

Subpart A - CHARTER^{[1](#)}

Footnotes:

--- (1) ---

Editor's note— Printed herein is the Charter of the City of Bradenton, Florida, as adopted by Laws of Fla. 1943, ch. 22219. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Sec. 1. - [Existing municipality of City of Bradenton abolished.]

The existing municipality of the City of Bradenton, in the County of Manatee, State of Florida, be and the same is hereby abolished.

Sec. 2. - [Existing municipality of City of Manatee abolished.]

The existing municipality of the City of Manatee, in the County of Manatee, State of Florida, be and the same is hereby abolished.

Sec. 3. - [Titles of property, rights, claims, dues, judgments vested in new municipality.]

The title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the municipality of the City of Bradenton, or by the municipality of the City of Manatee shall pass to and be vested in the municipal corporation hereby organized to succeed such municipalities.

Sec. 4. - Obligations unimpaired.

No obligation or contract of said municipalities including all municipal bonds issued and outstanding, shall be impaired or avoided by this change but such debts and obligations shall pass to and be binding upon the new municipality hereby organized and created; provided, however, that the property contained in the existing municipality of the City of Bradenton prior to the consolidation of the two municipalities, and the property contained in the existing municipality of the City of Manatee, prior to the consolidation of the two municipalities, shall be liable for only the outstanding indebtedness and obligations existing at the time of the taking effect of this charter against the respective municipality in which it was located prior to the adoption of this charter.

Sec. 5. - [New municipality established; boundaries; general powers.]

All the inhabitants comprehended within the following limits: [The boundaries of the city are not printed herein, but are on file in the city clerk and treasurer's office.]

shall be, and are hereby constituted a body politic and corporate under the name of the City of Bradenton, and as such shall have perpetual succession; with full power and authority:

[(a)—(d) Reserved;]

[(e) *Property without city.*] To purchase, lease, receive and hold property, real, personal and mixed, beyond the limits of the city to be used for the burial of the dead, the erection of waterworks, lighting plants, power houses, and for the establishment of poor houses, pest houses, quarantine stations, houses of detention and correction, public parks, playgrounds and

promenades; for the construction and operation of garbage incinerators, and for any other municipal purpose that the city council may deem necessary, expedient or proper, and may sell, lease or otherwise dispose of such property for the benefit of said city to the same extent that individual persons may; to pass such ordinances as may be necessary or expedient to protect and preserve peace and order upon all property owned, leased, managed or controlled by said city outside of the city;

[(f)—(h) Reserved;]

[(i) *Local public services and utilities.*] To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire by condemnation or otherwise, within or without the corporate limits, property necessary for such purposes and to grant local public utility franchises and regulate the exercise thereof;

[(j)—(y) Reserved.]

(Laws of Fla., ch. 30591(1955), § 2; Laws of Fla., ch. 59-1088, § 5; Laws of Fla., ch. 67-1122, § 1)

Editor's note— Subsections (a)—(d), (f)—(h) and (j)—(y) of this section, which have not been amended by referendum after July 1, 1973, and which are not extraterritorial powers, have been editorially deleted as unnecessary, as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

Cross reference— Enumerated powers not exclusive, applicability of state law, Sub-Pt. A, § 6.

[Sec. 5.1. - Boundary extensions.]

[The boundary extensions and annexations are not printed herein, but are on file in the city clerk and treasurer's office.]

