

CHAPTER 57-1339

(House Bill No. 1377)

AN ACT PROVIDING FOR THE ESTABLISHMENT AND CREATION OF A MUNICIPALITY TO BE KNOWN AS VILLAGE OF GOLF, FLORIDA; DEFINING ITS TERRITORIAL BOUNDARIES; PROVIDING FOR ITS GOVERNMENT, JURISDICTION AND POWERS, INCLUDING THE POWER AND PROCEDURE FOR ANNEXING CONTIGUOUS TERRITORY BY ORDINANCE; PRESCRIBING THE POWERS, DUTIES AND AUTHORITY OF ITS OFFICERS; PROVIDING FOR OTHER PURPOSES AND REPEALING ALL LAWS AND PARTS OF LAWS IN CONFLICT HERewith.

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

ARTICLE I

CORPORATE NAME

The municipality hereby established shall be known as "VILLAGE OF GOLF, FLORIDA".

ARTICLE II

TERRITORIAL BOUNDARIES

Section 1. The territorial limits of said municipality are hereby defined and shall be as follows:

ARTICLE III

GOVERNMENT

Section 1. The government of said municipality shall be vested in a governing body to be known as "Village Council of Golf", sometimes hereinafter referred to as the Village Council. Such Council shall be composed of five members to be called Councilmembers.

Section 2. No person shall be eligible to any elective office of the said municipality unless he shall be over twenty-one years of age and a citizen of the United States.

Section 3. Until the first elections shall be held under the provisions of this Act, and until their successors shall be elected and qualified,

Group 1	Carleton Blunt
Group 2	Robert Bruce Harris
Group 3	A. Innes Mackenzie
Group 4	Robert E. Maxwell
Group 5	Lawrence J. Plym

are hereby appointed as and to be members of the Village Council and shall constitute the first Village Council thereof.

Section 4. Within ninety (90) days after this Act becomes law, the Village Council shall by resolution appoint one of its members as and to be Mayor of said municipality and another of its members as and to be the Vice-Mayor of said municipality, and shall also appoint a Village Treasurer and a Village Clerk (who shall be the registration officer of said Village), both of whom shall be subject to the control of the Village Council.

Section 5. The Mayor and Vice-Mayor appointed, as hereinabove provided, shall each hold office until a successor shall be elected in accordance with the provisions of this Act and shall qualify; and the person or persons appointed to hold the offices of Village Treasurer and

Village Clerk shall hold their respective offices until their successors shall be appointed and shall serve at the pleasure of the Village Council.

Section 6. On the third Tuesday in March, 1961, an election by the qualified electors of said municipality shall be held to elect members of the Village Council to succeed the members whose appointment expires in 1961 as provided for herein and thereafter on the third Tuesday in March of each fourth year a general election shall be held to elect successors to the members of the Village Council whose terms of office shall then expire when their successors are elected and officially take office

Section 7. The selection of members of the Village Council shall be by groups to be known as Groups 1, 2, 3, 4 and 5. At the first annual election to be held in March, 1961, Councilmembers shall be elected to a four-year term, and every four years thereafter, pursuant to this Article, Councilmembers shall be elected in said groups for a four-year term. The term of office of Councilmembers shall commence on the date of the organizational meeting held pursuant to Section 9, hereinbelow and shall continue for four years thereafter or until their successors are elected and officially take office as provided in accordance with this Article. Any candidate seeking election as Councilmember shall file such papers as may be required by law with the Village Clerk along with a written notice to such effect during the qualifying period beginning no earlier than noon on the last Tuesday in January, nor ending later than noon on the second Tuesday in February in the year of the election, and shall pay such filing fee as shall be set by resolution. Such notice shall state the number of the group in which the candidate seeks to be elected, the

candidate's place of residence, the candidate's age, and other data required by ordinance, or state law. The candidate for each group receiving the highest vote cast for such office shall be deemed elected to such office. In the event of a tie vote between candidates receiving the highest number of votes cast for any office, the names of all such tied candidates shall be placed on the ballot and be voted upon at an ensuing runoff election to be held on the fourth Tuesday in March of the calendar year. No notice need be given of such election or of any other election hereunder except as required by Village ordinance or the Florida Election Code. In the event such runoff election, there shall appear on the ballot, and be voted upon, only the names of the persons tied and receiving the highest vote cast for such office or offices, and in the further event of a tie one of the candidates shall be chosen by a majority of those elected.

