at such times and places as provided by law for registering of electors to vote in state and county elections. The City of Plantation,

in municipal elections, shall use the same voting precincts, or parts thereof, lying within the corporate limits of the City of Plantation, as are now or may hereafter be designated for use in Broward County, State of Florida, elections.

Nothing herein contained shall be construed to require the governing body to adopt the polling places of the County of Broward, but the governing body shall continue to have such power to establish the polling places and designate the location of the polling places for the holding of such municipal elections as is granted to it under the municipal Charter or other applicable laws of the State of Florida.

Supervisors of registration of Broward County shall be entitled to reasonable compensation for services rendered to the municipality in connection with municipal elections.

The city clerk of the City of Plantation shall be the official representative of the city and the city council in all transactions with the supervisor of registration of Broward County, Florida; in relation to matters pertaining to the use of the registration books and records herein mentioned for holding such municipal elections.

Not later than 10:00 a.m. on the day immediately preceding the date of such municipal election, the supervisor of registration of Broward County, Florida, shall deliver into the custody of the city clerk of the City of Plantation the Broward County registration books and records showing the registration of the duly qualified electors entitled to vote in municipal elections of the City of Plantation, and the city clerk shall henceforth be responsible for safeguarding such books and records until the city clerk shall return them to the supervisor of registration of Broward County, Florida, not later than 5:00 p.m. on the day following the date of such municipal election.

Nothing contained in this act shall be construed to confer any jurisdiction, power or authority in the board of county commissioners of Broward County over the holding and conducting of any municipal election of the City of Plantation, Florida. All present Charter provisions of the City of Plantation, Florida, pertaining to electors and elections not in conflict herewith shall remain in full force and effect.

The City of Plantation, Florida, is hereby authorized to use voting machines in the holding of all city elections, general or special, if it so desires.

### **Section 17. Procedure for becoming candidates.**

(a) The name of any elector of the city shall be printed upon the ballot after he has paid to the city clerk a qualifying fee in the amount of two hundred fifty dollars (\$250.00) for a seat on the city council and five hundred dollars (\$500.00) for the office of mayor, and has filed with the city clerk his written acceptance of such candidacy, which acceptance shall state that if elected he will qualify and serve in such office during the term for which he is elected. It shall be the duty of the city clerk forthwith, on the paying of said qualifying fee and filing of such acceptance, to make and deliver to such candidate a written certificate acknowledging the receipt of said qualifying fee and such acceptance and state the date of paying said qualifying fee and filing such acceptance. The payment of said qualifying fee and the filing of such acceptance (together with any other oaths or forms then required of municipal candidates by state law) must be done: (i) for general municipal elections, before 12:00 noon on the fifth day following the first working day in January [except as same may be extended for a two calendar day period as provided in Subsection 7C of this Charter] and no sooner than 12:00

noon on the first working day in January, and (ii) for special municipal elections, during the qualifying period for same. In the event a qualifying period [or extension thereof as provided in Subsection 7C of this Charter] for any general or special municipal election would otherwise expire on a Saturday, Sunday, or legal holiday, the expiration shall not occur until noon of the next ensuing day which is not a Saturday, Sunday, or legal holiday.

(b) Should the amount of the qualifying fee be judicially declared invalid in the future as being in conflict with or preempted by state law pertaining to candidates for elective offices in municipalities as such may be amended, then the qualifying fee for such elective municipal offices shall be those qualifying fees set forth in such conflicting or preemptive state law.

(Ord. No. 1465, § 1, 4-22-87; Ord. No. 2366, § 4, 5-31-2006)

**Editors Note:** The requirement that the candidate be a freeholder was deleted as it is of doubtful constitutionality. *Turner v. Fouche*, 396 U.S. 346(1969). The municipal election dates were amended to the dates that are established in Laws of Fla. ch. 75-350, § 2, as amended by ch. 76-336, § 1, and ch. 77-507, § 2.

### **Section 18. Candidates elected.**

At any regular or special election the ballot shall name all candidates who have qualified for councilmen and for the office of mayor. The candidate receiving the highest number of votes for mayor in the mayoral election shall be declared elected. The candidates for councilmen receiving the highest number of votes cast in his or her respective group shall be declared elected.