(Laws of Fla., ch. 65-1273, § 1; Laws of Fla., ch. 69-849, § 1; Laws of Fla., ch. 69-850; Ord. No. 1107, § 1, 11-25-70; Ord. No. 1108, § 1, 12-9-70; Ord. No. 1113, § 1, 4-28-71; Ord. No. 1116, § 1, 6-23-71; Ord. No. 1117, § 1, 6-23-71; Ord. No. 1118, § 1, 7-14-71; Ord. No. 1123, § 1, 10-27-71; Ord. No. 1124, § 1, 11-24-71; Ord. No. 1126, § 1, 1-12-72; Ord. No. 1143, § 1, 7-12-72; Ord. No. 1149, § 1, 9-27-72; Laws of Fla., ch. 73-407, § 1; Ord. No. 1165, § 1, 2-28-73; Ord. No. 1166, § 1, 2-28-73; Ord. No. 1167, § 1, 3-14-73; Ord. No. 1168, § 1, 3-14-73; Ord. No. 1187, § 1, 12-26-73; Ord. No. 1195, § 1, 4-24-74; Ord. No. 2088, § 1, 1-12-77; Ord. No. 2116, § 1, 12-14-77; Ord. No. 2141, § 1, 9-13-78; Ord. No. 2142, § 1, 9-13-78; Ord. No. 2155, § 1, 11-22-78; Ord. No. 2160, § 1, 12-27-78; Ord. No. 2188, § 1, 9-26-79; Ord. No. 2194, § 1, 10-24-79; Ord. No. 2244, § 1, 4-22-81; Ord. No. 2255, § 1, 6-10-81; Ord. No. 2280, § 1, 1-13-82; Ord. No. 2301, § 1, 10-27-82; Ord. No. 2320, § 1, 8-24-83; Ord. No. 2329, § 1, 2-8-84; Ord. No. 2331, § 1, 3-28-84; Ord. No. 2332, § 1, 4-25-84; Ord. No. 2333, § 1, 4-25-84; Ord. No. 2348, § 1, 1-9-85; Ord. No. 2355, § 1, 3-27-85; Ord. No. 2365, § 1, 10-23-85; Ord. No. 2366, § 1, 10-23-85; Ord. No. 2378, § 1, 8-27-86; Ord. No. 2383, § 1, 11-12-86; Ord. No. 2393, § 1, 7-8-87; Ord. No. 2416, § 1, 9-14-88; Ord. No. 2422, § 1, 12-14-88; Ord. No. 2427, § 1, 2-22-89; Ord. No. 2423, § 1, 12-14-88; Ord. No. 2428, § 1, 2-22-89; Ord. No. 2430, § 1, 2-22-89; Ord. No. 2442, § 1, 11-22-89; Ord. No. 2448, § 1, 2-14-90; Ord. No. 2899, 2-11-09)

Editor's note— The annexations of the city have been editorially deleted and are on file in the city clerk and treasurer's office.

Sec. 6. - [Enumerated powers not exclusive; applicability of state law.]

The enumeration of particular powers by this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers under the constitution and laws of Florida it would otherwise have and nothing herein shall be construed as in anywise repealing or abridging the exercise of any power conferred upon said city, its officers or boards, by general and special laws now in force, unless such laws shall be in conflict with the provisions of this charter; and all of the powers, privileges and provisions of the general laws of the State of Florida for the incorporation and government of cities and towns when not in conflict with the terms of this act, shall be and the same are hereby made a part of this charter.

Sec. 7. - [City officers enumerated; duties generally; compensation.]

The government of said city shall be carried on by the following officers:

- (a) [*Mayor and councilmen.*] A mayor and five (5) councilmen who shall be qualified electors of the City of Bradenton. Said officers shall perform such duties, in addition to those imposed in this charter, and receive such compensation as prescribed by ordinance passed by the city council of the City of Bradenton; provided that until such salaries are fixed by ordinance the mayor shall receive an annual salary of thirty-six hundred dollars (\$3,600.00) and the members of the city council shall each receive an annual salary of twelve hundred dollars (\$1,200.00) to be paid in equal monthly installments.
- (b) [*Chief of police.*] A chief of police shall be appointed by the mayor and his appointment confirmed by the city council. He shall hold office at the will of the mayor and receive such compensation as the council may fix by ordinance or resolution. It shall be his duty to execute process issued by municipal authority, to aid in the enforcement of order and to arrest offenders against the city ordinances. He shall have control of the police force, subject to the commands of the mayor. He shall execute the commands of the council while in session. He shall perform such further duties as may be directed by ordinance or resolution of the city council.
- (c) [*City clerk.*] A city clerk, who shall perform such duties, in addition to those enumerated in this charter, and receive such compensation as may be prescribed by the city council of the City of Bradenton. Wherever in this charter the term "city clerk" is used it shall mean "city clerk or other official designated by the city council of the City of Bradenton."
- (d) [*Other officers.*] [Editorially deleted.]
- (e) [*Secretary.*] A secretary shall be appointed by the mayor and his appointment confirmed by the city council. He shall hold office at the will of the mayor and compensation shall be fixed by the city council. His duties shall be that of a secretarial nature performed for the mayor and such other duties as may be prescribed by the city council of the City of Bradenton, Florida.

