

Charter

OF THE CITY OF

CORAL GABLES
FLORIDA



With Amending and Supplemental Acts

City of Coral Gables

FLORIDA

January 1, 1954

Mayor and Commissioner . . . DAVID H. HENDRICK, JR.
Vice Mayor and Commissioner . . . FRED B. HARTNETT
Commissioner LUCILE P. NEHER
Commissioner W. KEITH PHILLIPS
Commissioner E. D. ROGERS

City Manager W. T. McILWAIN
City Attorney E. L. SEMPLE
City Clerk E. B. POORMAN

January 1, 1954

FOREWORD

This is an unofficial compilation of the Charter of the City of Coral Gables, Florida, Chapter 13972, Laws of Florida, 1929, approved May 8, 1929, with all amendments thereto, and of all special acts granting special powers or immunities to said city, to July 1, 1953.

The original charter of the City of Coral Gables, Chapter 10418, Laws of Florida 1925, approved April 29, 1925, and six subsequent acts of the legislature amending this charter (Chapters 10419, 11439 and 11440, Laws of Florida, 1925, and Chapters 12631, 12632 and 12633, Laws of Florida, 1927) are not included in this compilation. This charter and all amending acts were repealed by the 1929 charter law.

The text of this compilation has been prepared from copies of the legislative acts certified by the Secretary of State, where available in city files, or from the laws as they appear in the official bound volumes of laws of each legislative session.

Special acts of the legislature validating specific contracts or actions of the City of Coral Gables, or granting specific powers to or on behalf of said city for a period of limited duration, now expired, are not set forth herein in full, but are listed by title, for information purposes, in the appendix, Table 1.

A table of all legislative acts specifically applying to the City of Coral Gables, in numerical order by chapter number, and with citations to bound volumes of general or special laws of each legislative session, appears as Table 2 of the appendix.

This compilation has been printed in loose leaf form to permit the insertion of future legislation amending the charter of granting supplemental special powers to the city. In this manner the compilation may be kept current at all times. All persons obtaining the compilation are for this reason urged to register their names and addresses with the City Clerk, City Hall, Coral Gables, so that future amendments or additions may be forwarded to them.

E. B. Poorman
City Clerk
Coral Gables, Florida
January 1, 1954

Approved:
E. L. Semple, City Attorney.

CHARTER OF THE CITY OF CORAL GABLES, FLORIDA

(Chapter 13972, 1929 Special Acts, Vol. 2, Part 1, P. 331, as amended)

An Act to abolish the present Municipal Government of The City of Coral Gables, Dade County, Florida, and create, establish and organize a municipality to be known and designated as THE CITY OF CORAL GABLES, and to define its territorial boundaries, and to provide for taxes, government, jurisdiction, powers and privileges.

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

SECTION 1. That the present municipal government existing under the name of the City of Coral Gables, in Dade County, Florida, be and the same is hereby abolished.

SECTION 2. That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments and decrees, and choses in action held or owned by The City of Coral Gables, shall pass to and be vested in the municipal corporation to be called the City of Coral Gables, established and organized in Dade County, Florida, organized under this Act to succeed the municipality hereby abolished.

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

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

SECTION 5. The boundaries of the City of Coral Gables hereby established and organized shall be as follows:

Beginning at the Northwest corner of Section 7, Township 54 South, Range 41 East; thence South along the Range Line between Ranges 40 and 41 East to the Southwest corner of Section 30, Township 54 South, Range 41 East; thence East along the South line of said Section 30 to the Southwest corner of the East One Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section 30; thence North along the West line of the East One Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section 30 to the Northwest corner thereof; thence East along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section 30 to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section 30; thence South along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of said Section 30 to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section 30; thence East along the South line of said Section 30 to the Southeast corner thereof and the Northwest corner of Section 32, Township 54 South, Range 41 East; thence East along the North line of said Section

32 to the Northeast corner of the West One Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section 32; thence South along the East line of the West One Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section 32 to the Southeast corner of Lot "E" of the Mary W. Dorn Homestead, as shown upon the plat thereof recorded in Plat Book 48, at page 37, of the Public Records of Dade County, Florida; thence West along the South line of Lots "E," "D," "C" and "B" of Mary W. Dorn Homestead as aforesaid, and along the North boundary of the land sold by Harley Staudt to Samuel E. Larkin as shown by deed in Deed Book 42, at page 167, of the Public Records of Dade County, Florida, to a point 210 feet East of the West line of the aforesaid Section 32; thence North along a line parallel with and 210 feet East of the West line of said Section 32 to a point 210 feet South of the North line of said Section 32; thence West along a line parallel with and 210 feet South of the north line of said Section 32 to the West line of said Section 32; thence South along the East line of Section 31, Township 54 South, Range 41 East, and along the West line of Section 32, Township 54 South, Range 41 East, to its intersection with the Easterly line of Lot 1 of the subdivision of Cocoa Plum Estates, as shown upon the plat thereof recorded in Plat Book 49, at page 93, of the Public Records of Dade County, Florida, and a point on the Westerly right of way of Old Cutler Road; thence in a Southerly direction along the Easterly line of Lot 1 of Cocoa Plum Estates, as aforesaid, and along a line 85 feet from, measured at right angles to, the Westerly line of Blocks 78 and 118 as shown upon the plat of Biscayne Bay Section, Part One, Plat "E," as recorded in Plat Book 25, at page 53, of the Public Records of Dade County, Florida, to the intersection thereof with the North line of Section 6, Township 55 South, Range 41 East; thence continue in a Southerly direction along the Westerly right of way line of Ingraham Highway (now Old Cutler Road) as the same is shown on the Amended Plat of Journey's End, recorded in Plat Book 34, at page 89, of the Public Records of Dade County, Florida, and/or the Westerly right of way line of Ingraham Highway (now Old Cutler Road) as the same is shown on the Plat of Hammock Lake Park Subdivision, recorded in Plat Book 44, at page 87, of the Public Records of Dade County, Florida, and/or along the Westerly right of way line of Old Cutler Road as the same is shown on the plat of Relocation of Old Cutler Road, recorded in Plat Book 50, at page 56, of the Public Records of Dade County, Florida, which latest location of the Westerly right of way line of Old Cutler Road as shown on the aforesaid plats shall obtain, to the intersection of said Westerly right of way line of Old Cutler Road with the South boundary of the Northeast Quarter ($NE\frac{1}{4}$) of Section 6, Township 55 South, Range 41 East, and the North boundary of Matheson Hammock, a Dade County Park; thence Southerly along a line 35 feet Westerly from the center line of the present pavement of Old Cutler Road, measured at right angles to said center line, to the intersection of said Westerly right of way line with the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section 7, Township 55 South, Range 41 East, at a distance of 70 feet West of the West line of Tract 1 as shown upon the Plat of Leyshon Property, recorded in Plat Book 39, at page 5, of the Public Records of Dade County, Florida, measured at right angles to the West line of Tract 1 of said Plat of Leyshon Property; thence Southerly along a line 70 feet West of, measured at right angles to the West line of Tracts 1 to 4, inclusive, of said

Leyshon Property to the intersection thereof with the prolongation West of the South line of Tract 4 of said Leyshon Property, and the prolongation West of the North line of the Plat of Snapper Creek Property, as recorded in Plat Book 34, at page 31, of the Public Records of Dade County, Florida; thence Southerly and Westerly along the Westerly and Northerly right of way line of Ingraham Highway (now Old Cutler Road) as the same is shown on the aforesaid Plat of Snapper Creek Property, to and along the prolongation West of the Northerly boundary of Ingraham Highway (now Old Cutler Road) as shown on said Plat of Snapper Creek property, to a point 35 feet West of the West line of Section 7, Township 55 South, Range 41 East; thence South along a line 35 feet West of the West line of Sections 7 and 18, Township 55 South, Range 41 East, and along a line 35 feet West of the East line of Section 12 and the Northeast Quarter (NE $\frac{1}{4}$) of Section 13, Township 55 South, Range 40 East, and along a line 35 feet West of, measured at right angles to, the paving on Ingraham Highway over the Northeast Quarter (NE $\frac{1}{4}$) of the aforesaid Section 13 to the intersection thereof with the South line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 13; thence East along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 13 to the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 13; thence South along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 13, and along the East line of Section 24, Township 55 South, Range 40 East, and its prolongation South to the intersection thereof with a line drawn at right angles to a straight line connecting the center of the North end of the Intracoastal Waterway channel through Featherbed Bank in Biscayne Bay with the center of draw bridge of the Rickenbacker Causeway across Biscayne Bay, and through the Northerly end of Chicken Key; thence in a Southeasterly direction along the last described course to the intersection thereof with a straight line connecting the center of the North end of the Intracoastal Waterway channel through Featherbed Bank in Biscayne Bay with the center of the draw bridge of the Rickenbacker Causeway across Biscayne Bay; thence in a Northerly direction along the aforesaid straight line connecting the center of the North end of the Intracoastal Waterway Channel through Featherbed Bank in Biscayne Bay with the center of the draw bridge of the Rickenbacker Causeway across Biscayne Bay to the intersection thereof with the prolongation East of the North line of the South One Half (S $\frac{1}{2}$) of the South One Half (S $\frac{1}{2}$) of Section 28, Township 54 South, Range 41 East; thence West along the prolongation East of the North line of the South One Half (S $\frac{1}{2}$) of the South One Half (S $\frac{1}{2}$) of said Section 28, and along the North line of the South One Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 54 South, Range 41 East, to the West line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29; thence North along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29, and continuing North along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 29, and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 20, Township 54 South, Range 41 East, to a point four hundred thirty and eighty-nine one hundredths (430.89) feet North of the Southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 20; thence East parallel to and four hundred thirty and eighty-nine one hundredths (430.89) feet North of the South line of the said Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 20 to a point one thousand and ten and sixty-seven one hundredths (1010.67) feet East of the West line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 20; thence North parallel with the said West line of the South-

east Quarter (SE $\frac{1}{4}$) of Section 20 to the East and West center line of Section 20; thence East along the East and West center line of said Section 20 to the center line of Brooker Street as shown upon the Plat of McFarlane Homestead and St. Albans Park, recorded in the Public Records of Dade County, Florida, in Plat Book 5, page 81; thence North along the center line of said Brooker Street to the center line of Read Street (now known as Oak Avenue) as shown upon the said Plat of McFarlane Homestead and St. Albans Park; thence East along the center line of said Read Street to the West line of the East Quarter (E $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 20; thence North along said West line of the East Quarter (E $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 20 to the Northeast corner of the South One Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 20; thence West along the North line of said South One Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) to the East line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 20; thence North along the last mentioned East line, and continuing North along the East line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 17, Township 54 South, Range 41 East, to the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 17; thence East along the South line last mentioned to the East line of the West One Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 17; thence North along the last mentioned East line to the North line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 17; thence East along the last mentioned North line to the East line of said Section 17; thence North along said last mentioned East line, and continuing North along the East line of Sections 8 and 5 of Township 54 South, Range 41 East, to the center line of Palma Court, as shown by the Plat of Flagler Street Section of Coral Gables, as recorded in Plat Book 10, page 12, of the Public Records of Dade County, Florida; thence East and North along the center line of said Palma Court to a point one hundred sixty-five (165) feet South of the North line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 4, Township 54 South, Range 41 East; thence East from said point one hundred and twenty-two one hundredths (100.22) feet; thence Northerly one hundred and sixty-five (165) feet to the North line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 4, Township 54 South, Range 41 East; thence West along the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 4 to the intersection thereof with the prolongation North of the West boundary of the East ninety-three and six tenths (93.6) feet of Lots 1, 2 and 3, Block 1, of Kirkland Heights, according to Plat thereof recorded in Plat Book 3, at page 214, of the Public Records of Dade County, Florida; thence South along the prolongation North and along the West boundary of the East ninety-three and six tenths (93.6) feet of Lots 1, 2 and 3, Block 1, of Kirkland Heights, as aforesaid, to the North line of Block 1 of Flagler Street Section of Coral Gables as recorded in Plat Book 10, at page 12, of the Public Records of Dade County, Florida; thence West along the North line of Block 1 of said Flagler Street Section of Coral Gables and its prolongation West to a point on the West line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 4, Township 54 South, Range 41 East; thence South along the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 4 to the intersection thereof with the prolongation East of the North line of Block 3 of said Flagler Street Section of Coral Gables; thence West

along the prolongation East and along the North line of Block 3 to the West line of said Block 3; thence South along the West lines of Blocks 3 and 4 to the North line of Block 12; thence West along the North line of Block 12 to the West line of said Block 12; thence South along the West lines of Blocks 12 and 13, and the prolongation South thereof, all as shown by the Plat of Flagler Street Section of Coral Gables as aforesaid, to the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 5, Township 54 South, Range 41 East, Dade County, Florida, and Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 8, Township 54 South, Range 41 East; thence West along the North line of Section 8, Township 54 South, Range 41 East to the Northwest corner of the East One Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 8; thence South along the West line of Blocks 1, 10, 18, 27 and 34, and the prolongation North and South thereof, of Revised Plat of Coral Gables Douglas Section, as shown by plat recorded in Plat Book 25, at page 69, of the Public Records of Dade County, Florida, to the intersection thereof with the North line of Block 1 and/or the prolongation East thereof of Coral Gables Section "K," as shown by plat recorded in Plat Book 8, at page 33, of the Public Records of Dade County, Florida; thence West along the North line of Block 1 of the aforesaid plat of Coral Gables Section "K" and its prolongation West to a point on the East line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8, Township 54 South, Range 41 East; thence North along the East line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 8, to the Northeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 8; thence West along the North line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 8 to the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 8 and the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 7, Township 54 South, Range 41 East; thence North along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 7 to the intersection thereof with the prolongation West of the South line of Block 81 of the Revised Plat of Coral Gables Granada Section, as shown by Plat recorded in Plat Book 8, at page 113, of the Public Records of Dade County, Florida; thence East along the prolongation West of the South line and along the South line of Block 81, of said Revised Plat of Coral Gables Granada Section to the Southeast corner of said Block 81; thence North along the East line of Block 81 of the Revised Plat of Coral Gables Granada Section as aforesaid, and its prolongation North, to a point on the North line of Section 8, Township 54 South, Range 41 East; thence West along the North line of said Section 8 to the Northwest corner thereof; thence West along the North line of Section 7, Township 54 South, Range 41 East, to the point of beginning.