Section 8. Each person appointed or elected as a member of the Village Council of said municipality, before entering upon the discharge of the duties of the office, shall take and subscribe the following oath before some officer authorized to administer oaths under the laws of the State of Florida; "I do solemnly swear (or affirm) that I will support and protect and defend the Constitution and government of the United States and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same; and that I am entitled to hold office under the Constitution of the United States and the Constitution and Laws of the State of Florida, and that I will faithfully perform all the duties of the office of Councilmember of the Village of Golf, Florida, upon

which I am about to enter, so help me God". This oath may be spread upon the minutes of the Village Council.

Section 9. The members of the Village Council elected pursuant to this Article, shall meet for organization at an organizational meeting which shall be called by the Mayor and set at any time so long as it is held no later than the last day in March following the date of their election; and at said meeting, and annually thereafter, the Village Council shall, by resolution, appoint one member a Mayor and another a Vice-Mayor of the Village, each of whom shall hold such office for a term of one year and until his successor shall be appointed and qualified at the next annual organizational meeting.

Section 10. At each such organization meeting the Village Council may also appoint a Village Treasurer and a Village Clerk. The officer or officers so appointed shall hold office for a term of one year or until their successors are appointed and qualified but subject to the pleasure of the Village Council.

Section 11. Every appointive Village officer shall take and subscribe before an officer duly qualified to administer oaths, an oath or affirmation faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which may be filed with the Village Clerk and spread upon the minutes of the Village Council.

Section 12. If there shall be a vacancy in any elective office, the Village Council, or so much of it as shall remain, shall have power, by resolution, to fill such vacancy by the appointment of a suitable person to hold such office until the next general election and until his successor shall be elected and qualified. If by reason of absence

or disability, any officer of the Village is unable to perform the duties of his office, the Village Council shall have the power, by resolution, to appoint some suitable person to hold such office for and during the absence or disability of such officer, and the person so appointed shall have, during such period of absence or disability, all the power and duties conferred by law upon the officer for whom he is appointed to act.

Section 13. Any member of the Village Council of the said Village may be removed from office and deprived of the right to serve as such official for misfeasance, nonfeasance, malfeasance or any conduct of an immoral or criminal nature committed while holding office; but, before any such official shall be removed and denied the right to perform his official duties, a written complaint shall be filed with and presented to the Village Council by some citizen or taxpayer of said Village, setting forth in reasonable detail the offense of which the said official is charged. Such complaint shall be considered by the Village Council, and if such Council shall determine that the offense charged is of such nature and gravity as to constitute a ground, or cause, for the removal of such official, the Council shall thereupon set a date for the hearing of the said complaint and direct the chief of police, or some other officer of the Village, to give the official so charged written notice of the date of trial and also deliver to him a copy of the complaint so filed.

Upon the trial of such complaint, testimony shall be heard by the Council, both in support and in defense of the charges made, and both the complainant and defendant shall have the right to be represented by counsel; and, if a

majority of the members of the Council present at such hearing shall find and determine that such official is guilty of either or all of the offenses as charged in the complaint, the Council shall thereupon adopt a resolution removing such official and depriving him of the right to perform his official duties and declaring his office vacant; and the said official shall no longer have the privilege of performing his official duties, his office shall be vacated and his successor shall thereafter be selected in the manner provided herein.

Upon any trial under the provisions of this section, all witnesses shall give testimony under oath and any member of the Council present at such hearing, or the Mayor, or the Village Clerk shall be authorized to administer oaths.

It shall be the duty of every officer of the Village, within ten (10) days after the expiration of his term of office ~~or~~ of his removal therefrom, to deliver to his successor in office, or to such person as the Village Council may designate, all books, records, papers, vouchers and property of every kind in his possession or control belonging to the municipality.

Section 14. The Village Council shall have power to employ and retain any engineer and an attorney and to appoint or employ such additional officers, assistants and employees as the business of the municipality may require; and it shall have the power to fix and determine the authority, duties and compensation of all elected and appointed officers, assistants and employees, but the compensation of an elected officer which has been so fixed shall not be increased during his term of office.

Section 15. The Village Council shall have the power to require the Village Clerk, Treasurer and other officers, including its own members, before any of them enters upon the duties of their offices, within such time as it may prescribe, to enter into a good and sufficient bond conditioned as it may require for the faithful performance of their duties and it may from time to time require further or additional bonds; and for failure to give the same may declare such office vacant.