(Laws of Fla., ch. 28912(1953), § 1; Laws of Fla., ch. 57-1149, §§ 1, 2; Laws of Fla., ch. 61-1892, § 1; Laws of Fla., ch. 67-1124, § 1; Ord. No. 2063, § 1, 4-14-76; Ord. No. 2205, § 1, 2-13-80)

Editor's note— The reference in subsection (b) of this section to arrest powers which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as powers of arrest are contained in F.S. ch. 901. Subsection (d) of this section has been editorially transferred to the Code of Ordinances as certain provisions of a charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by

operation of F.S. § 166.021(5). This section is codified as section 2-141 in the Code of Ordinances.

Sec. 7A. - [Office of city manager; creation by city authorized; referendum required.]

The city council is hereby granted authority to create the office of city manager for the City of Bradenton, so that said city will be in the form of a mayor-council city manager type of government. If the city council does create the office of city manager, the council shall prescribe said city manager's powers, duties, authority, responsibility, qualification, term of office and amount of compensation. Before such office of city manager can be created by the city council, a majority of the qualified electors of said city who vote on the following question:

Shall Bradenton have a city manager?

☐ Yes

☐ No

must vote yes. The referendum election on this question may be a special election or held at the same time as any other city election. If the referendum election approves the mayor-council city manager form of government for the city, then the city council shall create such office. The result of any city election which approves the mayor-council city manager form of government shall be certified to the secretary of state. If a referendum election on this subject is held and not approved, then no further election may be held on such subject for at least two (2) years.

(Laws of Fla., ch. 57-1151, § 1)

Sec. 8. - [Mayor; term; appointment of chief of police and police force; bidding in property; pro tempore appointments; appointment of special policemen.]

The mayor shall be elected for the term of four (4) years and it shall be his duty to see that all ordinances of the city are faithfully executed. He shall with the consent of the council appoint a chief of police and shall organize and appoint such additional police force as shall be necessary to insure peace and good order of the city and the observance of law within the municipal limits, and he shall have the power to bid in all property for the city at any and all judicial sales under process of law where the city is a party; to make pro tempore appointments to fill vacancies caused by sickness, absence, or any other disability of any officer, except as herein otherwise provided. He shall also have power to employ special policemen or detectives residing within or beyond the city limits, for the performance of a particular or special duty.

(Laws of Fla., ch. 27409(1951), § 1)

Editor's note— The reference in this section to municipal courts has been editorially deleted as municipal courts were abolished by art. V, § 20, Fla. Const.

Cross reference— Mayor as officer of city, Sub-Pt. A, § 7.

Sec. 9. - Reserved.

Editor's note— Ord. No. 1130, § 1, adopted May 10, 1972, effective Jan. 1, 1973, repealed § 9 pertaining to the municipal court. Such section was derived from Laws of Fla., ch. 22219(1943),

§ 9; Laws of Fla., ch. 28911(1953), § 1; Laws of Fla., ch. 30589(1955), § 1; Laws of Fla., ch. 57-1149, § 3;Laws of Fla., ch. 57-1150, § 2.

Sec. 10. - [Mayor's supervision over city officers, books, records; reports to council.]

The mayor shall have general supervision over all city officers and may examine into the condition of the office, the books, records, and papers thereof and therein, and the manner of conducting all official business. He shall report to the city council all violations or neglect of duty on the part of any city official that may come to his knowledge.

Sec. 11. - [Wards.]

The city council shall divide the city into five (5) wards to be designated numerically, which division into ward the said council shall at any time, except sixty (60) days next prior to any general election, have power to alter or change, and one councilman shall be elected from each ward. Provided, that until such division is made the boundaries of such wards shall be as follows:

Ward 1.

On the north by the Manatee River,
On the west by the city limits,
On the south by the city limits,
On the east by Wares Creek.

Ward 2.

On the north by Manatee River,
On the west by Wares Creek,
On the south by Ninth Avenue,
On the east by First Street.

Ward 3.

On the north by Ninth Avenue,
On the west by Wares Creek,
On the south by the city limits,
On the east by First Street.

Ward 4.