(As amended by Chapter 13970, 1929, and Chapter 27484, 1951)

SECTION 5A. If it shall be determined by competent authority that an excessive and unwarranted amount of unoccupied and unimproved land is illegally included within the boundaries of said City of Coral Gables, Florida, as established in the preceding Section, this Act shall be deemed invalid only as to such lands so improperly included within said boundaries and shall be deemed valid as to all other lands included within said boundaries so established.

In all respects, except as herein amended, the existing Charter of the City of Coral Gables, Florida, and all existing laws amendatory thereof are confirmed.

Nothing herein contained shall be deemed to impair in any manner the liability, if any, for taxation of the lands lying within the present established boundaries of said City of Coral Gables, as established by the City Charter of the City of Coral Gables, or existing laws amendatory thereof, for the payment of existing indebtedness of the City of Coral Gables.

In case of any determination by proper authority of the illegal inclusion of any property within the boundaries of said City, the governing authority of the City of Coral Gables shall be duly empowered to levy, assess and collect such taxes for debt service against *any* property excluded by Legal proceedings from the boundaries of said City as the said property so excluded may be liable for on account of any unpaid indebtedness of said City contracted prior to the institution of suit for such exclusion.

(As added by Chapter 16371 and Chapter 16372, 1933; the two acts are identical except that the word "any" is omitted in Chapter 16372)

SECTION 6. The City shall have perpetual succession, may use a common seal, may contract and be contracted with, may sue and be sued, and plead and be impleaded.

SECTION 7. Subject to the limitations hereinafter described, the City of Coral Gables shall have the following powers:

SECTION 7a. To raise annually by taxes and assessments such sums of money as the Commission hereinafter provided for shall deem necessary for the purposes of said City, and in such manner as hereinafter provided, the lien of which taxes shall be of equal rank and dignity with any and all other taxes levied upon property within said city, under and by virtue of any of the provisions of the Constitution or Laws of this State.

(As amended by Chapter 15134, 1931)

SECTION 7b. To pave, curb, grade, repave, macadamize, remacadamize, lay out, open, widen and otherwise improve and maintain streets, alleys, avenues, boulevards, lanes, sidewalks, parks, promenades, and other public rights of way or any part thereof; and to hold liens therefor;

(continued on page 11)

to construct and maintain bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of highways, parks, public grounds and works; to prevent the obstruction of sidewalks, streets and highways; to abolish and prevent grade crossings over the same by railroads; to regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains of railroads within the city; to regulate the service to be rendered and rates to be charged by buses, motor cabs, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage.

SECTION 7c. To impose special or local assessments for local improvements.

SECTION 7d. To contract debts, borrow money and make and issue evidences of indebtedness.

SECTION 7e. To expend money of the City for all lawful purposes.

SECTION 7f. To acquire by purchase, gift, devise, condemnation or otherwise, property real or personal, or any estate or interest therein within or without the City, and to improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.

(See Chapter 22911 and Chapter 17518 pages 64 and 65 concerning exemption from taxes of city property)

SECTION 7g. To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets, and all buildings and structures necessary or appropriate for the use of the City and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements.

SECTION 7h. To acquire, and maintain and operate and/or assist in maintaining and for operating aviation fields, playgrounds, golf courses, swimming pools, stadiums, auditoriums, libraries, aquariums, art museums, cultural and educational institutions.

SECTION 7i. To furnish any and all local public service.

SECTION 7j. To purchase, hire, construct, own, maintain, operate or lease, local public utilities, including street railways, transportation systems, municipal railroads, buses, boats, aircraft, and all other kinds of transportation systems by land, air and water; electric light, telephone and telegraph systems and works for supplying the City and its inhabitants with water, gas, ice, electric energy, and also all other manner of utilities. No public utility herein mentioned shall be acquired hereunder until an ordinance or resolution for the purchase thereof shall first be ratified and approved by a majority of the freeholder electors actually participating in a general election or special election called for that purpose, provided, however, that no election shall be required if the acquisition of such public utility shall be by the means of revenue certificates, supported entirely out of the earnings of such utility, and if the acquisition, construction, enlargement or improvement does not in any way embody a general liability or obligation of the City.

(As amended by Chapter 23219, 1945)

SECTION 7k. To acquire in any lawful manner in any county of the State, or without the State, such water, lands and lands under water as the city may deem necessary for the purpose of providing an adequate water supply for the city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable

rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water-shed tributary to any such supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands or materials for any such use to exercise within the State all powers of eminent domain. For any of the purposes aforesaid the City may acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in free, reserving to the owner or owners thereof such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The said City may sell or supply to persons, firms, industries, or municipal corporations residing or located outside of the city limits, any surplus water it may have over and above the amount required to supply its own inhabitants.

SECTION 7l. To establish, impose and enforce water rates and rates and charges for gas, electricity and all other public utilities or other service or conveniences operated, rendered or furnished by the city or by any other person, firm, or corporation operating, rendering or furnishing such conveniences or services within the City.

SECTION 7m. To require the placing of all electric wires and also all telephone and telegraph wires in conduits under ground and prescribe rules and regulations for the construction and use of said conduits and so enforce compliance therewith, and in case of failure or refusal of the public utilities companies to place such wires under ground and comply with the rules and regulations thereof, to construct such conduits and place the wires under ground and maintain a lien against the franchises and property of such companies.

SECTION 7n. To require the owners of canals, waterways and beaches to maintain and operate them in such manner that they will not become a nuisance or a menace to public health and in case of refusal of such owners after reasonable notice, to so maintain them, then and in that event the City may provide and enforce penalties and may abate the nuisance and do what may be necessary to safe-guard the public health at the cost of such owner and to secure the payment of such cost, the City shall have and maintain a lien against such canal, waterway or beach, as the case may be, or upon which such sum or sums may be expended.

SECTION 7o. To establish, maintain and operate public landings, public wharves and docks within the City; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves or docks; to regulate the manner of using other wharves and docks within the City and rates of wharfage to be paid by vessels using the same; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, and to impose and enforce adequate penalties for the violation of such rules and regulations. Provided, however, that no public landings, public wharves and docks with the city, lands, riparian and other rights and easements necessary therefor, shall be acquired, or

any harbor dredging done, until, ordinance or resolution for such acquisition or work be first ratified in the manner provided in Section 7j.

SECTION 7p. To grant franchises for public utilities, but before such franchises shall become effective they must first be ratified by a majority vote of the qualified electors voting at an election to be called for that purpose.

SECTION 7q. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization of such materials, or for any of them; and to contract for and regulate the collection and disposal thereof.

(See also Chapter 25752, 1949, page 74 concerning authority to impose fees for garbage and trash collection)

SECTION 7r. To compel the abatement and removal of all nuisances within the City or upon property owned by the City beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the City, to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive businesses within the City; to provide for the inspecting and regulating of the sanitary condition of all dairies, butcher pens and slaughter houses within and without the city limits where the products of the same are sold within the city limits and to provide penalties for the violation of such regulations; to regulate or prohibit the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation, keeping or storing of dynamite, gas, gasoline or other explosive articles of a dangerous nature in or through the City; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed. and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City.

SECTION 7s. To inspect, test, measure, and weigh any commodity or article of consumption offered for sale or use within the City and to fix a standard for any such commodity or article and to establish, regulate, license and inspect weights, meters, measures and scales.

SECTION 7t. To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need and to establish, regulate and control a fire department; to regulate the size, materials and construction of buildings, fences and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed any building or uncompleted building, structure or addition thereto which by reason of dilapidation, partial construction, defect of structure or other causes may be construed as a nuisance, may have become dangerous to life or property or may be erected contrary to the law; to establish and designate from time to time fire limits within which limits wooden buildings shall not be constructed, removed, added to or enlarged and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial concrete, brick, iron or other fireproof materials.

SECTION 7u. To provide for the care, support and maintenance of

orphan, dependant, delinquent or defective children, and of sick, aged, insane or indigent persons.

SECTION 7v. To provide and maintain, either within or without the City, charitable, recreative, curative, corrective or penal institutions.

SECTION 7w. To prevent persons having no visible means of support, paupers and persons who may be dangerous to the peace or safety of the City from coming into or remaining in the City, and for this purpose, to require any railroad company, the master of any ship or vessel, or the owners of any conveyance, bringing such person to the City to take such person back to the place whence he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon the City within one year from the date of his arrival; and also to expel therefrom any such person.

SECTION 7x. To provide for the preservation of the general health of the inhabitants of said City, make regulations to secure the same, inspect all foods and foodstuffs, and prevent the introduction and sale in the City of any articles or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the City limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a local Board of Health with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of Health with such powers as the police officers of the City have; to establish and maintain a quarantine ground within or without the City limits, and such quarantine regulations against infectious or contagious diseases as the City may see fit; to provide and keep records of vital statistics and compel the return of all births, deaths and other information pertaining thereto.

SECTION 7z. To exercise full police powers, and to establish and maintain a department of police.

SECTION 7aa. 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.

SECTION 7bb. To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this Charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine not exceeding five hundred dollars or imprisonment at hard labor on the streets or other works of the City for a term not exceeding sixty days, or both.

SECTION 7cc. 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 a general State revenue law.

(See Chapter 24446, 1947, page 73, Chapter 24447, 1947, page 74, and Chapter 25753, 1949, page 74 concerning limitation of alcoholic beverage licenses)

SECTION 7dd. To license and regulate air vessels operated over the City and stipulate the height at which and the manner in which the same may be operated above the area included in the City limits, and to license and register the pilots thereof.

SECTION 7ee. To prohibit and/or regulate by ordinance the sale, manufacture, transportation or possession of intoxicating liquors, wines and beers within the limits of the City.

SECTION 7ff. To declare that all territory embraced within the corporate limits of said City shall be a bird sanctuary and to adopt all ordinances necessary to carry this power into effect.

SECTION 7gg. 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, and cause to be registered, and control, tax, regulate or prohibit in designated streets, or parts of streets, carriages, omnibuses, motorbuses, cars, wagons, drays, jitney buses and other vehicles; and to license, tax and cause to be registered and control the drivers thereof, and 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; and to authorize the City Manager or the Chief of Police to make and promulgate regulations for traffic on the streets, or part of the streets, during such hours as may be necessary or convenient, and to provide for parking spaces on the streets and public places; and to regulate or vacate or discontinue the use of such spaces; 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 Coral Gables and other cities and towns and places outside of the City of Coral Gables.

SECTION 7hh. To establish and set apart in said City separate limits or district for white and negro residents; to designate, establish and set apart the territorial limits or districts of said City within which white persons may reside, and separate territorial limits or districts of said City within which negroes may reside; to prohibit any white person from taking up or establishing a residence or business within the territorial limits of the City so set apart and established for the residence of negroes, and to prohibit any negro from taking up or establishing a place of residence or business within the territorial limits of the City so set apart and established for the residence of white persons; to define the terms "resident," "residence" and "place of residence," and "business," and "place of business."

SECTION 7ii. 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, dwellings and other use of property, or for the purpose of regulating the height 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 alignments of buildings or other structures near street frontages; and to regulate the type, appearance, exterior decoration and coloring of any build-

ings located in any subdivision of said City, to conform to any building conditions, covenants or restrictions, contained in deeds in the chain of title to the respective lot or lots in said subdivision upon which such buildings may be erected, and to any general plan (thereby created or evidenced) for harmonious and artistic architectural construction of buildings in said subdivision.

SECTION 7jj. To operate a Central Radio Station and/or Country Club.

SECTION 7kk. To furnish police protection within one-half mile of the corporate limits, provided that this extension of power shall not extend into any other municipal corporation.

SECTION 7ll. To use parks and playgrounds for public meetings and gatherings and for outdoor exhibitions, games and contests, with power and authority to charge and collect a reasonable admission fee for each person entering such park, playground or building during the time when the same shall be used or employed for exhibitions, games and contests.