Section 16. The Village Council shall be the judge of the election and qualification of its members, shall have power to determine and establish the rules governing its own proceedings, and to determine the time and place for holding its meetings and the notice, if any, of special meetings. Special meetings shall be held when called by the Mayor, or by any two members of the Village Council. All meetings of the Council shall be open to the public and the rules of the Council shall provide that the citizens of the Village shall have a reasonable opportunity to be heard at such meetings in regard to any matter pertaining to the Village. The Mayor, or in his absence the Vice-Mayor, shall preside at all meetings of the Council and the Village Clerk shall be present at all meetings of the Council and shall keep a record of the proceedings of the Council in a minute book to be provided and kept for that purpose. He shall preserve and maintain in an ordinance book to be provided and kept for that purpose, all ordinances. He shall preserve and maintain in a resolution book to be provided and kept for that purpose, all resolutions. The ordinance book and resolution book shall be deemed to be public records and each ordinance and resolution so

recorded shall be signed by the Mayor and by the Village Clerk. Copies from said minute book, ordinance book or resolution book, duly certified by the Village Clerk under the Corporate Seal of the Village, shall be received in evidence in all courts and places as proof thereof. The Village Clerk shall certify and keep a record of all permits issued by the Village or pursuant to its authority.

Section 17. A majority of the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any ordinance, resolution, order or vote. No member shall be excused from voting except on matters involving the consideration of his official conduct or when his financial interests are involved, in which case the affirmative vote of a majority of the members voting shall be necessary for the adoption of any ordinance, resolution, order or vote.

The enacting clause of all ordinances shall be: "Be It Ordained by the Village Council of Golf, Florida".

Unless approved and subscribed by the five members of the Village Council, no ordinance shall be adopted until ten (10) days after the introduction of such ordinance.

Every ordinance, when introduced, shall be read in full but upon consideration of any ordinance on second and final reading, if not amended, it may be read by title only.

Every ordinance, upon its adoption, shall be signed by the Mayor and by the Village Clerk and when so signed it shall become effective then, unless otherwise provided therein.

Before introduction, all ordinances and resolutions shall be reduced to writing. Resolutions shall be signed by the Mayor and by the Village Clerk.

Section 18. Every resolution which shall be signed by all members of the Village Council shall be valid and as effectual as though passed by unanimous vote at a duly called regular meeting of the Village Council.

Section 19. The Village Council shall, by ordinance, provide for and regulate the registration of voters and the conduct of elections.

Section 20. Any person who shall possess the qualifications of an elector under the general laws of the State of Florida governing elections and shall have resided within the territorial limits of the Village of Golf, Florida, for six (6) months preceding the election and shall have registered in accordance with the ordinances of said Village shall be entitled to vote at any municipal election of the said municipality except in elections limited to qualified electors who are freeholders residing within the Village.

ARTICLE IV

VILLAGE OFFICERS

Section 1. The officers of the municipality shall be a Mayor, a Vice-Mayor, a Village Treasurer, a Tax Assessor, a Tax Collector, a Village Clerk (who shall also be registration officer), a Judge of the Village Court, and such other officers as may be provided for by law or by the Village Council pursuant to the authority conferred by this Act.

The Village Council shall have the power and authority to employ or appoint some person or one of its own members as a Village Manager and to prescribe his powers and duties. The Manager shall be the administrative head of the municipal government but shall be subject to the direction and supervision of the Council. The Manager shall be chosen solely on the basis of his executive and administrative qualifications and he need not be a resident of the Village. The Manager shall receive such compensation as shall be fixed by resolution of the Council and shall hold office during the pleasure of the Council.

Section 2. The Mayor shall be the chief executive officer of the Village and it shall be his duty to attend to the proper and effective enforcement of the laws and ordinances of the Village, under the overall supervision of the Council, and with the aid of the Manager, if any. In case the Council shall provide for a Village Chief of Police, such person shall attend to the proper and effective enforcement of the laws and ordinances of the Village under the overall supervision of the Council.

Section 3. The Vice-Mayor, in the absence or during the disability of the Mayor, shall have all of the powers and duties of the Mayor.

Section 4. The Village Clerk shall be the registration officer and shall, in addition to the duties which are or may be required by him by this Act or by any law of the State or by any ordinance of the said municipality, have the custody of all the general records, books and documents of the Village, and shall perform such further duties as are imposed upon him by the Council by resolution, ordinance or otherwise.

Section 5. The Village Treasurer shall receive, safely keep and disburse, under the direction of the Council, all funds belonging to or under the control of the municipality; shall keep an accurate account of all receipts and disbursements in such manner as the Council shall direct. The treasurer shall annually, on or before the first day of February, furnish to the Mayor and to the Council a full report of the receipts and disbursements during the preceding calendar year; and he shall, whenever required by the Mayor or by the Council, make a special report covering any designated period and shall lay before the Mayor or the Council for examination and audit all books, papers and vouchers pertaining to his office whenever required so to do. The Treasurer shall deposit funds of the Village in such banks or trust companies as the Council shall from time to time designate; and all checks drawn upon any depository of the Village funds shall be numbered consecutively, and shall be signed by the Treasurer unless otherwise provided by resolution of the Council, and no money shall be paid except by check, unless express authority so to do has been first given to the Treasurer by the Council.