On the north by Manatee River,
On the west by First Street,
On the south by Manatee Avenue,
On the east by the city limits.

Ward 5.

On the north by Manatee Avenue,
On the west by First Street,
On the south by the city limits,
On the east by the city limits.

(Ord. No. 2618, 2-23-00)

Editor's note— Pursuant to Ord. No. 2618, adopted February 23, 2000, and at the direction of the city, the former provisions in this section pertaining to council meetings have been removed. At the discretion of the editor, the title of section 11 has been changed from "Wards; council meetings" to "Wards."

Code cross reference— Alteration of wards, § 30-1.

Sec. 12. - [Term, residence of councilmen.]

All councilmen shall be elected for the term of four (4) years, excepting as otherwise provided herein, and shall be residents of the wards from which they are elected.

(Laws of Fla., ch. 27411(1951), § 1)

Sec. 13. - [City council officers; election; general powers, duties.]

As soon after assuming their duties as practicable, the council shall assemble and elect one of their number vice-president [vice-mayor]. The mayor as ex officio president of the council shall preside at the meetings of the council. He shall be entitled to vote in the event of a tie, but not otherwise. He shall have power to appoint all committees. The vice-president [vice-mayor] shall perform the duties of the president in his absence, and both the president and vice-president [vice-mayor] shall perform such further duties and have such further powers as may be prescribed by ordinance. The vice-president [vice-mayor] of the council, during the absence or disability of the mayor, shall act as mayor. In the case, however, of death, removal or resignation of the mayor, or in the event the mayor's position becomes vacant, the vice-president [vice-mayor] of the council shall act as mayor until the next general municipal election, at which time a new mayor shall be elected, which election shall be only for the unexpired term.

(Ord. No. 2102, § 1, 7-27-77)

Sec. 14. - [Council to judge qualifications, election of its members; filling of vacancies.]

The city council shall be the judge of the qualifications, election and returns of its own members, and shall prescribe rules for the government of contested elections. If any vacancy occurs in the membership of the city council, except as a result of a recall election, said city council shall appoint an eligible person to fill the same until the next general municipal election; and said appointment shall be only for the unexpired term.

(Laws of Fla., ch. 69-853, § 1)

Sec. 15. - [Depository for city funds.]

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as adequately covered by F.S. ch. 280.

Sec. 16. - [Acquisition of property for public purposes by condemnation; ordinance for government of city; penalty for violation.]

(Laws of Fla., ch. 57-1150, § 1)

Editor's note— This section which has been converted to an ordinance by operation of state law has been editorially deleted as adequately covered in the powers of eminent domain in F.S. § 166.401 et seq.

Sec. 17. - [Ordinance approval, veto.]

All ordinances passed by the city council shall be submitted before going into effect to the mayor or acting mayor, for his approval. If approved, he shall sign the same and return it to the city council not later than at its next regular meeting after the ordinance shall have been submitted to him, and if disapproved he shall return the same with his objections in writing to the council at its next regular meeting, when the council shall cause the same to be entered in full upon the records of their proceedings with the mayor's objection thereto, and shall immediately proceed to reconsider and vote on at that meeting the said ordinance. In the event, however, that a full council is unable to meet at the next regular council meeting, then a vote may be delayed or tabled until the next regular council meeting, following the return of the mayor's veto and the reconsideration. In the event that a full council is still unable to meet, the council members present shall proceed to vote; and if the necessary four (4) votes are not obtained, the ordinance shall fail. If upon reconsideration the city council shall pass said ordinance by the vote of four (4) members, the ordinance shall become a law. Any ordinance which shall not be returned to the city council at the next regular meeting after the same shall have been submitted to the mayor, shall become a law as if approved by the mayor.

The mayor shall have the authority and power to engage the city attorney to defend a veto or disapproval by him of an ordinance against a party attacking said veto. Any time prior to or during a lawsuit attacking the mayor's veto, the city council may stop such defense by a four (4) to one (1) vote in favor of stopping a legal defense of veto of an ordinance. Compensation for the city's attorney in the defense of a veto shall be by the City of Bradenton.

(Laws of Fla., ch. 25695(1949), § 1; Ord. No. 2051, § 1, 12-10-75; Ord. No. 2086, § 1, 12-8-76; Ord. No. 2449, §§ 1, 2, 2-14-90)

Sec. 18. - [Selection, term of city clerk; attendance at council meetings; duty to keep records of city.]