### **Section 19. Elections.**

The terms of office for the mayor and councilmen shall be four (4) years, except for the first officers of the city.

The elected officials shall take office at noon on the third day after their election.

The mayor shall be elected on the second Tuesday in March, 1987 and every four (4) years thereafter.

The city council shall be divided into five (5) groups to be voted upon city-wide at the time and for the terms, as follows: Groups One (1) and Two (2) shall be elected on the second Tuesday in March, 1987, and every four (4) years thereafter, and the individual receiving the highest number of votes in each group shall hold office for a period of four (4) years. Groups Three (3) and Four (4) and Five (5) shall be elected on the second Tuesday in March, 1989, and every four (4) years thereafter, and the individual receiving the highest number of votes in each group shall hold office for a period of four (4) years.

**Editors Note:** Municipal election dates have been amended to conform to the uniform municipal election dates for Broward County as established by Laws of Fla. ch. 75-350, § 3, as amended by ch. 76-336, § 3.

### **Section 20. Form of ballots.**

All ballots used in any general election held under authority of this Charter, shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the same form as the election ballots used in all general elections.

### **Section 21. Conduct of elections.**

The council shall have the power to pass ordinances prescribing the form of ballot to be used and the manner of calling, conducting, holding, canvassing, and marking returns of said elections; and where not prescribed herein, the general election laws of the State of Florida shall prevail.

**Section 22. Proclaiming elections.**

All elections shall be proclaimed by the mayor at least thirty (30) days prior thereto, and in case of his refusal or omission to make any such proclamation, the same shall be made by the clerk, but no want of proclamation shall defeat the general election of the city officers as herein specified.

**Section 23. Oath of office.**

All elective officers, before entering upon their duties, shall take and subscribe to the following oath of office:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida and the Charter and ordinances of the City of Plantation, Florida; that I am duly qualified to hold office under the Constitution of the State and that I will well and faithfully perform the duties of \_\_\_\_\_ for the City of Plantation, Florida, upon which I am now about to enter. So Help Me God."

If any elective officer shall fail to qualify for the office to which elected within thirty (30) days after election thereto, said office shall be declared vacant and a successor appointed as by this Act provided. If any elective officer through illness or unavoidable absence cannot be present to take the oath of office as herein provided the council may by a majority vote extend for a reasonable period of time the time within which said elective officer shall take office.

(Ord. No. 2116, § 1, 1-15-97)

**Section 24. Recall provisions.**

**Editors Note:** This section has been deleted as superseded by F.S. § 100.361.

**Section 25. Initiative and referendum.**

- (1) *The initiative.*
- A. *Petition for proposed ordinance.* Any proposed ordinance, including ordinances for the repeal or amendment of ordinances then in effect, may be submitted to the city council by petition signed by ten (10) percent of the total number of qualified electors in the municipality. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least ten (10) electors who shall be officially regarded as having filed the petition, and shall constitute a committee of the petitioners for the purpose hereinafter named. Each signer of the petition shall sign his name in ink or indelible pencil and shall place on the petition opposite his name, the date of the signature and his place of residence by voting precinct, if any he has, and street number. The signatures to any such petition need not all be appended to one paper, but to each such papers there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine

signature of the person whose name it purports to be, and that it was made in the presence of the affiant, and on the date indicated. It shall be the duty of the city attorney to draft such proposed ordinance in proper form when such petition shall be presented to him properly signed by ten (10) electors.