Section 6. The Tax Assessor shall assess all property in the Village for taxation by the Village and perform such other duties as may be provided by law or by ordinance or resolution of the Council.

Section 7. It shall be the duty of the Tax Collector to collect and receive all moneys due to the Village whether for taxes, assessments or otherwise; and he shall keep an itemized account of all such moneys in books to be provided forthat purpose, wherein shall be entered the name of the person from whom each sum of money is received, and the date when received,

and the purpose for which such payment is made; and he shall pay and turn over to the Treasurer daily or at such other times as provided by resolution of the Council all moneys of the Village collected or received by him during the preceding fiscal year, together with a statement of the manner in which said moneys have been disposed of by him, and shall furnish a copy thereof to the Mayor and to the Council on or before the first day of March in each year; and he shall keep a record of all taxes, assessments or other charges which are or may be a lien upon land, and of the payments made for or on account of all such taxes, assessments or other charges which are liens upon land. At any time, upon demand of the Mayor or the Village Council, the Tax Collector may be required to furnish a report setting forth detailed information pertaining to his office.

Section 8. The Village Treasurer, the Tax Assessor, the Tax Collector, the Village Clerk or any other officer of the Village, except the Mayor or Vice-Mayor, may be removed from office, with or without cause, by the Council. In the event that any such officer shall be so removed, then and in that case his term of office shall expire and end when such removal becomes effective, anything herein contained to the contrary notwithstanding.

The Mayor shall have power, for sufficient cause, to suspend any Village officer other than a Village Councilman. In case of the suspension of any such officer, the Mayor shall, within fifteen (15) days thereafter, deliver to the Village Clerk a specification in writing of the charges preferred to the officer suspended; and it shall be the duty of the Clerk to present such charges to the Council at its next meeting following the receipt of such charges by him;

and thereafter the Council shall proceed to hear and determine the said charges; after reasonable notice of such hearing to the suspended officer, who shall be given an opportunity to be heard with his witnesses. If upon such hearing the charges preferred against such officer shall not be sustained by the Council, the officer shall be thereby immediately restored to office unless the Council shall decide to terminate the services of such officer for other cause or without cause.

In the event that any Village officer shall be suspended by the Mayor as herein provided, the Mayor shall have power to appoint some person or some other officer of the Village temporarily to perform the duties of the officer suspended, until the charges against such suspended officer be heard and determined by the Village Council.

ARTICLE V

MUNICIPAL POWERS

Section 1. The said Village of Golf, Florida, shall be and constitute a body politic and corporate and as such shall have perpetual existence and may sue, be sued, defend, plead and be impleaded in all courts and places and shall exercise all the powers, privileges, and functions of municipalities prescribed, authorized and provided in the general laws of the State of Florida fully and completely unless prohibited by or contrary to the provisions of this Act.

Section 2. No person, firm or corporation shall institute any action for damages against the Village without having first filed within thirty (30) days from the date of the accrual of the cause of action a notice of the claim, in writing, with the Council, and with the Village Attorney, if any, setting forth in detail the nature and particulars

constituting the basis of such claim, and all actions against the Village, including actions for wrongful death, but not including actions ex contractu, shall be barred unless instituted within one year from the date of the accrual of the cause of action.

Section 3. The municipality hereby established shall have power:

(1) To raise annually by taxation such sums as the Council shall deem necessary for the lawful purposes of the Village provided that no tax shall be levied in any year in excess of 10 mills on the dollar of assessed valuation of taxable property.

(2) To tax, license, regulate and control persons, firms, associations and corporations conducting, carrying on or engaged in any business, occupation or profession within the territorial limits of the Village and the amount of such licenses and taxes shall not be dependent upon a general state revenue law.

(3) To borrow money temporarily in the name of the Village in the anticipation of the raising of taxes, or other appropriated revenue, to an amount not exceeding 80% of such taxes or other appropriated revenue in any one year.

(4) To borrow money temporarily in the name of the Village during the construction of any public work or improvements, on account of which assessments for benefits are authorized to be made and collected, to an amount not exceeding 80% of the cost of any such work or improvements.

(5) To issue its bonds or notes to secure the repayment of any money it is authorized to borrow.

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(6) To provide for street lighting, fire hydrants, garbage collection, sanitary, sewer collection and disposal, and for any other municipal or public service, and to build, construct, acquire, own, maintain, operate and lease all structures, land and other equipment necessary therefor except as otherwise provided herein.

(7) To regulate and control the use of any public park, street, road or highway within the territorial limits of said Village by any municipality, corporation, firm or individual using any such public street, road or highway for the conduct of gas or water or for telephone or electric light or power poles, lines, subways or conduits, or for any other public utility or service.