The city clerk shall be elected by and hold office at the will of a majority vote of the city council, which election shall be at the first meeting after the council has assumed its duties after election, or as soon thereafter as may be practicable, and it shall be his duty to attend all meetings of the city council and to keep full and correct minutes of the acts and doings thereof and enter the same in a book to be provided for that purpose. He shall also keep an appropriate book or books in which he shall record all ordinances passed by the city council and shall perform such other duties as the mayor and council may require usually pertaining to his office.

Editor's note— The reference in this section to arrest warrants regarding municipal courts has been editorially deleted as municipal courts were abolished by art. V, § 20, Fla. Const. and arrest requirements are contained in F.S. ch. 901.

Sec. 19. - [City clerk as tax assessor; notice of change in assessed valuation; bond of clerk.]

(Laws of Fla., ch. 27410(1951), § 1)

Editor's note— This section has been editorially deleted as F.S. § 193.116 provides that county tax appraisers and county tax collectors shall assess and collect all municipal taxes within their respective counties and all charter provisions, special acts and population acts relating to municipal tax assessment and tax collection of any municipality or county which has not consolidated the tax assessing and tax collection function were specifically repealed in F.S. § 167.439(1971).

Sec. 20. - [Assessment of property; preparation of assessment roll; board of equalization.]

Editor's note— This section has been editorially deleted as F.S. § 193.116 provides that county tax appraisers and county tax collectors shall assess and collect all municipal taxes within their respective counties and all charter provisions, special acts and population acts relating to municipal tax assessment and tax collection of any municipality or county which has not consolidated the tax assessing and tax collection function were specifically repealed in F.S. § 167.439(1971).

Sec. 21. - [City clerk as ex officio tax collector; powers, duties of clerk regarding collection of taxes.]

(Laws of Fla., ch. 61-1890, § 1)

Editor's note— This section has been editorially deleted as F.S. § 193.116 provides that county tax appraisers and county tax collectors shall assess and collect all municipal taxes within their respective counties and all charter provisions, special acts and population acts relating to municipal tax assessment and tax collection of any municipality or county which has not consolidated the tax assessing and tax collection function were specifically repealed in F.S. § 167.439(1971).

Sec. 22. - [Property subject to taxation; when taxes due and payable; lien created; discounts; closing of tax books; collection of delinquent taxes.]

(Laws of Fla., ch. 61-1890, § 2)

Editor's note— This section has been editorially deleted as F.S. § 193.116 provides that county tax appraisers and county tax collectors shall assess and collect all municipal taxes within their respective counties and all charter provisions, special acts and population acts relating to municipal tax assessment and tax collection of any municipality or county which has not consolidated the tax assessing and tax collection function were specifically repealed in F.S. § 167.439(1971).

Sec. 23. - [Tax returns.]

Editor's note— This section has been editorially deleted as F.S. § 193.116 provides that county tax appraisers and county tax collectors shall assess and collect all municipal taxes within their respective counties and all charter provisions, special acts and population acts relating to municipal tax assessment and tax collection of any municipality or county which has not consolidated the tax assessing and tax collection function were specifically repealed in F.S. § 167.439(1971).

Secs. 24—27. - Reserved.

Editor's note— Sections 24 through 27 of Laws of Fla., ch. 22219(1943), were repealed by Laws of Fla., ch. 57-1149, § 5. The section numbers are reserved to maintain sequence.

Sec. 28. - [City officers to hold office until successors elected and qualified; bond of officers generally.]

Editor's note— This section has been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973 and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). This section is codified as section 2-142 in the Code of Ordinances.

Sec. 29. - [Authority to issue bonds; manner of issuance; referendum; limit of indebtedness; purposes.]

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq. and other pertinent sections of Florida Statutes regarding bonds which are listed in the state law reference to this section.

State Law reference— Municipal borrowing authority, F.S. § 166.101 et seq.; bonds, F.S. §§ 130.01 et seq., 132.01 et seq., 159.01 et seq., 163.385, 215.43, 215.431, 215.84, 218.37—218.385; bond validation, F.S. ch. 75; maximum rate of interest, F.S. § 215.84.