SECTION 7mm. All general laws of the State, applicable to municipal corporations, heretofore or hereafter enacted and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted by the Commission pursuant to authority, conferred by this charter, shall be applicable to the said City; provided, however, that nothing contained in this charter shall be construed as limiting the power of the Commission to enact any ordinance or resolution not in conflict with the constitution of the State or with the express provisions of this charter.

SECTION 7nn. To encourage manufacturing industries, and the establishment of health institutions within the City of Coral Gables by entering into contracts in the discretion of the City Commissioners with the owners or developers of any such manufacturing industries or health institutions employing labor, for a rebate or reduction of all or part of all city taxes or assessments upon the real and personal property used in such industry, for a period of not exceeding ten years conditioned upon the actual location of such industry, the actual employment of labor, and/or the actual manufacture of articles in said City. In the interest of the public health, safety, convenience, prosperity, or general welfare, to regulate the size, construction, location and type of advertising signs exposed to view from the public streets, and to prohibit the use of signs dangerous to public safety or inimical to the general welfare.

SECTION 7oo. In the interest of public health, safety, order, convenience, comfort, prosperity or general welfare, to examine into and investigate any matter affecting the public welfare of the City and its citizens and property owners, and in conducting such investigation to summon witnesses, administer oaths, and interrogate the witnesses relative to such matters for the general purpose of getting facts to guide the Commission in taking any official action authorized by it under this Charter, and by ordinance to provide a penalty for failure of a witness to appear and testify.

(As added by Chapter 21161, 1941)

SECTION 8. The City shall be governed by a Commission consisting of five members elected from the City at large. At a general election to be held on the second Tuesday in June, 1929, there shall be elected five commissioners of whom the two receiving the highest number of votes shall hold office for the term of four years and the remaining three for the term of two years, and until their successors in office are elected

and qualified. The Mayor and two Commissioners to be elected in the June 1941 election for a two year term shall hold office until the third day after the election herein below directed to be held in April, 1943; the two Commissioners to be elected in the June 1941 election for a term of four years shall hold office until the third day after the election herein provided for to be held in April, 1945; and the two Commissioners heretofore elected in 1939 for a four year term shall hold office until the third day after the election herein provided to be held in April, 1943, and all Commissioners and the Mayor shall hold office to the end of their said terms and until their successors in office are elected and qualified. At a general election to be held on the second Tuesday in April, 1943, and in each general election held on the same date each two years thereafter three members of the City Commission shall be elected; the two of whom receiving the highest number of votes shall hold office for the term of four years and the remaining member to hold office for a term of two years. All members of the Commission shall be subject to recall as hereafter provided. The Commissioners shall take office at noon on the third day after their election. Within thirty days after a vacancy occurs on the Commission, the remaining commissioners shall elect a Commissioner to fill the vacancy until the next general biennial election, at which time, if the term of office vacated extends beyond such election, a Commissioner shall be elected to fill the balance of the unoccupied term, except as provided by Section 19 regarding Recall. Members of the Commission shall not hold any other public office except that of Notary Public or member of the State Militia. A member of the Commission ceasing to possess any of the qualifications specified in this section, or convicted of crime while in office shall immediately and automatically forfeit his office.

(As amended by Chapter 21161, 1941)

SECTION 9. At twelve o'clock noon on the day the commissioners take office, the Commission shall meet at the City Hall and the newly elected members shall assume the duties of office. Thereafter, the Commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the Mayor, City Manager or three members of the Commission. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the Commission shall be open to the public.

SECTION 10. The members of the Commission shall be residents of the City and shall have the qualifications of electors therein. The Commission shall be the judge of the election and qualification of its own members.

(Reenacted without change, Chapter 21161, 1941; and Chapter 22240, 1943.)

(a) Every person of the age of twenty-one years and upwards that shall at the time of registration be a citizen of the United States and shall have resided and had his or her habitation, domicile, home and place of personal abode in Florida for one year and the City of Coral Gables for six months, shall, if otherwise qualified according to this Charter, be qualified electors at elections held in the City of Coral Gables.

(Reenacted without change, Chapter 21161, 1941; and Chapter 22240, 1943.)

(b) In all city elections the provisions of the general election law of

the state shall be observed except when conflicting with the provisions of this charter, with this exception, The City Commission may, by ordinance, establish the period during which the books shall be kept open for registration of electors, and may by ordinance, not less than 60 days previous to any election, whether such election be a regular municipal election, or bond election, or otherwise, declare void all of the existing registration lists, and, in and by the same ordinance require new registrations of all persons desiring to qualify as electors in such election; the ordinance shall set forth the dates at which the books shall be kept open for registration; that those registering during the period fixed by the ordinance constitute the qualified electors who are entitled to participate in said election.

(As amended, Chapter 21161, 1941; Chapter 22240, 1943; and Chapter 24444, 1947.)

(c) It shall be the duty of the City Commission to have ballots prepared and have all things done that are necessary for the holding of elections, and as soon after as may be, the Commission shall canvass the returns of elections and declare the results.

(As amended, Chapter 16373, 1933; Chapter 21161, 1941; and Chapter 22240, 1943.)

(d) Any person who shall have the qualification of an elector hereunder may offer himself or herself as a candidate for City Commissioner by a written declaration to the City Clerk, and the payment of One Hundred Dollars (\$100) as a filing fee, which fee shall be used in support of the costs of the election. Within thirty (30) days after the day of election, the City Clerk shall report to the Commission the costs of the election and the aggregate amount of such filing fees and the City Commission shall order the excess of any such fees, over and above the costs of the election, returned pro-rata to the several candidates. The name of any person so qualified shall be printed upon the official ballot.

(As amended, Chapter 21161, 1941; Chapter 22240, 1943; and Chapter 23217, 1945.)

(e) Candidates for the office of Commissioner shall file their written declaration of intent and pay the One Hundred Dollars (\$100) filing fee hereinafter required not later than twenty-eight (28) days prior to the election.

(As amended, Chapter 21161, 1941; Chapter 22240, 1943; and Chapter 23217, 1945; for additional provisions concerning filing of declaration, see Chapter 27480, 1951, page 106.)

(f) Any qualified candidate for the office of Commissioner, and any incumbent Commissioner whose term does not expire with such election, may specifically request in writing to the City Clerk that his or her name be entered as a candidate for the office of Mayor.

(As added by Chapter 21161, 1941; and amended by Chapter 23217, 1945; for additional provisions concerning filing of statement of candidacy see Chapter 27480, 1951, page 106.)

SECTION 11. The Commission may determine its own rules of procedure. May punish its own members for misconduct and may compel the attendance of members, and on a four-fifths vote may expel a member for misconduct in office or for neglect of duty. But no member shall be expelled unless notified in writing seven (7) days before any action is taken of the charge against him and given an opportunity to be heard in his own defense. A majority of all members of the Commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

SECTION 12. The yeas and nays shall be called and entered on the minutes of each meeting upon the passage of every resolution or order for the expenditure of money and on every other resolution or order when a request so to do is made by one of the members. No resolution shall be adopted or order made unless three votes are recorded in favor thereof.

SECTION 13. The Commission shall act only by ordinance or written resolution and all ordinances or resolutions except ordinances making appropriations shall be confined to one subject, which shall be clearly expressed in the title. The ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on two separate days or the requirement of readings on two separate days has been dispensed with by a four-fifths vote of the members of the Commission. The final reading shall be in full. The yeas and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the Commission, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of all its members. No member shall be permitted to vote on matters involving the consideration of his own official conduct, or where his financial interests are involved. Provision shall be made for the printing in a newspaper, having a general circulation in the City of Coral Gables, at least one time, the title of every ordinance within ten days after its final passage, and for posting copy of such ordinance at the front door of the City Hall.

SECTION 14. In voting for the election of Commissioners, the ballot shall be so arranged that the electors may designate their choice for Mayor for the ensuing two years, but in the event any elector votes for more than one candidate for Mayor, his ballot, so far as it relates to the Mayor, shall be discarded. Commissioners retaining office shall have the right by written request filed with the City Clerk twenty-eight days prior to the election to have their names on the ballot at any biennial election for election or reelection as Mayor. The candidate for Mayor, designated as hereinabove provided from the Commissioners retaining office and those running for office, who shall in such election receive the highest number of votes for Mayor, shall be the Mayor for the next ensuing two years. In the event of the death, resignation, or removal from office of the Mayor, the Commission shall elect some one of its members for the unexpired term, except as provided in Section 19 regarding recall.

(As amended, Chapter 21161, 1941; see also Chapter 24449, 1947, page 65 for additional provisions concerning election of Mayor; and Chapter 27480, 1951, page 106 concerning time of filing statement of candidacy.)

SECTION 15. The Mayor shall preside at the meetings of the Commission and perform such other duties consistent with his office and this Charter as may be imposed by the Commission. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for military purposes. In time of public danger or emergency he may with the consent of the Commissioners take command of the police and maintain order and enforce the laws. During his absence or disability his duties shall be performed by another member appointed by the Commission.

SECTION 16. The Commission may by ordinance provide for the compensation of its members to be paid in equal monthly installments, not to exceed six hundred (\$600.00) dollars a year for each. The Mayor may be allowed compensation in addition to that which he receives as a mem-

ber of the Commission but such additional compensation shall not be more than \$600.00.

SECTION 17. The Commission shall keep a complete record of all its proceedings and a copy from its record certified by the Clerk shall be competent evidence in all Courts of this State; and shall appoint the following officers who shall not be members of the Commission: City Manager, City Clerk, City Attorney and Judge of the Municipal Court, which officers shall hold office at the will of the Commission. The City Manager shall appoint a Tax Assessor and a Tax Collector.

SECTION 17A. The City Clerk of the City of Coral Gables, Florida, all Deputy City Clerks appointed by resolution of the City Commission, the Municipal Court Clerk, the Director of Public Works when acting as Secretary of the Zoning Board, and the Tax Assessor when acting as Secretary of the Board of Equalization, are hereby given the right, privilege and power to administer oaths to all persons appearing before them, or the Boards represented by them in the capacities stated.

(As added by Chapter 25740, 1949)

SECTION 17½. The Commission of the City of Coral Gables may, by ordinance, provide for a pension plan for the officers and employees of the City, but no such ordinance, or amendment thereto, shall become effective and operative until it shall have been ratified and approved by a majority of the qualified electors of said City actually voting in a general election, or special election called for that purpose.

Any ordinance adopted by the City Commission of the City of Coral Gables, providing for a pension plan for the officers and employees of said city, and which ordinance after submission to the people by referendum has been ratified and approved by a majority of the qualified electors of said city actually voting thereon, may be amended by an ordinance proposed to the City Commission of the City of Coral Gables by a resolution adopted by a majority of the trustees acting under such ordinance and adopted by ordinance by a majority of four-fifths of the City Commission voting in favor thereof; provided, however, that such amendatory ordinance shall be confined to clarifying of ambiguous phraseology in the ordinance sought to be amended, or to the removal of inconsistencies which may be shown, by practical application of such ordinance to exist, and provided further, that no such ordinance may be adopted without referendum which imposes any substantial liability upon the city.

(As added by Chapter 23218, 1945; and amended by Chapter 24448, 1947. For additional authority concerning pension system, see Chapter 19750, 1939, page 72.)

SECTION 18. The electors shall have the power to approve or reject at the polls any ordinance passed by the Commission or submitted by the Commission to a vote of the electors, except an appropriation ordinance or an ordinance making the annual tax levy, such power being known as the referendum.

(a) No measure shall go into effect until thirty days after its passage, unless it be declared in such ordinance to be an emergency measure on the ground of urgent public need for the preservation of peace, health, safety or property, and the measure being passed by a vote of not less than four-fifths of the members of the Commission. But no measure granting or amending any public utility measure or amending or repealing any

measure adopted by the electors at the polls shall be regarded as an emergency measure.

(b) Within thirty days after the final passage by the Commission of an ordinance which is subject to referendum, a petition signed by the electors of the City equal to a number of at least twenty per cent of the total number of registered voters as shown by the city registration books at the last preceding regular municipal election may be filed with the City Clerk requesting that any such ordinance or any specified part thereof be either repealed or submitted to a vote of the electors. A Referendum petition shall clearly specify the ordinance or part thereof, repeal of which is sought, but need not contain the text thereof.

(c) If a referendum petition or amended petition be found sufficient by the City Clerk, he shall certify that fact to the Commission at its next regular meeting and the ordinance or part thereof specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect until approved by the electors as hereinafter provided. Upon receipt of the Clerk's certificate, the Commission shall proceed to reconsider the ordinance or part thereof, and its final vote upon such reconsideration shall be upon the question "shall the ordinance (or part of the ordinance) set forth in the referendum petition be repealed?" If upon such reconsideration the ordinance or part thereof be not repealed, it shall be submitted to the electors at a municipal election held not less than thirty days after such final vote to the Commission. The Commission by vote of not less than four-fifths members may submit the ordinance or part thereof to the electors at a special election to be held not sooner than the time aforesaid. If when submitted to the electors any ordinance or part thereof be not approved by a majority of those voting thereon, it shall be deemed repealed.