(8) To acquire, either by lease, gift or purchase, any land or any estate or interest therein, within or without the territorial limits of said Village for any public or municipal purpose, except as provided in sub-section (11) hereof.

(9) To give and grant franchises upon such terms and conditions as the Council shall prescribe, for a term not longer than thirty (30) years, to those engaged in furnishing gas, water, electric, telephone, transportation, sewer or other public service, providing, however, as to any utility where the Village Council by law has rate making power, such franchise shall provide for such rates as shall provide a fair return on the replacement or reproduction value of such utility, and further providing no such franchise shall contain any option to purchase on the part of the Village.

(10) To prohibit and abate nuisances.

(11) The Village shall have the power of eminent domain, except as to water supply or distribution systems, sewer or sanitary collection or treatment systems, and illuminating or fuel gas sales or distribution systems.

(12) To prohibit, regulate and license the manufacture, sale, storage, keeping or use of any inflammable, explosive or highly combustible material, thing, substance or compound.

(13) To establish a health department and adopt sanitary regulations and ordinances.

(14) To protect life and property.

(15) To prevent drunkenness, vice and immorality.

(16) To preserve the public peace.

(17) To fix penalties to be imposed upon offenders

in conviction of violating any of the ordinances of the Village; provided, however, that no penalty shall exceed a fine of Five Hundred Dollars (\$500.00), or imprisonment in the Village jail or at hard labor on the streets or other work of the Village for a period not exceeding ninety (90) days, or both such fine and imprisonment.

(18) To establish, regulate and maintain a fire department and a system of fire protection.

(19) To establish, regulate and maintain a police department.

(20) To lay out, open and maintain public streets, roads, parks or other public places, and to cause any public streets, road, highway or alley to be vacated, widened, extended or otherwise changed as to its boundaries or location; and to acquire the necessary lands for any purpose, and to require, if the Council shall so determine, that any person, firm or corporation subdividing land shall put in and

construct streets, sidewalks, water mains, sewer lines or other utilities according to the Village specifications before the plat thereof shall be approved by the Village Council, which such specifications for all streets in the Village dedicated for public use shall equal or exceed existing County of Palm Beach specifications for roads or streets.

(21) To cause sanitary and storm sewers and drains to be constructed and maintained together with sewage disposal and treatment plants.

(22) To regulate traffic, the speed of motor vehicles, and the use thereof.

(23) To construct wharves, docks and piers; regulate the speed of boats and watercraft; regulate wharfage, dockage, mooring and anchorage of boats and watercraft; construct bridges, establish ferries and fix the rates of ferriage and tolls; erect all necessary public buildings and public works and control and dispose of the same as the interests of the Village may require; to establish bulkhead lines upon all waters within the Village, and to adopt ordinances regulating or prohibiting filling of submerged lands outside of such bulkhead lines, which such lines so established shall govern over lines established by any other governmental body of the State of Florida; and to do and perform all other act or acts as shall seem necessary and best adapted to the improvement and general interest of the Village.

(24) To maintain any or all of its public buildings or works outside the municipal limits of the Village.

(25) To enter into contracts with other municipalities or governmental entities providing for the exercise of any corporate or governmental function; and to cooperate with any other municipality, public corporation or governmental unit in the discharge of its corporate functions.

(26) To regulate the sale or handling of liquor and other alcoholic beverages so far as permitted by State law.

(27) To establish a building code, electrical code and plumbing code and provide for the issuance of building permits; to have the powers granted by Section 165.191, Florida Statutes, 1955.

(28) To adopt from time to time all such ordinances and resolutions as the Council deem necessary or proper for the general welfare, good government and proper regulation of the municipality and the protection of the life, health or property of the municipality and its inhabitants.

(29) Upon petition of the owner or owners of any lands adjoining the territorial boundaries of said municipality, to annex such lands by ordinance to the territorial limits of the municipality hereby established. Whenever any land shall be annexed to the municipality hereby established, upon the petition of the owner or owners thereof and in accordance with the power and authority hereby given, then such land so annexed shall be and become a part of the municipality hereby established with the same force and effect as though the same had been originally incorporated in the territorial boundaries thereof.

(30) To foreclose assessments, taxes and tax certificates as provided by law.

(31) To levy and collect an excise tax on the sale of cigarettes, metered or bottled gas, telephone service, electric current and water and similar services within the Village as provided by general law.