Sec. 30. - [Denomination, rate of interest, form and details relating to bonds.]

(Laws of Fla., ch. 67-1123, § 1)

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq. and other pertinent sections of Florida Statutes regarding bonds which are listed in the state law reference to section 29 of this Charter.

Sec. 31. - [Books of account.]

(Laws of Fla., ch. 72-467, § 1)

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq. and other pertinent sections of Florida Statutes regarding bonds which are listed in the state law reference to section 29 of this Charter.

Sec. 32. - [Adverse bond upon bond issue.]

Editor's note— This section has been editorially deleted as the full authority for the issuance of bonds is contained in F.S. § 166.101 et seq. and other pertinent sections of Florida Statutes regarding bonds which are listed in the state law reference to section 29 of this Charter.

Sec. 33. - [Rate of taxation; special taxes; budget; reduction of millage.]

(Laws of Fla., ch. 28913(1953), § 1; Laws of Fla., ch. 30594(1955), § 1)

Editor's note— This section has been superseded in part by the uniform procedure for adoption of the budget and fixing of the millage in F.S. § 200.065 et seq.

Sec. 34. - [Signing, drawing of warrants; apportioning, crediting of city funds; indebtedness in excess of appropriation; contracting, borrowing.]

Editor's note— This section which has not been amended by referendum after July 1, 1973 and which is not an extraterritorial power, has been editorially deleted as unnecessary, as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

Sec. 35. - [Issuance of notes in anticipation of revenue.]

Editor's note— This section which has not been amended by referendum after July 1, 1973 and which is not an extraterritorial power, has been editorially deleted as unnecessary, as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

Sec. 36. - Streets, alleys and highways.

(Laws of Fla., ch. 30592(1955), § 1)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as superseded by F.S. §§ 334.044, 335.01, 335.04, 335.042.

Sec. 37. - Laying of curbs.

(Laws of Fla., ch. 30592(1955), § 2)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 38. - Sewers and sewer improvements.

(Laws of Fla., ch. 30592(1955), § 3)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 39. - Installation of water mains and sewers in advance of paving streets.

(Laws of Fla., ch. 30592(1955), § 4)

Editor's note— This section which has not been amended by referendum after July 1, 1973, and which is not an extraterritorial power, has been editorially deleted as unnecessary, as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

Sec. 40. - Storm sewer or drain improvement.

(Laws of Fla., ch. 30592(1955), § 5)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 41. - Procedure prior to performing improvements.

(Laws of Fla., ch. 30592(1955), § 6)

Sec. 42. - [Prorating, assessing cost of improvements; improvement lien.]

(Laws of Fla., ch. 30592(1955), § 7; Laws of Fla., ch. 63-1128, § 1; Ord. No. 2089, § 1, 2-9-77; Ord. No. 2124, § 1, 1-11-78)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 43. - Further provisions relative to enforcement of improvement liens.

(Laws of Fla., ch. 30590(1955), § 1; Laws of Fla., ch. 30592(1955), § 8)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 44. - Procedure for constructing and repairing sidewalks; liens and enforcement.

(Laws of Fla., ch. 30590(1955), § 2; Laws of Fla., ch. 61-1891, § 1)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 44.1. - Procedure for clearing land of weeds, trash, insanitary matter, etc.

(Laws of Fla., ch. 61-1891, § 1; Ord. No. 2189, § 1, 9-26-79)

Editor's note— This section which has not been amended by referendum after July 1, 1973, and which is not an extraterritorial power, has been editorially deleted as unnecessary, as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

Sec. 45. - Certificates of indebtedness, lien, sale and enforcement.

(Laws of Fla., ch. 61-1891, § 2)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 46. - Records relative to certificates of indebtedness.

(Laws of Fla., ch. 30592(1955), § 9)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 47. - Limitation upon attack upon improvement lien or certificates of indebtedness; enforcement of improvement liens.

(Laws of Fla., ch. 30592(1955), § 10)

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as the city follows the procedure in F.S. ch. 170.

Sec. 48. - Bids for public work; procedure when no satisfactory bid received.

(Laws of Fla., ch. 30592(1955), § 11)

Editor's note— This section has been editorially deleted as superseded by section 51 of this charter.

Secs. 49, 50. - Reserved.