(d) Ordinances or parts thereof submitted to vote of the electors in accordance with the referendum provisions of this charter shall be submitted by ballot title which shall be prepared in all cases by the City Attorney. The ballot title may be distinct from the regular title of any such referred ordinance and shall be a clear, concise statement without argument or prejudice descriptive of the substance of such ordinance or part thereof. The ballot used in voting upon any ordinance or part thereof shall have below the ballot title the following proposition, one above the other in the order indicated "For the Ordinance" and "Against the Ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross mark (X) the electors may vote for or against the ordinance or part thereof. Any number of ordinances or parts thereof may be voted on in the same election and may be submitted on the same ballot, but the ballot used for voting thereon shall be for that purpose only.

(e) In case a petition be filed requiring that an ordinance passed by the Commission involving the expenditure of money, a bond issue, the granting of a franchise, or a public improvement, be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance or sale of bonds or actual execution of the contract for such franchise or improvement may be taken prior to the election.

(f) Any emergency ordinance or other ordinance which in accordance with the provisions of Section 18a of this charter shall have gone into effect prior to the filing of a referendum petition thereon shall be subject to referendum as in the case of other ordinances and further action thereunder shall be suspended from the date of the Clerk's certification to the

any petition paper entirely invalid which is not attested by the circulator thereof as required by Section 18i of this charter or upon which the affidavit of the circulation can be shown to be false in any particular. Upon completing his examination of the petition the City Clerk shall attach thereto a certificate showing the result of the examination. If he should certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective, and shall at once notify the committee of the petitioners of his findings.

(k) A referendum or recall petition may be amended at any time within ten days after the making of a certificate of insufficiency by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Clerk shall within five (5) days after such an amendment is filed make examination of the amended petition, and if his certificate shall show the petition still to be insufficient he shall file it in his office and notify the committee of petitioners of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

SECTION 19. Any member of the Commission may be recalled and removed therefrom by the electors of the City as herein provided.

(a) Any qualified elector of the City may make and file with the City Clerk an affidavit containing the name or names of the commissioner or commissioners whose removal is sought and a statement of the grounds claimed for removal. The clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks for such removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the Clerk with his signature and official seal of the city thereto attached; they shall be dated and addressed to the Commission, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person or persons whose removal is sought, and the office from which such removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the clerk. The recall petition, to be effective, must be returned and filed with the clerk within thirty (30) days after the filing of the affidavit. The petition before being returned and filed shall be signed by registered voters of the city to the number of at least twenty-five (25%) per cent of the total number of registered voters of the city as shown by the city registration books for the last regular municipal election, and to every such signature shall be added the place of residence of the signer, giving the street and number or other description sufficient to identify the place. Such signatures need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such recall papers shall be filed as one instrument with the endorsements thereon of the names and addresses of five (5) persons designated as filing the same.

(b) Within ten (10) days after the filing of the petition the Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters and shall attach thereto his certificate showing the result of such examination. If his certificate shows the petition to be insufficient, he shall forthwith so notify in writing one (1) or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten (10) days after the giving of said notice, by the filing of a supplementary petition upon additional petition papers, issued, signed and filed as provided herein for the original petition.

The Clerk shall within ten (10) days after such amendment, make like examination of the amended petition and attach thereto his certificate of the result. If then found to be insufficient or if no amendment was made he shall file the petition in his office and shall notify each of the persons designated thereon as filing it of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

(c) If the petition or amended petition shall be certified by the clerk to be sufficient he shall submit the same with his certificate to the Commission at its next meeting and shall notify the commissioner or commissioners whose removal is sought of such action. The Commission shall thereupon, within ten (10) days of the receipt of the clerk's certificate, order an election to be held not less than thirty (30) nor more than forty-five (45) days thereafter.

(d) PROVIDED, that if any other municipal election is to occur within sixty (60) days after the receipt of said certificate, the Commission may in its discretion provide for the holding of the removal election on the date of such other municipal election.

(e) Unless the commissioner or commissioners whose removal is sought shall have resigned within ten (10) days after the receipt by the commission of the clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall A. be recalled?" "Shall B. be recalled? etc.," the name of the commissioner or commissioners whose recall is sought being inserted in place of A., B., etc., and the ballot shall also contain the names of the candidates to be elected in place of the commissioner or commissioners recalled, as follows: "Candidates for the place of A, if recalled; candidates for the place of B, if recalled," etc., but the commissioner or commissioners whose recall is sought shall not themselves be candidates upon such ballot. The name of any elector of the city shall be printed as a CANDIDATE FOR COMMISSIONER at such recall election for the place of the commissioner to be recalled when such elector shall qualify as required for a candidate for the Commission in a regular municipal election.

(f) In case a majority of those voting for and against the recall of any commissioner shall vote in favor of recalling such official he shall be thereby removed, and in the event the candidate who receives the highest number of votes for his place shall be elected thereto for the balance of the unexpired term.

(g) If the commissioner or commissioners sought to be removed shall have resigned within ten (10) days after the receipt by the commission of the clerk's certificate referred to in this section above the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

(h). Should the Commission fail or refuse to order an election as herein provided within the time required such election may be ordered by any State court of general jurisdiction.

SECTION 20. The City Manager shall be the chief executive officer of the City. The Manager shall be chosen by the Commission solely on the basis of his executive and administrative qualifications, and need not when appointed be a resident of the City or of the State. No member of the City Commission shall during the time for which elected be chosen as City Manager. The Manager shall be appointed for an indefinite term but shall be removed at the pleasure of the Commission. The action of the

Commission in suspending or removing the Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Commission. In case of absence or disability of the Manager, the Commission may designate some qualified person to perform the duties of the office during such absence or disability.

SECTION 21. The City Manager shall be responsible to the Commission for the proper administration of all affairs of the city placed in his charge and to that end he shall have the power to appoint and remove all officers and employees in the administrative service of the City. But the Manager may authorize the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. Appointments made under the authority of the City Manager shall be on the basis of executive and administrative ability and on the training and experience of such appointees and the work which they are to perform. All such appointments shall be without definite term except for temporary service not to exceed sixty (60) days.

SECTION 22. Officers and employees appointed by the City Manager or under his authorization may be removed, suspended, laid off, or reduced in grade by the City Manager, or by the officer by whom appointed, at any time, for any cause which will promote the efficiency of the service. Such action, if by a department head, shall be subject to the approval of the City Manager. Any such officers or employees, except common laborers and officers and employees in the service of the City for less than six (6) months, continuously, may, within five (5) days after such action file with the City Manager a written request for a written statement of the reasons for such action, which written statement shall be furnished to him by the City Manager within five (5) days after such request; a sworn reply to such statement of reasons may be filed with the City Manager by such officer or employee within five (5) days thereafter, accompanied by a demand for a hearing thereon. The failure of any such officer or employee to request such written statement of reasons, or to reply thereto, within the period provided therefor shall constitute a full waiver of any further rights. In the event of such request and reply thereto the matter shall then be referred to the special trial board hereinafter authorized, which trial board shall thereupon investigate and determine the propriety of such action, and, at the conclusion of its investigation shall render a decision or verdict; such decision or verdict may be appealed to the City Commission by the affected officer or employee, but not by the City Manager. The City Commission, in the event of such appeal, after investigation, may confirm or reverse the decision of the trial board and such decision by the City Commission shall be final. The trial board or the City Commission may in their discretion conduct hearings, summon witnesses and hear evidence. In its decision the trial board may determine whether such officer or employee is entitled to any compensation, allowance or adjustment, which decision likewise may be the subject matter of appeal by the officer or employee but not by the City Manager and, if appealed, the decision of the City Commission thereon shall likewise be final.

For the purpose of effectuating this section the Commission shall by ordinance provide for the establishment of a special trial board to be composed of five (5) citizens of the City of Coral Gables, none of whom shall be officers or employees of the City; two (2) of whom shall be appointed or elected by the City employees; two (2) of whom shall be

appointed or elected by the City Commission and the fifth (5th) of whom shall be selected by the four (4) members so chosen, as provided for and prescribed in said ordinance. In the event that the four (4) members shall fail to agree on the fifth (5th) member, such member shall be appointed by the County Judge of Dade County, Florida.

(As amended, Chapter 23221, 1945; Chapter 25738, 1949; and Chapter 27481, 1951; See also Chapter 19748, page 67 concerning establishment of civil service system)

SECTION 23. The Commission, by resolution duly adopted, may direct or require appointments, suspensions, or discharges of City officers or employees by the City Manager. But none of the commissioners may otherwise direct or request the appointment of any person to or his removal from, the service of the City by the City Manager or any of his subordinates. Except for the purpose of inquiry, the Commission and its members shall otherwise deal with that portion of the administrative service for which the Manager is responsible solely through the Manager, and neither the Commission except in open session, nor any member thereof, shall give orders to any subordinate of the Manager. Any violation of the provisions of this section by a member of the Commission shall work a forfeiture of the office of such member.

SECTION 24. Power and duties of the City Manager shall be:

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

II. To appoint and remove except as herein provided all persons and employees.

III. To exercise control of all departments that may be created by the Commission.

IV. To recommend to the Commission for adoption such measures as he may deem necessary or expedient.

V. To keep the Commission fully advised as to the financial condition of the City.

VI. To perform such other duties as may be required of him by resolution or ordinances of the Commission.

SECTION 25. The City Manager, and such other officers of the City as may be designated by vote of the Commission shall be entitled to seats in the meeting of the Commission, and to take part in the discussion of all matters coming before the Commission, but shall have no vote therein.

SECTION 26. The administrative departments now in operation in the City of Coral Gables shall remain established departments of the City, but the commission may by ordinance adopted by vote of at least three members of the commission create any department, and combine two or more departments into one department, or discontinue any department, and determine, combine, and distribute the functions and duties of departments and subdivisions thereof, excepting as herein otherwise provided.

(As amended, Chapter 21161, 1941)

SECTION 27. There is hereby established a Municipal Court which shall be presided over by a judge to be known as a Municipal Judge who shall be appointed by the City Commission. It shall be the duty of the Municipal Judge to hold terms of Court at such times and in such places as may be designated by the Commission for the trial of persons charged with the violation of any ordinance of the city, without jury,

and upon conviction to impose such penalty as may be provided by ordinance.

(See Chapter 25749, 1949, page 66, concerning appointment of Associate Municipal Judge.)

SECTION 28. The Municipal Judge shall have the power to summon witnesses, issue warrants of arrest upon affidavit duly filed; to administer oaths, and do all other acts necessary for the performance of his duty. He shall also have power to punish for contempt of Court to the extent of a fine not exceeding Fifty (\$50.00) Dollars, or imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. The costs of prosecution in said Court shall be the same as are allowed by law in the Circuit Court of the State of Florida, and such costs shall be taxed against the person or persons convicted and collected by the Clerk to be paid over by him into the City Treasury. The City Clerk shall be the Clerk of the Municipal Court and shall keep a record of all of its proceedings.

(See Chapter 25750 and Chapter 25751, 1949, pages 66 and 67, concerning jurisdiction and procedure of Municipal Court.)

SECTION 29. In case of the absence, sickness or disqualification of the Municipal Judge, the Mayor shall have all the power and perform all the duties of said Municipal Judge during such sickness, absence or disqualification, or the City Commission may designate some other city officer to act during such absence, sickness or disqualification of the Municipal Judge.

SECTION 30. The Commission may by ordinances provide that all juvenile offenders as defined in the statutes of the State establishing a Juvenile Court, who violate City ordinances shall be separately docketed and tried privately before the Municipal Judge.

SECTION 31. Not later than one month before the end of each fiscal year the City Manager shall prepare and submit to the Commission a budget estimate of the expenditures and revenues of all city departments, divisions and offices for the ensuing fiscal year. The estimate shall be compiled from detailed information obtained from the several departments, divisions and offices on uniform blanks furnished by the City Manager. The classification of the estimates shall be as nearly uniform as possible for the main functional divisions of such departments, divisions and offices and shall give in parallel columns the following information:

- (a) A detailed estimate of the expense of conducting each department, division or office.
- (b) Expenditures for corresponding items for the last two fiscal years.
- (c) Expenditures for corresponding items for the current fiscal year, including adjustment due to transfers between appropriations, plus an estimate of the expenditures necessary to complete the current fiscal year.
- (d) The value of supplies and material on hand at the date of the preparation of the estimate.
- (e) Increases or decreases of request compared with corresponding appropriations for the current year, with reasons for such increases or decreases.
- (f) The total probable income of the city from taxes for the period covered by the estimate.
- (g) An itemization of anticipated revenues from other sources.
- (h) The total amount of the outstanding city debt with a schedule of maturities of bond issues and other indebtedness.

(i) The amount required for interest on the city debt, for sinking funds, and for maturing bonds.

(j) Such other information as may be required by the Commission.

(k) Copies of such estimate shall be furnished to the newspapers of the City and to each library of the City which is open to the public, and posted at the door of the city hall.