(32) To provide regulations and restrictions governing the height, number of stories, construction and size of buildings and other structures, the percentage and portion of lot that may be occupied, the size of yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residences, apartment houses and other purposes. Such regulations may provide for a board of appeals to determine and vary their application in harmony with their general purpose and intent and in accordance with the general provisions of the ordinances; and may also, by a zoning ordinance, regulate buildings and structures according to their construction and the nature and extent of their use and the use of lands therein. All such regulations shall be uniform for each class or kind of buildings or other structures throughout each district, but the regulations in one district may differ from those in other districts, and all such regulations shall be made in accordance with a comprehensive plan and design for one or more of the following purposes: To lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health, morals or the general welfare; to provide adequate light and air; to prevent the overcrowding of land or buildings; and to avoid undue concentration of population. Such regulations shall be made with reasonable consideration, among other things, to aesthetics, to the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of property and encouraging the most appropriate use of land throughout such municipality.

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(33) To employ all persons necessary for the successful operation of said Village and to fix the amount of compensation to be paid to such employees and prescribe the amount and condition of any bond or bonds executed by any employee.

(34) To have the powers contained in Section 167.73, Florida Statutes.

(35) Except as otherwise provided herein, to have all the powers and privileges granted to municipalities under the general laws of the State of Florida.

(36) To regulate the use of recreational facilities owned by the Village, to charge a reasonable fee for the use thereof, or to restrict the use thereof to property owners in or residents of said Village.

ARTICLE VI

VILLAGE COURT

Section 1. There is hereby established in the Village of Golf, Florida, a court to be known as the "Village Court of Golf". The said court and the judge thereof shall have jurisdiction, power and authority to try all persons charged with violation of any of the ordinances of the Village, without jury, and upon conviction to impose penalties within the limitations prescribed by such ordinances and by this Act.

The Judge of said court shall be appointed by resolution of the Village Council and shall hold office during the pleasure of the Council, and in the event of the absence, disability or disqualification of the said judge, the Council shall have power to designate, by writing filed in the office of the Village Clerk, some suitable person to act during the absence, disability or disqualification of the Village Judge.

Section 2. The said judge shall have power, by warrant, to have brought before him any person or persons, charged with the violation of any ordinances of the Village, and shall have exclusive original jurisdiction over all such proceedings. In the proper exercise of the functions of said court and within its jurisdiction as hereby defined, the judge of said court shall have power and is hereby authorized to issue and cause to be served by any police officer of said Village, constable or deputy sheriff of the County of Palm Beach, any and all writs, warrants, search warrants and other processes necessary for the detection and punishment of violation of any of the ordinances of the said Village, and the police of the said Village are hereby authorized and it is hereby made their duty to execute and to serve any and all such writs and processes issued out of the said Village Court by the judge thereof, and to make proper return thereon to said court. The judge of said court shall have the power and authority to take bail or other security for the appearance of any accused person; and if such person fails to appear, to declare any bail or other security as estreated; to require the attendance of witnesses for the Village and for the accused person; to administer oaths; and shall have all such other powers as may be necessary to the due enforcement of any of the ordinances of the said Village.

Section 3. The Village Clerk shall be the Clerk of the Village Court and shall attend all sessions thereof. He shall have power to issue warrants, search warrants and other writs and processes in the absence or other disqualification of the Village Judge. He shall keep a docket in which shall be entered the title of all cases tried in said court, the

nature of the offense charged, the judgment of the court and the fine or imprisonment imposed. He shall file and keep in his office the complaint, warrant or other process and all papers filed in any of the cases tried before said court. A copy of the docket, complaint, warrant or other process, and of any paper filed in any case tried before said court, and certified by the Clerk of said court as being a true copy of the original under the seal of the Village, shall be prima facie evidence thereof and of the facts therein stated, and shall have the same force and effect in all courts as would the original.

Section 4. The said court shall have power and authority to preserve order and decorum and shall be vested with the same powers to that end by fine and imprisonment as are possessed by criminal courts of record in this State.

Section 5. All fines, penalties and fees collected in the court shall be revenue of the Village and shall be paid over to the Tax Collector of the said Village on the day following the collection of the same, and his receipt therefor shall be taken.

Section 6. No fine or other penalty imposed by the said court shall be remitted except by action of the Village Council, provided, however, that this shall not be construed as to preclude the Judge of said court from suspending sentence in any case tried before him.

Section 7. Any person convicted in the said court of any offense shall have the right to appeal, as provided by law.

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ARTICLE VII

TAXATION

Section 1. The Village Council shall have power to raise money by taxation for the following uses and purposes:

- (1) For the general and incidental expenses of the Village government.
- (2) For lighting the public buildings, streets and other public places.
- (3) For the support and maintenance of a police department.
- (4) For the support and maintenance of a fire department.
- (5) For the support and maintenance of a water department; including a supply of water for the use of Village and its inhabitants, water for the extinguishing of fires, water for public building and for other public purposes.
- (6) For regulating, repairing, maintaining and cleaning the streets, highways and other public places.
- (7) For the care, preservation and repair of public buildings.
- (8) For the relief of the poor; and for support or aid of any hospital in Palm Beach County.
- (9) For the payment of interest on the public debt; and for the payment of the principal of the public debt, as the same becomes due and payable.
- (10) For sinking fund payments required to be made under the provisions of any ordinance, resolution or other competent authority.
- (11) For the acquisition of land or any interest therein, within or without the territorial limits of the Village, for any public or municipal use.