- B. *Time of filing.* All papers comprising a petition shall be assembled and filed with the city clerk as one instrument, within sixty (60) days of the date of the first signature thereto, and when so filed, the clerk shall determine if same contains the necessary signatures, and if so, shall submit the same to the city council at its next regular meeting and provision shall then be made for public hearings upon the proposed ordinance.
- C. *Demand for election.* The city council shall at once proceed to consider such petition and shall take final action thereon within thirty (30) days after the date of submission. If the city council rejects the proposed ordinance, or passes it in a different form from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners, by written demand filed with the city clerk, may require that the proposed ordinance be submitted to a vote of the electors in its original form, if, with such demand, a petition for such election signed after the final action or inaction of the city council is filed with the city clerk, bearing additional signatures of five (5) percent of the electors of the city, none of whom were signers of the first petition. The city clerk shall forthwith certify to the city council the proposed ordinance, stating whether or not a special election is demanded in the petition and the percentage of registered voters who signed the two (2) petitions.
- D. *Time of holding election.* If an election is scheduled to be held not less than thirty (30) days and not more than sixty (60) days after the city clerk certifies that the petition bears the required number of signers, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the city council shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than forty-five (45) days, nor earlier than thirty (30) days thereafter, if the petition for such ordinance and the petition for such election so demand, and if the signers of the two (2) petitions amount in the aggregate to at least fifteen (15) per cent of the registered voters of said city. At least ten (10) days before any such election the city clerk shall cause such proposed ordinance to be published, in one issue of the official organ.
- E. *Ballots.* Ballots to be used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two (2) propositions "For the proposed ordinance" and "Against the proposed ordinance." Immediately to the left of each proposition there shall be a square in which by making a cross mark (X), the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city.
- F. *Duty of city attorney.* Before any ordinance so proposed shall be submitted to the city council, it shall first be approved as to its form by the city attorney whose duty it shall be to draft such proposed ordinance in proper legal language, if called upon to do so, and to render such other service to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the city council.

G. *Amendments and repeals.* No ordinance passed by an electoral vote can be repealed or amended except by electoral vote; but an ordinance to repeal or amend any such ordinance may, by resolution of the city council, be submitted to an electoral vote at any regular or special election, provided notice of intention to do so be published by the city council not more than sixty (60) days nor less than thirty (30) days prior to such election, in the manner required for the publication of initiated ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner and the vote shall have the same effect as in cases of ordinances submitted to an electoral vote by popular petition.

(2) *The referendum.*

A. *Petition for repeal or amendment of existing ordinances.* Any existing ordinances of the City of Plantation or ordinances hereafter passed, including any initiated ordinances, may be repealed or amended at a referendum election held and brought about in the same manner as the election upon initiated ordinances.

#### **Section 26. All fees to city treasurer.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 2-91.

#### **Section 27. Listing of taxable property.**

**Editors Note:** This section has been editorially deleted as the procedure for assessment and collection of ad valorem taxes is in F.S. ch. 192 et seq.

#### **Section 28. Incur indebtedness.**

**Editors Note:** This section has been editorially deleted as superseded by F.S. § 166.241(3).

#### **Section 29. Budget.**

**Editors Note:** This section has been editorially deleted as superseded by F.S. § 166.241(2) and ch. 200.

#### **Section 30. City treasurer.**

The city treasurer of the City of Plantation shall be appointed from among the members of the city council by the mayor, with the approval of the city council, and said city treasurer shall be the custodian of all the moneys of the city, and shall keep and preserve the same in such manner and in such place, or places, as shall be determined by the city council.

#### **Section 31. Payment of money.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 2-268.

#### **Section 32. Audit of books.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 2-269.

#### **Section 33. Arrests.**

**Editors Note:** This section has been editorially deleted as covered by F.S. ch. 901.

**Section 34. Powers of police officers.**

**Editors Note:** This section has been editorially deleted as covered by F.S. ch. 901.

**Section 35. Police power extended.**

The city shall have police power over all property owned by the city and situated in Broward County, Florida, and not within the territorial limits of any municipality.

**Section 36. Bonds of officers.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 2-92.

**Section 37. Purchases and public contracts.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021(4). It has been editorially transferred to the Code of Ordinances and appears as § 2-226.

**Section 38. Licenses.**

**Editors Note:** This section was converted to an ordinance by operation of F.S. § 166.021. It has been editorially transferred to the Code of Ordinances and appears as § 14-21.

**Section 39. Saving clause.**

If any section or part of a section of this Act be declared invalid or unconstitutional the validity force, and effect of any other section or part of a section of this Act shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section is wholly or necessarily dependent upon the section or part of section so held to be unconstitutional or invalid.

**Section 40. Date this Act takes effect.**

This Act shall take effect after its approval by the governor or when it becomes a law without such approval. Filed in office of secretary of state April 30, 1953. 1982 Revision (incorporating all interim special act or ordinance amendments) enacted by Ordinance No. 1038 passed the tenth day of February, 1982.