SECTION 32. Upon receipt of the budget estimate the Commission shall prepare an appropriation ordinance using the Manager's estimate as a basis. Provision shall be made for public hearings on the proposed appropriation ordinance before the Commission sitting as a committee of the whole. The Commission shall not pass the appropriation ordinance sooner than one week after the beginning of the fiscal year to which it is to apply, but shall pass said ordinance within four weeks after the beginning of the fiscal year. The fiscal year of the City shall begin with the first day of July of each year and shall end with the thirtieth day of June the following year.

SECTION 33. Before the annual appropriation ordinance has been passed the Commission, upon recommendation in writing of the City Manager, may make appropriation for the current expenses of the City, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments, divisions and offices until the annual appropriation ordinance is in force. No other liabilities shall be incurred by an officer or employee of the City except in accordance with the provisions of the annual appropriation ordinance.

SECTION 34. Upon request of the City Manager the Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office, department or division.

SECTION 35. Any accruing revenue of the City, not appropriated, and the balance at any time remaining after the purposes of an appropriation shall have been satisfied or abandoned may from time to time be appropriated by the Commission to such uses as the Commission may determine.

SECTION 36. No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Commission; and whenever an appropriation is so made the Clerk shall forthwith give notice to the City Manager. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriation; but appropriations may be made in furtherance of improvements or other objects or works of the city which may not be completed within the current year.

SECTION 37. No liability shall be enforceable against the City upon any contract not supported by a previous appropriation, nor shall the City be liable for any service, material or supplies furnished to the City or to any department, office or division thereof, the financial requirements of which are to be met out of the proceeds of taxes or other funds controlled by the Commission, unless the Commission shall previously have made an appropriation therefor. No contract for furnishing supplies or services for the City, except as otherwise provided in this Charter, shall be made for a period of more than two years; provided that such contract may be made for a period not to exceed ten years, when approved by a

three-fifths majority of electors voting at any election at which the question of approval of such contract shall be submitted.

In the event that contracts are to extend over a period longer than one year, and which are to be met from current receipts of the City, it shall be lawful for the Commission to make appropriation sufficient to answer the requirements of any such contracts for only one year, and the contract shall be legal and binding, subject to the above limitations, notwithstanding no appropriation has been made for the ensuing years over which it is to be operative, and it shall be the duty of the Commission to make appropriations from year to year as required for the purposes of such contracts.

SECTION 38. No claim against the City shall be paid except upon a voucher certified by the head of the appropriate department or other division of the City Government, and by means of a warrant on the City Treasury, as may be prescribed by the Commission.

SECTION 39. The Commission shall cause to be kept an accurate account showing the financial transactions of all departments and offices of the City. The accounts and accounting procedure of the City shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions, affecting the acquisition, custody and disposition of property and money, and the City Manager shall make such reports of the financial transactions and condition of the City as may be required by ordinance or resolution. Financial reports shall be prepared for each quarter and fiscal year and for such other periods as may be required by the City Manager.

SECTION 40. No suit shall be maintained against the City for damages arising out of any tort, unless written notice of such claim was, within sixty days after the day of receiving the injury alleged, given to the City Attorney with specifications as to time and place of the injury. It shall be the duty of the City Attorney, upon receiving such notice to promptly investigate the matter and lay the facts, supported by the evidence, before the City Commission in a written report, and the Commission may, by resolution, after such report, make reasonable settlement for the injury suffered, or deny liability and direct the City Attorney to defend any suit brought for the recovery of damages.

SECTION 41. Not later than two weeks after the Board of Equalization shall have completed its work the Commission shall, by ordinance, levy such taxes as may be necessary to meet the appropriations made (less the estimated amount of revenue from other sources) including all sums required to be raised on account of the city debt during fiscal year. If the Commission shall refuse or neglect to pass an ordinance levying the taxes for any year, the ordinance last passed levying taxes shall be considered in force and a failure to pass such an ordinance shall in no wise invalidate the collection of any taxes.

SECTION 42. The tax assessor shall assess all taxable property within the city, and may assess such property up to the cash value thereof. The Commission shall by resolution prescribe the basis of assessment within the limit prescribed herein. The assessor shall have the power to administer oaths in connection with the valuation of property for city taxation and in respect to any assessment he is authorized to make.

(As amended, Chapter 17519, 1935)

SECTION 43. The Commission shall constitute the Board of Equalization. The City Clerk shall be clerk of said Board and keep a permanent

record of all its proceedings. A majority of said Board shall constitute a quorum to do business. Said Board shall meet on the second Monday in July of each year, at which time the Assessor shall submit to the said Board the General Assessment Roll, for the current year, which said roll shall be completed and filed by the Assessor in his office five days prior to the meeting of the said Board of Equalization, where, during the said five days it shall remain open to public inspection. During the first three days of its meeting said Board of Equalization shall consider any written objections filed with it in respect to any assessment that shall have been made and may on its own action, revise said Assessment Roll and may increase or diminish valuations therein; add the names of persons and descriptions of property improperly omitted from said roll, and fix the valuation of said property, and it shall correct all errors and supply all deficiencies found therein. Said Board shall continue its session after said first three days, as long as may be necessary, during which time, upon the request of any person, his agent or attorney, considering himself aggrieved, or sufficient cause being shown, it may reduce the assessment to such an amount as to such Board shall appear just and equal. It may examine on oath any person touching the matter. The Board shall have no power to raise any assessment in said roll without notice to the party affected thereby. Any member of said Board may administer an oath and examine witnesses in relation the matters requiring an investigation before said Board. Said Board shall keep a record of its proceedings in increasing valuation of any property assessed upon such roll. The members of the Commission shall be paid the sum of Five Dollars per day or fraction thereof for each day's actual attendance as a member of the Board of Equalization, which compensation shall be in addition to their salaries as Commissioners.

The Board of Equalization shall have the power to summon any property owner of the City before them, to take testimony under oath, and to require the production of books, papers, accounts and other evidence of the ownership and value of property within the city. Any person failing to appear before the Board when summoned or failing to give or produce such testimony or evidence, shall be guilty of an offense against the City and upon conviction before the City Court shall be punished by a fine not exceeding Five Hundred (\$500) Dollars or imprisonment not exceeding sixty days. The assessment of property for City purposes as revised and determined by the Board of Equalization shall be final.

SECTION 44. Except as herein, or by special law otherwise provided, the General Law of the State of Florida, upon the subject of taxation, shall apply to and govern in the assessment, levy and collection of taxes in the City of Coral Gables, and in the return and sale of property delinquent therefor, the sale or other disposition of tax sale certificates, or the redemption thereof, and the issuance of tax deeds, and shall apply also and govern in respect to the powers, privileges, duties and liabilities of persons and property touching and concerning such taxes and shall be in full force and effect in said City as far as the same may be applicable.

*(As amended, Chapter 15806, 1931, and Chapter 27482, 1951.
See also Chapter 16374, 1933, page 64 concerning same
subject)*

(a) All taxes imposed by the City of Coral Gables pursuant to this charter and to the laws of this state shall continue in full force and effect until discharged by payments and no act of omission or commission on the part of the tax assessor or the tax collector, or the City Commission,

or any clerk of the Circuit Court, or officer of this state, or newspaper in which any advertisement of sale for taxes may be published shall operate to defeat the payment of such taxes; but any such acts of omission or commission may be corrected at any time by the officer or party responsible for same in like manner as is now or may hereafter be provided by law for performing such acts in the first place, and when so corrected they shall be construed as valid ab initio and shall in no way affect any process provided by law for the enforcement or collection of any such tax. All owners of property shall be held to know that taxes are due and payable thereof annually, and are hereby charged with the duty of ascertaining the amount of such tax and paying the same before the first day of April of each year; all provisions of law now existing or which may be hereafter enacted relating to the adjustment or collection of revenue (unless otherwise specifically declared) shall be deemed and held to be directory only, designed for the orderly arrangement of records and procedure of officers in enforcing the revenue laws of the City of Coral Gables; and no assessment shall be held invalid unless suit be instituted within thirty days from the date the assessment shall become final or confirmed; and no sale or conveyance of real property for the non-payment of taxes shall be held invalid except upon proof that the property was not subject to taxation, or that the taxes had been paid previous to sale, or that the property had been redeemed prior to the execution and delivery of deed based upon certificate issued for non-payment of taxes. Nothing contained in this chapter shall be construed as in any way affecting any suit now pending in any court of this state or any Federal court, involving any tax lien, tax certificates or tax certificates or tax deeds in connection with taxes of the City of Coral Gables.

(As added by Chapter 25748, 1949; and amended by Chapter 27485, 1951)

SECTION 45. It shall not be necessary to publish the lists of land to be offered for sale for the non-payment of taxes or local assessments, but the Tax Collector shall, at the time provided by General Law for publication of notice of sale for delinquent taxes, cause to be published once each week for four successive weeks in a newspaper published in the City of Miami or City of Coral Gables, Florida, a notice stating that all lots and lands delinquent for non-payment of taxes or local assessments will be offered for sale at the time specified in such notice and that a complete list of such delinquent lots and lands is available for public inspection at the office of said Tax Collector.

(As amended, Chapter 15806, 1931)

SECTION 46. The Assessor shall possess all the powers, discharge all the duties and be subject to all the liabilities in, for and to the City, that are conferred and imposed upon County Assessors, by the provisions of the law mentioned and referred to in the preceding section, in relation to the assessment and taxation of property, so far as the same may be applicable and except as herein otherwise provided. He shall in each year prepare a General Assessment Roll for the City and complete the same before the time fixed by this charter for the first meeting of the Board of Equalization in each year.

SECTION 47. Upon the equalizing of the said Assessment Roll by the Board of Equalization and the fixing of the millage by the Commission

the Assessor shall proceed to assess the taxes according to and in proportion to the valuation entered by the Board of Equalization in the assessment of the City for the year. Separate levies need not be extended in different columns and only the total tax shall be required to be shown on the tax roll. All personal taxes shall be a lien upon the personal property of such persons so assessed from and after the assessment thereof, and remain a lien thereon until paid, 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. The amount assessed on any real estate shall become a lien on the first day of January of the year in which the assessment is made on such real property and the lien for such amount and for all interest and charges thereon shall continue until payment thereof.

SECTION 48. The Assessor shall thereupon make a copy of such assessment roll with such taxes extended thereon. He shall annex that to a warrant signed by him commanding the Tax Collector to collect the several sums mentioned in the last column of the said roll.

SECTION 49. All taxes, special assessments, license fees and other monies accruing to the City shall be collected by the Tax Collector. All money received by an officer or employee of the City shall be paid promptly into the City Treasury and shall be deposited with such responsible banking institutions as furnish such security as shown in Section 50, and shall agree to pay the rate of interest fixed. All interest on money so deposited shall accrue to the benefit of the city. The Commission shall provide by ordinance for the prompt and regular payment and deposit of all City monies as required by this section.

SECTION 50. The City Commission shall at the beginning of each fiscal year and at such other times as it may see fit, designate by ordinance or resolution, the bank or banks in which the City's money shall be deposited. No funds shall be deposited in any bank until such bank shall have furnished to the City Commission security acceptable to it, of a value not less than one hundred (100) per cent of money deposited. Such security shall consist of (1) United States Government bonds or certificates. (2) Surety bonds executed in favor of the City by a solvent company authorized to do business in the State of Florida, the form and execution of such bond to be first approved by the City Attorney. (3) Bonds of any state or territory in these United States. (4) Bonds of any county or city which bonds are full and direct obligations of the respective communities, have been duly authorized and issued according to law and are payable from an unlimited tax on property within the County or municipality, provided, however, that no such bonds shall qualify unless such county or city shall have had a population of at least 10,000 people according to the last Federal Census and provided further that such county or city shall never have defaulted or delayed in the payment of interest or principal of any of its obligations. (5) Obligations in bonds or notes of the City of Coral Gables (6) Bonds listed on the New York Stock Exchange which are readily marketable provided such bonds are selling at not less than 80% of their par value and provided further that such bonds are acceptable to the State Treasurer of Florida as a security for the deposit of State monies. For the purpose of determining the value of the security offered as collateral the lowest bid price within the last three months shall be taken as a basis. The above

restrictions as the security necessary for the deposit of the City's monies need not apply to any fund deposited in a New York bank acting as paying agent for the City, nor to any balance not exceeding \$5,000 which is held by such bank.

SECTION 51. In providing for licensing and regulating persons, corporations and associations engaged in business, occupations, professions and trades, the Commission may by ordinances classify businesses and arrange the various businesses, occupations, trades and professions carried on in the City into such classes as may be just and proper and fix by ordinance the license fee payable by each, without regard for the State Law fixing such fees.

SECTION 52. Deeds made pursuant to tax or local assessment sale, or sale under decree granted for the collection of local assessments, shall be admissible in evidence on the same terms as deeds made pursuant to sales for taxes due the State and County; but it shall be competent for persons denying the validity of such tax deeds, or assessment deeds, to put in evidence the proceedings preliminary to the execution thereof. The purpose of this provision is to give such deeds and all recitals therein the same prima facie force and validity accorded to tax deeds made by officers of the State and County, provided, however, that it shall not be necessary for the grantee in any tax deed issued on any tax sale by said City or for any subsequent transferee of the interest so acquired, to obtain either actual or constructive possession of the premises granted in order to establish an indefeasible fee simple title.