- (12) For the construction, alteration, repair or equipment of any building for a public or municipal use.
- (13) For the protection of the public health.
- (14) For the enforcement of the ordinances of the Village.
- (15) For the construction and repair of sewers, drains and drainage ditches.
- (16) For the planting and care of shade or ornamental trees or plants.
- (17) For the purpose of paying any note or other obligation of the Village, with the interest.
- (18) For maintenance of a sewage system and for the disposal of garbage or other refuse.
- (19) For the acquisition of land necessary for any street, park or other public place and of any land or interest therein required or necessary for the construction of any sewer, drain or other public work.
- (20) For the construction and maintenance of street and other local improvements.
- (21) For the acquisition, construction, maintenance and operation of any public or municipal plant to supply the Village and its inhabitants with water, gas, electricity or other utility service.

(22) For any public, corporate or municipal purpose.

Section 2. On or before the first day of February in each year, the Village Treasurer shall submit a report in writing to the Council showing the financial condition of the Village as of the close of business on September thirtieth of the previous year, the condition of all separate accounts, the amount of anticipated revenue for the next fiscal or calendar year, the amount of all outstanding debts or obligations which become due and payable in such year.

Section 3. On or before the first day of February in each year, the Tax Assessor shall prepare and furnish to the Council the tax assessment roll prepared by him for the current year, which shall be based upon full cash market value. Said assessment roll, from the time of its delivery to the Council, shall remain on file in the office of the Clerk, or elsewhere as designated by the Council, and shall then be open to the inspection by any taxpayer.

On or before the first day of April in each year, the Council shall adopt a resolution fixing and determining the amount to be raised by taxation in said Village for the current fiscal or calendar year.

After the adoption of the annual tax levy by the Council, it shall cause a certified copy of said resolution to be delivered to the Tax Assessor, together with the tax assessment roll and certificate of the Board of Equalization of Taxes, and the Tax Assessor then shall proceed to assess and extend the taxes on the tax assessment roll according to and in proportion to the valuations entered therein; and when this has been done by the Tax Assessor, and on or before June first in each year, he shall deliver the same to the Village Clerk who shall thereafter and before November first in each year certify and deliver the same, or a copy thereof, to the Tax Collector, which tax assessment roll or copy shall be the warrant and authority of the Tax Collector to collect and receive the taxes extended in said tax assessment roll.

All taxes on real and personal property assessment in any calendar year shall be a lien thereon from January first of such calendar year, and all such liens shall be superior to all other liens or incumbrances, except the lien for County taxes, with which they shall be paid jointly,

and such liens shall continue and remain until paid and satisfied. All personal property taxes shall be a lien upon the personal property taxed and shall be superior to the rights acquired under any sale, assignment or chattel mortgage, levy, or lien upon any such personal property executed or made after such assessment, except when such personal property is sold in the regular course of trade. Personal property taxes shall become delinquent and shall bear such penalties, and shall be enforceable in the manner provided by law with reference to County personal property taxes.

All Village taxes shall be due and payable November first of the year in which they are assessed. Discounts for prompt payment of taxes shall be allowed as follows: Four (4) per cent. if paid in the month of November, three (3) per cent. if paid in the month of December, two (2) per cent. if paid in the month of January next following, and one (1) per cent. if paid in the month of February next following.

To all taxes remaining unpaid on April first following the year when the same are assessed there shall be added and collected a penalty of (5) five per cent.

Section 4. On or before the tenth day of May in each year, but not earlier than the first day of May, the Tax Collector shall give notice of the sale of all real property upon which taxes levied and assessed during the preceding calendar year shall not have been paid. Such notice shall contain a description of each lot, tract or parcel of land to be sold, and shall specify the amount due thereon, together with the cost of making such sale, and shall specify the place where the said sale will be held, and the day and hour when the said sale will commence, and a copy of such notice shall be posted in at least three public places in

said Village at least thirty (30) days before the day of such sale.

At the time and place specified in said notice, the Tax Collector shall proceed to sell all the property specified in said notice, and such sale may be continued from day to day until all of such property shall have been sold.

If any lot, parcel or tract of land shall not be purchased at such sale when offered for sale, the Village shall be deemed to be and shall be the purchaser; and a certificate of sale shall be issued to the Village or other purchaser, as the case may be, with respect to each lot, tract or parcel of land sold, and such certificate shall bear date as of the day of the sale.