Editor's note— Sections 49 and 50 of Laws of Fla., ch. 22219(1943) were repealed by Laws of Fla., ch. 30592(1955), § 12. The sections were reserved to maintain numerical sequence of section numbers.

Sec. 51. - Advertising for bids.

(Laws of Fla., ch. 30593(1955), § 1; Ord. No. 2125, § 1, 1-25-78; Ord. No. 2287, § 1, 3-24-82; Ord. No. 2322, § 1, 9-14-83; Ord. No. 2463, § 1, 8-28-91; Ord. No. 2482, § 1, 9-9-92)

Editor's note— This section has been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). This section is codified as section 2-237 in the Code of Ordinances.

Sec. 52. - [Financial interest, participation of city officers in contracts, franchises, bonds.]

Editor's note— This section has been editorially deleted as superseded by F.S. § 112.311 et seq.

Sec. 53. - [Back taxes.]

Editor's note— This section has been editorially deleted as superseded by F.S. ch. 192 et seq.

Sec. 54. - [Zoning.]

[(a)—(f) Reserved.]

[(g) *Board of adjustment; appeals.*] The city council may provide for the appointment of a board of adjustment consisting of five (5) members, each to be appointed for three (3) years. Such board of adjustment shall hear and decide appeals from the review of any order, requirement, decision or determination made by an administrative official with the enforcement of any ordinance adopted pursuant to this act. It shall also hear and decide all matters referred to it upon which it is required to pass under any such ordinance. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant [on] any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance. Every decision of such board shall, however, be subject to review by certiorari. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality.

Such appeal shall be taken within such time as shall be with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. [Such appeal shall be taken within such reasonable time as shall be specified by the board of adjustment. A notice of appeal, specifying the grounds therefor, shall be filed with the officer from whom the appeal is taken and with the board of adjustment.] The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The board of adjustment may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the board of adjustment shall have the power in passing upon appeals, to vary or modify the application of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Editor's note— Subsections (a)—(f), (h) and (i) of this section have been editorially deleted as superseded by F.S. chs. 163, 166 and 553.

Sec. 55. - [Authority to regulate gas, electricity prices.]

Editor's note— This section has been editorially deleted as superseded by F.S. ch. 366.

Sec. 56. - [Initiative, recall and referendum.]

Editor's note— This section has been editorially deleted as superseded by the uniform procedure for the recall of municipal officers in F.S. § 100.361.

Sec. 57. - [Procedure for local amendments to charter.]

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as superseded by F.S. § 166.031.

Sec. 58. - [Rights under existing charters.]

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as obsolete.

Sec. 59. - [General election of officers; assumption of duties; oath of office.]

The primary election of officers under this Charter shall be held on the first Tuesday after the first Monday in November of even-numbered years subject to the provision, however, that in the event State and County wide elections are moved to a different date, the City elections shall be held on the same date as the State and County wide elections.

The election for office for those officers which would have been subject to election in the odd-numbered years shall be moved to the next even-numbered year following the odd-numbered year in which elections assigned to that office would have taken place and the terms extended accordingly.

(Laws of Fla., ch. 25696(1949), § 1; Laws of Fla., ch. 27411(1951), § 2; Laws of Fla., ch. 67-1126, § 1; Ord. No. 2212, § 1, 3-12-80; Ord. No. 2924, § 1, 8-18-10)

Sec. 60. - [Fiscal year; duties of city clerk and council relative to assessments under new charter.]

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as superseded by F.S. § 166.241.

Sec. 61. - [Continuation of existing ordinances.]

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as obsolete.

Sec. 62. - [Effective date; adoption, ratification, confirmation of charter act.]

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as obsolete.

Sec. 63. - [Repeal of conflicting laws.]

Editor's note— This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as obsolete.

Sec. 64. - [Employee retirement fund.]

(Laws of Fla., ch. 57-1147, § 1)

Editor's note— This section has been editorially deleted as obsolete.

Sec. 65. - [Surplus funds.]

(Laws of Fla., ch. 57-1148, § 1; Ord. No. 2299, § 1, 10-13-82; Ord. No. 2307, § 1, 12-8-82; Ord. No. 2309, § 1, 12-22-82)

Editor's note— This section has been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). This section is codified as section 2-261 in the Code of Ordinances.