Tax deeds may be issued to said City, based upon tax sale certificates held by it, which shall have the same force and effect as tax deeds issued to holders of other tax certificates, but it shall not be necessary to publish, post or mail any notice of application by the City for issuance of a tax deed to it. Any number of parcels of land may be included in a single deed, whether covered by one or more certificates.

The remedies provided in this Charter for the enforcement of tax liens shall be deemed cumulative and supplementary to any remedies which are now or hereafter may be provided by general law.

(As amended, Chapter 15129, 1931; See also Chapter 16374, 1933, page 64.)

SECTION 53. The City shall have the right to raise by taxation such amount as may be necessary for the carrying on of the government and maintenance of said City, and for general municipal purposes not exceeding twenty mills on the dollar of the assessed value of all property in said City, both real and personal, and in addition thereto shall have the right to levy such additional taxes as may be necessary to pay the interest on bonds and other indebtedness of the City, and also to provide a sinking fund for the redemption of said bonds and the payment of said indebtedness, and shall have the right to levy such additional taxes as may be necessary to pay for the maintenance of all streets, parkways, and other municipal property and for the lighting of the City, and may levy and collect taxes and hydrant rental for the operating of the waterworks, ice plant, gas plants, electric light plants, street railways, municipal railways and any other properties of the City of whatever character designed to produce a revenue; also to provide a publicity fund, not to exceed two mills on the dollar.

SECTION 54. Any public work or improvement may be executed either by contract or direct labor, as may be determined by the Commis-

sion. Before authorizing the direct execution of any work or improvement, detailed plans and estimates thereof shall be submitted to the Commission by the City Manager, and there shall be separate accounting as to each work or improvement so executed. All contracts for the execution of public work or improvement for more than One Thousand Dollars shall be awarded to the lowest responsible bidder, after public advertisement and competition as may be prescribed by ordinance, but the City Manager shall have power to reject all bids and advertise again. All advertisements as to contracts shall contain a reservation of the foregoing rights. Contracts for public work shall be signed by the City Manager and Clerk after approval by the Commission.

SECTION 55. When it becomes necessary in the opinion of the City Manager to make alterations or modifications in a contract for any public work or improvement such alterations or specifications shall be made only when authorized by the Commission upon the written recommendations of the City Manager. No such alteration shall be valid unless the price to be paid for the work or material, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager prior to such authorization by the Commission.

SECTION 56. The City Commission shall, as soon as practical after the end of each fiscal year, cause to be made an audit of all accounts and financial affairs of the City covering the previous fiscal year, and upon receipt of the auditor's report the Commission shall consider the same and take such action thereon as may be proper. Upon the death, resignation, removal or expiration of the term of any officer of the City, the City Manager shall cause an audit and investigation of the accounts of such officer to be made and shall report to the City Commission.

(As amended, Chapter 21161, 1941)

SECTION 57. The City Commission by resolution may issue from time to time anticipation certificates of the City bearing interest at not more than six per centum per annum, which interest may be payable at the time of issuance thereof or thereafter for the purpose of providing funds in anticipation of current revenues, and may by resolution issue refunding anticipation certificates with like limitations as to interest when deemed necessary to provide for the payment of said anticipation certificates, or refunding anticipation certificates at the maturity thereof. No such anticipation certificates shall mature later than the close of the fiscal year in which same are issued. Before the passage of any resolution authorizing anticipation certificates, the City Manager shall submit to the City Commission a statement showing:

1. The amount of uncollected taxes and revenue of the preceding fiscal year.
2. The amount of uncollected taxes for the current fiscal year if heretofore levied, but otherwise the amount of the tax levy for the preceding fiscal year regardless of what part thereof shall have been collected.
3. The estimated amount of uncollected revenue for the current fiscal year excepting taxes.
4. The amount of all taxes and revenues embraced in 1, 2 and 3 above, if any, which are for Sinking Funds for the payment of bonds maturing after the current fiscal year.
5. The face value of all bonds, notes, warrants, judgments, decrees and other city obligations to pay money then outstanding or authorized

which have no fixed time of payment, or which by their terms are payable within one year and three months from the dates of their respective issuance.

The substance of such statement of the City Manager shall be recited in said resolution, and no anticipation certificates shall therein be authorized whose face value together with the amount of Item 5 above shall exceed seventy-five (75%) per cent of the remainder obtained by subtracting item 4 from the sums of Items 1, 2 and 3 above.

Such anticipation certificates and refunding anticipation certificates shall be executed as may be provided by the Commission and may have interest coupons attached. In the discretion of the Commission principal and interest of such anticipation certificates shall be payable at such place or places in Florida or elsewhere as may be designated by the Commission, and shall be sold by the Commission upon such terms as it may elect, either by public advertisement or by private sale, but shall not be sold at less than par value except by a four-fifths vote of the members of the Commission present and then at a price of not less than ninety-eight (.98) cents on the dollar, and accrued interest. Said resolution may authorize any city officer to sell the bonds authorized by it at one time or from time to time in his discretion as he deems for the best interest of the City. Any such authority to an officer shall specify the maximum rate of interest, the maximum maturity and the minimum price for which anticipation certificates may be sold.

The proceeds of anticipation certificates shall be paid into the Treasury of the City to the credit of any one or more of the funds for which the uncollected taxes and revenue anticipated are to be collected, in such manner and to such fund or funds as may be specified in such resolution. But the Commission shall not appropriate any greater amount of such proceeds to any one fund than can be reasonably reserved therefrom to meet the payment of such certificates at their maturity, provided, however, that the validity of any such certificates shall not be affected by a failure of the Commission to comply with the last mentioned direction. The proceeds of refunding anticipation certificates shall be applied solely to the payment of the certificates for whose retirement they shall be issued.

(As amended, Chapter 23220, 1945)

SECTION 57½. The City Commission may by ordinance provide for the issuance and sale of revenue certificates for the acquisition, construction, expansion, extension and/or improvement of any revenue producing property, utility or facility, which herein elsewhere or by state law may be authorized as a function or power of the city. The maturity or maturities of said certificates may be fixed and set by the ordinance providing for their issuance and sale, and may be for such term or terms as the City Commission may deem proper, necessary or expedient. No referendum or election shall be required as a precedent to the issuance of said certificates. Such revenue certificates shall not be included in a determination of the debt limitation of the City, and may be issued without regard thereto. Such certificates may be sold at public sale. Such certificates need not be sold at par but in no event shall they be sold at a price which would result in an interest cost in excess of six per cent per annum.

Such certificates shall be fully negotiable for all purposes. All certificates issued under the provisions of this section shall have, and are hereby declared to have, all the qualities and incidents of negotiable instruments

under the negotiable instrument laws of the State of Florida.

The Commission may by ordinance provide for the operation of any self-supporting and self-liquidating project, either by the City or by agencies employed by it for that purpose, and may authorize the execution of agreements, trusts, or other contracts necessary, expedient or useful in connection with such operations or with the issuance of revenue certificates.

The Commission may provide by ordinance for the support of the operation, maintenance, and debt service of any self-liquidating project by the establishment of tolls, rents, charges for service, charges for sale of products, apportionment of benefits, charges or apportionments for availability of benefits, services or products, or other forms of fees, charges, rents and the like, which may arise from and be appropriate to the projects, and such fees or charges may be provided for separately or in combination; such fees or charges, and the like, imposed hereunder, shall be sufficient to operate the project or projects and sufficient to service the certificates by the payment of principal, interest and other charges, or penalties, which may be provided for therein. Such fees, charges or the like may be collected by legal process and the City is hereby authorized and empowered to bring suit against any user or users of such services, products or benefits who shall not have paid for same and reduce the same to judgment, which judgment, when rendered, shall have the same weight and effect and become a lien against the property of the judgment debtor to the same extent as do other judgments under the laws of the State of Florida; such fees, charges or the like, may be made liens against the real and personal property of the served or benefited premises; and enforced by the sale or foreclosure of the lien certificates, or otherwise, as may be determined by the ordinance.

Should any word, phrase, sentence or other part of this section be declared invalid by competent authority, then the remainder hereof shall not be affected hereby and shall continue in full force and effect. Powers conferred by this section shall be in addition to and not supplemental to and the limitations imposed by this section shall not affect the powers conferred by any other law and not in substitution of the powers conferred by any other law.

(As added by Chapter 23222, 1945; See also Chapter 21160, 1941, page 80 concerning financing of municipal projects; and Chapter 25741, 1949, page 80 concerning pledges of revenue.)

SECTION 58. The City is hereby authorized to provide by ordinance for the issuance of bonds for any municipal purpose except for maintenance and repairs, of such denominations, bearing such rate of interest (not exceeding 6%) and becoming due at such times not exceeding fifty years from the date of issuance, and upon such conditions as may be determined by the ordinance. Before the bonds provided for in this section shall be issued, the ordinance shall be submitted to the legally qualified voters of said City who are freeholders for approval or disapproval excepting no election shall be required for funding or refunding bonds. Notice of such election shall be given in a newspaper published in the City of Coral Gables, and if no newspaper is published in the City of Coral Gables, then in a newspaper published in Dade County of general circulation in the City of Coral Gables, once each week, for four consecutive weeks, the first publication to be not less than twenty-five (25) days before the date of the election. If a three-fifths majority of the electors voting at said election shall vote for the approval of said ordinance, then

the City Commission shall be authorized to issue bonds therein provided for. No bonds of said City shall be issued whether a bond authorized by this Section or by other sections if the total city indebtedness shall thereby be made to exceed fifteen (15%) per cent of the assessed valuation of taxable property within the City as the same shall appear on the tax assessment roll next preceding the issuance of the bonds. Provided, however, that an additional five (5%) per cent of the assessed valuation of taxable property within the City may be issued for the construction of sewers and incidentals thereto. Also, revenue bonds and revenue refunding bonds as elsewhere provided by law shall not be subject to such limitations of amount, nor be considered when computing the amount of bonds that may be issued. Notice of the sale of bonds authorized by this section shall be published once a week for three consecutive weeks in a newspaper as above provided; also in a financial paper published in the City of New York or the City of Chicago or the City of Baltimore; the first publication of such notice to be not less than eighteen (18) days before the date of sale. Provided, however, that if no bids shall be received pursuant to such notice or if all bids so received shall be rejected, the bonds may be sold at private sale, but not at a price lower than the highest bona fide bid, if any, received pursuant to such notice. Such bonds shall not be sold at less than par and accrued interest by a four-fifths vote of the members at not less than ninety (90%) per cent of their par value plus accrued interest.

When bonds are issued under the terms of this Act, said bonds shall be under the seal of said City and shall be signed by the Mayor and attested by the City Clerk, and the coupons, if any, shall be executed by the facsimile signatures of said officers. The delivery of any bonds and coupons so executed at any time thereafter shall be valid, although before the date of delivery the persons signing such bonds or coupons shall cease to hold office. But all bonds, excepting funding or refunding bonds shall mature in annual installments, the first of which shall be payable in not over three years after date of bonds; and no installment shall be greater than three times the minimum amount maturing in any one year. The average life of such bonds shall not exceed the probable life of the improvement for which the same are issued, as estimated by the City Commission. Refunding bonds may be issued to mature at such time or times, not more than fifty (50) years, as the Commission may determine.

(As amended, Chapter 15129, 1931; See also Chapter 13977, 1929, page 61 and Chapter 15132, 1931, page 61 concerning authority to issue refunding bonds.)

SECTION 59. At any time after the approval at an election and validation of a bond issue required by this charter to be submitted at an election, the Commission may borrow money for the purpose for which the bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of the bonds, and within the maximum authorized amount of the bond issue. Such loans shall be paid not later than three (3) years after the time of such election or authorization. The Commission may in its discretion retire all or any part of such loans through current revenues, proceeds of the sale of property, special assessments or other funds in lieu of retiring the same by means of the proceeds from the sale of the bonds, but in the event of any such retirement of any such loan by any means other than the issuance of the bonds so voted or authorized, the Commission shall amend or repeal the ordinance or resolution authorizing such bonds, so as to reduce the authorized amount of the bond issue by

the amount of the loan so to be retired, and such amendatory or repealing ordinance or resolution shall take effect upon its passage. Neither such amendatory nor repealing ordinance nor resolution nor such resolution authorizing a loan shall be subject to the right of referendum. Negotiable notes of the City shall be issued for all such loans, which notes may be renewed from time to time and money may be borrowed upon new notes from time to time for the payment of indebtedness evidenced thereby, but all such notes shall mature within three (3) years after the election or authorization of the bonds. No money shall be borrowed at an interest rate exceeding six (6) per centum per annum. The said notes may be disposed of by public or private negotiations, without advertisement. The resolution authorizing any such notes shall fix the actual or maximum face amount of the notes and the actual or maximum rate of interest to be paid, and the Commission may delegate to any officer the power to fix such face amount and maturity and rate of interest within the limitations prescribed in this section as well as the power to dispose of such notes, which shall be executed in such manner as may be prescribed by the City Commission and may have interest coupons attached in the discretion of the Commission to evidence interest to be paid. Such notes may be made registrable as to principal alone or as to both principal and interest under such provisions and conditions as may be prescribed by the Commission, and the principal and interest thereof shall be payable at such bank or trust company within or without the State of Florida as the Commission may determine. Such notes shall be submitted to and approved by the City Attorney and his written approval shall be placed upon each note or endorsed thereon. For the payment when due of the principal and interest upon such notes all the taxable property within the City shall be subject to the levy of a sufficient tax to the same extent as is herein provided in the case of bonds authorized by this Charter.