Such tax sale certificate shall bear interest at two (2) per cent. per month for the first twelve (12) months next following their date, and thereafter all such certificates shall bear interest at the rate of eight (8) per cent. per annum. No tax sale certificates shall be redeemed from the Village or sold or otherwise disposed of by it unless the full amount thereof, with the interest, shall be paid, except as otherwise provided by law. Tax deeds shall be issued, executed and delivered to any persons, firms or corporations entitled thereto for property sold for taxes in said Village, and the general statutes of the State of Florida pertaining to the issuance and delivery of tax deeds shall govern and be applied, as nearly as may be, to the issuance and delivery of tax deeds in the Village with respect to property sold for taxes in said Village.

Any person, firm or corporation, being the owner and holder of one or more tax sale certificates, shall have a lien against the real estate described in such certificates, as in the case of a mortgage, and shall be subrogated to the rights of the Village for the amount due thereon with the interest, and

shall have the right to foreclose such lien and have the property described in each of such certificates sold for the satisfaction of such sum or sums as shall be due thereon. In order to enforce such lien, the relief shall be obtained in an action in the nature of an action to foreclose a mortgage, and the procedure shall be governed in all respects by the general laws governing and pertaining to actions to foreclose mortgages in a court of chancery, or other court of like jurisdiction of the State of Florida. Service of process and publication of notices shall be made in accordance with the provisions of said general laws governing the foreclosure of a mortgage; and in any such action costs shall be taxed as in foreclosure proceedings, and such costs shall include master's fees and reasonable fees for complainant's solicitor or solicitors, and the Village, or any person, firm or corporation holding two or more of such tax sale certificates shall have the right to foreclose the liens evidenced by any or all of such certificates; in one action, and may join in any such action as defendants all persons, firms or corporations interested in the lands described in such certificates, and it shall not be necessary to institute a separate action to enforce each separate lien. In any such proceeding for foreclosure of a tax sale certificate or lien, the complainant shall have the right to bid and become the purchaser of any of the land sold. The purchaser of any property sold in such proceedings shall be entitled to a deed, indefeasible to all parties to such proceeding, and such deed shall be issued in the manner provided by the general laws of Florida for the issuance of a deed in an action to foreclose a mortgage.

Where any real or personal property has escaped taxation, taxes may be levied and collected thereon for the years, not exceeding three (3), that such property has escaped taxation;

and in the event that any tax assessment or tax sale shall be adjudged to be invalid or void for any cause, other than the power to levy a tax upon the particular property involved, a tax may be re-assessed, levied and collected during the current or the following fiscal or calendar year after the date when such tax or sale was adjudged to be invalid or void.

Section 5. In order to provide moneys for the expenses and support of the Village government during the first year of the existence of this municipality, the Village Council shall have power and authority to appropriate therefor, and for the costs and expenses incident to incorporation, such amounts as it may by resolution fix and determine; and any and all such amounts so appropriated by the Council during such first year may be raised by taxation and be levied and assessed during the next calendar year, in addition to the taxes for that calendar year; and the Village Council shall have the power and authority to borrow money to an amount not exceeding such appropriated revenue upon notes or other obligations of the Village, bearing interest at a rate not exceeding six (6) per cent. per annum and payable not later than one (1) year after date.

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ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 1. In case any one or more of the sections or provisions of this Act or the application of such sections or provisions to any situation shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Act or the application of such sections or provisions as to any other situation and it is intended that this law shall be construed and applied as if such unconstitutional section or provision had not been included herein.

Section 2. The fiscal year of the Village shall begin on October first of each year and shall end on September thirtieth following.

Section 3. All laws, or parts of laws, in conflict herewith are hereby repealed.

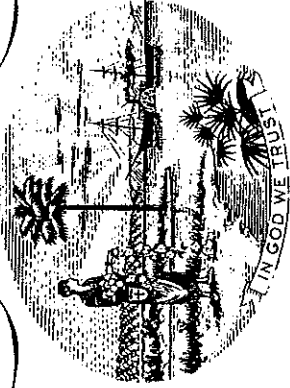
Section 4. This Act shall take effect immediately upon becoming a law.

END

Became a law without the Governor's approval-
MAY 30 1957

Filed in Office Secretary of State

Seal of the State of Florida



*J. R. A. Gray, Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct copy of*

Chapter 57-1339, Laws of Florida, Regular Session 1957, as filed in
this office.

*Given under my hand and the Great Seal of
the State of Florida at Tallahassee, the Capital,
this the 24th day of July
A. D. 19 57*



J. R. A. Gray
Secretary of State