SECTION 60. The City is authorized to acquire by purchase or condemnation, waterworks, electric light plant, gas plant, sewers, drains, parks, park lands, golf courses, and transportation systems, and also any franchises, right or privilege of any person, firm or corporation to any street, or part thereof, or other public place, or any easements over private property, and to enter into and to execute contracts or leases thereon, at the purchase price thereof, provided, however, that the time of payment shall in no case be for a longer period than thirty years, nor shall the rate of interest on such payments exceed eight (8) per cent per annum. And provided further, that no purchase or condemnation of such utilities, properties or property rights shall be so had, and until ordinance or resolution for such acquisition be first ratified in the manner provided in Section 7j.

SECTION 61. The Commission may provide for the opening, widening, construction, reconstruction, repair, paving, repaving, hard surfacing, and rehard surfacing of streets, boulevards and alleys, for grading, re-grading, leveling, laying, relaying, paving, repaving, hard surfacing and rehard surfacing sidewalks, and for the construction of sanitary sewers and storm sewers and water front and canal and waterway improvements, and for the payment of all or any part of the cost of such improvements by levying and collecting special assessments on the abutting, adjoining, contiguous or other specially benefited property.

(As amended, Chapter 21161, 1941; see also Chapter 25742, 1949, page 86 and Chapter 25743, 1949, page 96 for additional powers concerning local improvements.)

the City Commission shall be authorized to issue bonds therein provided for. No bonds of said City shall be issued whether a bond authorized by this Section or by other sections if the total city indebtedness shall thereby be made to exceed fifteen (15%) per cent of the assessed valuation of taxable property within the City as the same shall appear on the tax assessment roll next preceding the issuance of the bonds. Provided, however, that an additional five (5%) per cent of the assessed valuation of taxable property within the City may be issued for the construction of sewers and incidentals thereto. Also, revenue bonds and revenue refunding bonds as elsewhere provided by law shall not be subject to such limitations of amount, nor be considered when computing the amount of bonds that may be issued. Notice of the sale of bonds authorized by this section shall be published once a week for three consecutive weeks in a newspaper as above provided; also in a financial paper published in the City of New York or the City of Chicago or the City of Baltimore; the first publication of such notice to be not less than eighteen (18) days before the date of sale. Provided, however, that if no bids shall be received pursuant to such notice or if all bids so received shall be rejected, the bonds may be sold at private sale, but not at a price lower than the highest bona fide bid, if any, received pursuant to such notice. Such bonds shall not be sold at less than par and accrued interest by a four-fifths vote of the members at not less than ninety (90%) per cent of their par value plus accrued interest.

When bonds are issued under the terms of this Act, said bonds shall be under the seal of said City and shall be signed by the Mayor and attested by the City Clerk, and the coupons, if any, shall be executed by the facsimile signatures of said officers. The delivery of any bonds and coupons so executed at any time thereafter shall be valid, although before the date of delivery the persons signing such bonds or coupons shall cease to hold office. But all bonds, excepting funding or refunding bonds shall mature in annual installments, the first of which shall be payable in not over three years after date of bonds; and no installment shall be greater than three times the minimum amount maturing in any one year. The average life of such bonds shall not exceed the probable life of the improvement for which the same are issued, as estimated by the City Commission. Refunding bonds may be issued to mature at such time or times, not more than fifty (50) years, as the Commission may determine.

(As amended, Chapter 15129, 1931; See also Chapter 13977, 1929, page 61 and Chapter 15132, 1931, page 61 concerning authority to issue refunding bonds.)

SECTION 59. At any time after the approval at an election and validation of a bond issue required by this charter to be submitted at an election, the Commission may borrow money for the purpose for which the bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of the bonds, and within the maximum authorized amount of the bond issue. Such loans shall be paid not later than three (3) years after the time of such election or authorization. The Commission may in its discretion retire all or any part of such loans through current revenues, proceeds of the sale of property, special assessments or other funds in lieu of retiring the same by means of the proceeds from the sale of the bonds, but in the event of any such retirement of any such loan by any means other than the issuance of the bonds so voted or authorized, the Commission shall amend or repeal the ordinance or resolution authorizing such bonds, so as to reduce the authorized amount of the bond issue by

the amount of the loan so to be retired, and such amendatory or repealing ordinance or resolution shall take effect upon its passage. Neither such amendatory nor repealing ordinance nor resolution nor such resolution authorizing a loan shall be subject to the right of referendum. Negotiable notes of the City shall be issued for all such loans, which notes may be renewed from time to time and money may be borrowed upon new notes from time to time for the payment of indebtedness evidenced thereby, but all such notes shall mature within three (3) years after the election or authorization of the bonds. No money shall be borrowed at an interest rate exceeding six (6) per centum per annum. The said notes may be disposed of by public or private negotiations, without advertisement. The resolution authorizing any such notes shall fix the actual or maximum face amount of the notes and the actual or maximum rate of interest to be paid, and the Commission may delegate to any officer the power to fix such face amount and maturity and rate of interest within the limitations prescribed in this section as well as the power to dispose of such notes, which shall be executed in such manner as may be prescribed by the City Commission and may have interest coupons attached in the discretion of the Commission to evidence interest to be paid. Such notes may be made registrable as to principal alone or as to both principal and interest under such provisions and conditions as may be prescribed by the Commission, and the principal and interest thereof shall be payable at such bank or trust company within or without the State of Florida as the Commission may determine. Such notes shall be submitted to and approved by the City Attorney and his written approval shall be placed upon each note or endorsed thereon. For the payment when due of the principal and interest upon such notes all the taxable property within the City shall be subject to the levy of a sufficient tax to the same extent as is herein provided in the case of bonds authorized by this Charter.

SECTION 60. The City is authorized to acquire by purchase or condemnation, waterworks, electric light plant, gas plant, sewers, drains, parks, park lands, golf courses, and transportation systems, and also any franchises, right or privilege of any person, firm or corporation to any street, or part thereof, or other public place, or any easements over private property, and to enter into and to execute contracts or leases thereon, at the purchase price thereof, provided, however, that the time of payment shall in no case be for a longer period than thirty years, nor shall the rate of interest on such payments exceed eight (8) per cent per annum. And provided further, that no purchase or condemnation of such utilities, properties or property rights shall be so had, and until ordinance or resolution for such acquisition be first ratified in the manner provided in Section 7j.

SECTION 61. The Commission may provide for the opening, widening, construction, reconstruction, repair, paving, repaving, hard surfacing, and rehard surfacing of streets, boulevards and alleys, for grading, re-grading, leveling, laying, relaying, paving, repaving, hard surfacing and rehard surfacing sidewalks, and for the construction of sanitary sewers and storm sewers and water front and canal and waterway improvements, and for the payment of all or any part of the cost of such improvements by levying and collecting special assessments on the abutting, adjoining, contiguous or other specially benefited property.

(As amended, Chapter 21161, 1941; see also Chapter 25742, 1949, page 86, Chapter 25743, 1949, page 96, and Chapter 27486, 1951, page 106, for additional powers concerning local improvements.)

SECTION 61-a. In this act certain words and phrases will be used with the following meanings, unless some other meaning is plainly intended:

The main divisions of this Act are sometimes herein termed paragraphs and the divisions of paragraphs are sometimes herein termed sub-paragraphs.

A Local Improvement is an improvement defined by this Act and made under the provisions thereof.

The word Commission shall be deemed to refer to the City Commission of the City of Coral Gables.

Highway is a public way embracing a street, boulevard, road, avenue, lane, alley, parkway, court, terrace, and place, but not embracing a sidewalk.

A Sidewalk is a path for pedestrians along a highway.

A storm sewer is a conduit above or below ground for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary; and may also embrace the building or culverts over or enclosing of streams where necessary or advisable to carry off storm water.

A Sanitary Sewer is an underground conduit for the passage of sewage, and may embrace a pumping station and outlet where deemed necessary.

A Curb Sewer is a sanitary sewer at or near a curb, instead of at or near the middle of a highway.

A Lateral is a pipe connecting a sewer main with the line of adjacent property or the curb line, as the Commission may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection, that is, a pipe extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served.

Improvements authorized to be made under the provisions of this Act are divided into five classes, as follows:

Class 1. Highway improvements embrace the grading, paving, re-paving, macadamizing and re-macadamizing of highways, with necessary drainage, sewer inlets, manholes and catch basins, and, if the Commission so orders, may embrace curbs and gutters.

Class 2. Sidewalk improvements embrace the grading and construction of sidewalks and, if the Commission so orders, may embrace curbs and gutters.

Class 3. Sanitary sewer improvements embrace the construction of sanitary sewers, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of sewer laterals, as a separate improvement, or as a part of the main improvement.

Class 4. Storm sewer improvements embrace the construction of storm sewers, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of sewer laterals, as a separate improvement, or as a part of the main improvement. Storm sewer improvements may also embrace the building of culverts over or enclosing of streams where necessary or advisable to carry off storm water. The word sewer includes both sanitary and storm sewers unless a contrary intention is shown.

Class 5. Water front improvements embrace the construction of bulkheads, seawalls or other retaining walls along the bay, river, canal, or lake, with necessary fills and dredging, and may embrace the acquisition by purchase, condemnation or otherwise, of land, rights and easements therefor.

Class 6. Canal and waterway improvements embrace the digging, excavating and dredging of new canals and waterways and the widening and extension of existing canals and waterways, and the maintenance and improvement of canals and waterways, and may embrace the acquisition by purchase, condemnation or otherwise of land, rights and easements therefor.

(Class 6 added by Chapter 21161, 1941)

Incidental expense embraces the following items, including reasonable sums paid or credited to the City or any department thereof for services rendered by any department or officer or clerk thereof in connection with any such items:

Preliminary and other surveys.

Inspection and superintendence of work.

Preparation of plans and specifications and estimates.

Printing and publishing of notices and proceedings.

Preparation of bonds.

Interest during construction.

Legal services, abstracts, etc.

Any other expense necessary or proper in conducting the proceedings and work herein provided for.

Railroad includes all forms of transportation by rail, not owned by the City of Coral Gables, whether propelled by electric, gasoline or steam power.

SECTION 62a. The initial proceeding for a local improvement hereunder shall be the passage at a regular or special meeting of the Commission of a resolution ordering the same to be made under this section, indicating the location by terminal points and route, and either giving a description of the improvement by its material, nature, character and size, or giving two or more such descriptions with the direction that the material, nature, character, and size be subsequently determined in conformity with one of such descriptions. A single resolution may embrace one improvement only, or one improvement of each of two or more classes of improvements. An improvement need not be continuous and may be in more than one locality or highway, but a highway or sidewalk improvement, shall be practically uniform in cost and kind throughout the improvement, and a sanitary sewer improvement shall not provide for a curb sewer as a part of the improvement, and a sewer at or near the middle of a highway as another part. Nothing herein contained shall prevent the Commission from excluding from any highway improvement that portion of the highway which has been improved by any railroad or any portion which the city may, under the franchise or contract with such railroad, require it to improve. If the resolution shall order a water front improvement, a canal and waterway improvement or storm sewer improvement, it shall designate the property which the Commission deems will be specially benefited thereby, and, if a water front or canal and waterway improvement be ordered, the resolution shall indicate the proportion thereof which shall be borne by the city at large, and the proportion thereof which shall be specially assessed. A resolution may give any short and convenient designation to each improvement ordered thereby and the property against which the assessments are to be made for the cost of such improvement shall be designated as a district, followed by a letter or number or name to distinguish it from other districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings, assessments and bonds, except in the notice

provided by paragraph (c) of this section.

(As amended, Chapter 21161, 1941)

(b) As soon as may be after the passage of said resolution the City Manager shall prepare and file with the City Clerk plans and specifications of each improvement ordered thereby and an estimate of cost thereof, including an estimate of the cost of each kind of improvement if the resolution provides alternative descriptions of material, nature, character and size, which estimate shall show the estimated amount of cost and incidental expense to be assessed against property, and except in the case of a storm sewer improvement the estimated amount to be assessed against each foot of abutting property.

(c) The City Clerk, upon the filing with him of such plans, specifications and estimates, shall publish once in a daily newspaper of general circulation published in the city or in the City of Miami, a notice stating that at a meeting of the Commission on a certain day and hour, not earlier than ten days from such publication, the Commission will hear the objections of all interested persons to the confirmation of said resolution, which notice shall state in brief and general terms a description of the proposed improvement with the location thereof, and shall also state that plans, specifications and estimates of cost thereof are on file in the office of the City Clerk.

(d) At the time named in said notice, or to which an adjournment may be taken, the Commission shall receive any objections of interested persons and may then or thereafter repeal or confirm said resolution with such amendments, if any, as may be desired by the Commission and which do not change in any way the location of the improvement or improvements; provided, however, that such resolution shall not then or thereafter be confirmed if it contains items which cannot be properly charged to the property owners, or if it is, for any default or defect in the passage or character of the resolution or estimate, void or voidable in whole or in part, or if it exceeds the power of the Commission, and if any objection shall be made to the resolution on any such ground as provided by Section 64 hereof.

(e) Within two (2) days after such confirmation, the resolution confirming same, together with the estimates submitted, shall be recorded by the City Clerk in a special book to be kept for that purpose, which book shall be known as improvement and assessment book and which book shall give the description by lot and block number, or other legal description, of all pieces or property affected thereby, together with the estimated amount assessable against each parcel or lot or portion thereof, which abuts upon or is benefited by the improvement or improvements, which said book shall be ruled in such a way that any person can readily ascertain the assessment against any piece of property affected.

(As amended, Chapter 21161, 1941)

SECTION 63. When the Commission may determine to make any street improvement and defray the whole or any part of the expense thereof by special assessment, the Commission shall so declare by resolution stating the nature of the proposed improvement, designating the street or streets to be so improved, what part or portion of the expense thereof is to be paid by special assessment, the manner in which said assessment shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general improvement fund of the city and said resolution shall also designate the lands upon which the special

assessments shall be levied; and in describing said lands it shall be sufficient to describe the lots and lands, deemed to be specially benefited abutting upon and contiguous to the contemplated improvement as: "All lots and lands adjoining and contiguous or bounding and abutting upon such improvement." Such resolution shall also state the total estimated cost of the improvements.

SECTION 64. All objections to any improvement resolution on the grounds that it contains items which cannot be properly charged to the property owners, or that it is, for any default or defect in the passage or character of the resolution or estimate, void or voidable in whole or in part, or that it exceeds the power of the legislative body of the municipality, shall be made in writing, in person or by attorney, and filed with the City Clerk at or before the time or adjourned time of such hearing. Any objections against the making of any improvement not so made shall be considered as waived, and if an objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within ten days.

(As amended, Chapter 21161, 1941)

SECTION 65. At the time of the adoption of the resolution provided for in Section 63 of this Act, there shall be on file with the Clerk, plans and specifications, with the estimated cost of the proposed improvement, which plans and specifications and estimates shall be open to the inspection of the public.

SECTION 66. As soon as practicable after the confirmation of any such resolution ordering work to be constructed the City Clerk shall publish at least once, in a newspaper of general circulation published in the City, or in the City of Miami, and if the estimated cost exceeds Five Thousand (\$5,000) Dollars, in a newspaper of general circulation throughout the State, a notice calling for sealed bids to be received by the Commission on a date not earlier than fifteen (15) days from the first publication in the local paper, or if said estimate exceeds Five Thousand (\$5,000) Dollars, in each of said two newspapers, for the construction of the work, unless in such resolution the Commission shall have declared its intention to have the work done by city forces without contract. The notice may refer in general terms to the extent and nature of the improvement or improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the improvement as to its material, nature, character and size, and if the Commission shall not have theretofore determined upon a definite description, the notice may call for bids upon each of such descriptions. No contractor shall be required to take bonds, warrants, or certificates in payment, but payment shall be made in cash upon monthly estimates of the City Manager to the amount of ninety per cent (90%) of such estimates and the balance due shall be paid in cash within sixty (60) days after acceptance of the work, and the said notice may state such conditions as to payment. Bids may be requested for the work as a whole or for any part thereof separately, and bids may be asked for any one or more improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The

notice shall require bidders to file with their bids either a certified check upon an incorporated bank or trust company for 2½ % of the amount of their respective bids or a bid bond in like amount with corporate surety satisfactory to the City Attorney to insure the execution of a contract to carry out the work in accordance with such plans and specifications and to insure the filing, at the making of such contract, of a bond in the amount of the contract price with sureties satisfactory to the City Manager conditioned for the performance of the work in accordance with such contract. The Commission shall have the right to reject any and all bids, and if all bids are rejected the Commission may re-advertise or may determine to do the work by city forces without contract.

PRELIMINARY ASSESSMENT ROLL

SECTION 67. After a contract shall have been entered into for an improvement embraced in any resolution, or, if the City shall do the work itself, after an improvement authorized by any resolution shall have been completed, the City Manager shall prepare a preliminary assessment roll and file the same with the City Clerk which roll shall contain the following:

(1) A description of the lots and parcels of land within the district, which, in the case of water front, canal and waterway, and storm sewer improvements, shall include all property declared by the Commission in such improvement resolution to be specially benefited thereby, and in the case of other improvements shall include lots and lands which abut upon the sides of that part of any highway to be improved or in which a sanitary sewer, except a curb sewer, is to be laid and the lots and lands which abut upon that side or sides of any highway in or along which side or sides a sidewalk is to be constructed or a sanitary curb sewer is to be laid. Such property, lots and lands shall include city property, and land within the City which abuts upon an intersection as herein defined; there shall also be given the name of the owner of each lot or parcel, where such can be ascertained, and in all cases save storm sewer improvements, a statement of the number of feet of property so abutting, which number of feet shall be known as the frontage.

(As amended, Chapter 21161, 1941)

(2) In the case of highway improvements a description of any track or tracks of a railroad as herein defined already laid or for the laying of which any franchise shall have been granted, within the portion of the highway or highways to be improved, giving the number of tracks, the distance between the tracks and the distance between the rails.

(3) The total cost of the improvements which, if made by contract, shall be the price named therein or the price computed from unit prices named therein, taking into consideration minor changes and alterations found necessary, but if the City shall do the work itself, the actual cost of said work, and in all cases the amount of incidental expenses, estimated or actual.

(4) An apportionment, to be computed as follows, of the cost of each improvement, incidental expenses to be apportioned in the same proportion:

IN HIGHWAY IMPROVEMENTS

(a) To any railroad as herein defined, the track or tracks of which may be in or upon any portion of the highway or intersection to be improved or to which any franchise for such track or tracks shall have been granted, there shall be apportioned the cost of such improvement

between the tracks and between the rails of each track and for the distance of eighteen (18) inches beyond each outer rail, including switches and turnouts; and when an assessment of such apportionment shall have been confirmed against any such railroad, it shall constitute a lien upon all the franchises and property thereof to the same extent as other assessments herein provided for constitute liens on abutting or benefited property; provided, however, that where any such railroad shall operate or be about to operate under any ordinance, contract or franchise which provides for the amount, manner and condition of the payment of cost by such railroad, the foregoing provisions as to such railroad shall apply only to the extent the same may not be inconsistent with any such ordinance, contract or franchise.

(b) To the City shall be apportioned the cost of highway improvements at intersections, except that part of such intersection cost as is apportioned to railroads. The word "intersection" shall be deemed to include not only that part of a highway which is common to another highway, but also that portion of a highway which would be embraced within the extension, if extended, of another highway entering into it or meeting it.

(c) To abutting property shall be apportioned the remaining cost of highway improvements.

IN SIDEWALK IMPROVEMENTS

(d) To abutting property shall be apportioned all the costs of sidewalk improvements, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lots to the curb line of an intersecting highway.

IN SANITARY SEWER IMPROVEMENTS

(Subsection (e) deleted by Chapter 25739, 1949)

(f) To the City shall be apportioned the cost of any pumping station or outlet.

(g) To each lot or parcel to the property or curb line of which a sanitary sewer lateral is laid shall be apportioned the cost of that lateral.

(h) To abutting property shall be apportioned either (a) the cost of a sanitary sewer except at intersection, or (b) the cost of an eight inch sanitary sewer except at intersections, as such cost is estimated by the City Manager (whichever be the lesser), not including herein the cost of laterals, pumping station or outlet.

STORM SEWER IMPROVEMENTS

(i) To the City shall be apportioned one-third of the cost of storm sewers, including any pumping station and outlet but excluding storm sewer laterals.

(j) To the lots and parcels within the district shall be apportioned two-thirds of the cost of storm sewers, including any pumping station and outlet, but excluding laterals.

(k) To each lot and parcel, to the property or curb line of which a storm sewer lateral shall be laid, shall be apportioned the cost of such lateral.

ASSESSMENT OF INDIVIDUAL LOTS

(1) The amount of the cost of water front and canal and waterway improvements and storm sewers, excluding laterals, so apportioned to lots and parcels of land, shall in said roll be assessed to the several lots and parcels within the district in the proportion which the City Manager

deems to be the proportion of special benefits each such lot or parcel will receive, and the amount of cost of each highway, sidewalk and sanitary sewer improvement, except laterals, so apportioned to abutting property shall be assessed in said roll against such abutting property according to frontage.

(As amended, Chapter 21161, 1941; see also Chapter 27486, 1951, page 106 for authority to assess benefits upon a unit basis)

SECTION 68. The City Commission is hereby empowered to provide by resolution any special assessment upon any lot or parcel of land heretofore or hereafter made under Section 67 of the City Charter, for the cost or any part of the cost of any improvement for which bonds or bond anticipation notes have not heretofore been sold or contracted to be sold, so that by such division such assessment may be apportioned and allocated in certain amounts to particular portions of such lot or parcel, respectively, which amounts shall constitute a lien upon such portions, respectively, to the same extent and with the same rights and remedies as to collections as in the case of the original lien of the assessment upon the entire lot or parcel, and such original lien shall thereupon give way to and be replaced by such liens upon the respective portions. No such allocation or change of lien shall become effective unless the resolution providing for the same shall declare such allocation and change fair and just nor until after a public hearing of all interested persons the City Commission shall confirm such resolution by the passage of a confirmatory resolution. At least ten (10) days before such hearing the City Clerk shall publish in a newspaper of general circulation in said City a notice announcing the time and place of such hearing and the fact that all interested persons will then or at an adjourned time have an opportunity of objecting to the passage of such confirmatory resolution. If the Commission should not confirm such resolution, it may pass a new resolution with different allocations and may thereafter confirm the same after like notice and hearing.

SECTION 69. The preliminary roll shall be advisory only and shall be subject to the action of the Commission as hereinafter provided.

(a) Upon the filing with the City Clerk of the preliminary assessment roll required by this Section, the City Clerk shall publish one time in a newspaper of general circulation published in the city, or the City of Miami, a notice stating that at a regular meeting of the Commission to be held on a certain day and hour, not less than twelve days from the date of the first publication, all interested persons may appear and file written objections to the confirmation of said roll.

(b) At the time and place stated in such notice the Commission shall meet and receive the objections in writing of all interested persons as stated in said notice. Then or thereafter, the Commission shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on said roll, either by confirming the prima facie assessment against any or all lots or parcels described therein, or by cancelling, increasing or reducing the same, according to the special benefits which said Commission decides each said lot or parcel has received, or will receive on account of such improvement. If any property which may be chargeable under this Section shall have been omitted from said preliminary roll or if the prima facie assessment has not been made against it, the Commission may place on said roll an apportionment to said property. The Commission may thereupon confirm said roll, but shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special

benefits. Forthwith after such confirmation said assessment roll shall be delivered to the City Manager and such confirmation shall be final and conclusive except as hereinafter provided.

(c) If the owners of any railroad, or any lot or parcel of land so assessed shall within ten days from such confirmation file a written verified petition in the office of the Clerk of the Circuit Court of Dade County, setting forth that the amount so assessed against any property of the petitioner exceeds the amount of the special benefit the petitioner has sustained or will sustain by reason of such improvement, or is out of proportion to benefits, or that the assessment is invalid for any reason whatsoever, and shall at the same time file with said Clerk a written undertaking in at least the sum of Two Hundred Dollars (\$200.00) with a good and sufficient surety to be justified before and approved by the said Clerk, to the effect that the petitioner will pay to the said City all costs and damages to be sustained by it by reason of such proceeding, and shall, within ten (10) days from such confirmation deliver to the City Manager or leave in his office a copy of said petition, then the validity of such assessment against said property shall be determined as hereinafter provided. Within ten (10) days after the delivery of said copy of petition to the City Manager, or at his office, the City Manager shall appear and answer the said petition, and the case shall be heard upon such petition and answer and upon such evidence as may be presented to the Court. The Judge of the Court shall hear and determine the cause, in term or vacation, giving such hearing and determination precedence over all other cases so far as the same may be practicable. The decision of the court in such proceedings shall be final, and an appeal shall be allowed only if properly prayed and perfected ten (10) days from the date of the order; if the assessment against such property shall be sustained or reduced or abated by the court, the City Manager shall note that fact on the assessment roll opposite the description of the property whose assessment was so contested; the cost of any such proceedings shall be paid by the party complaining of such assessment, unless the said assessment is abated or is reduced by the court ten (10) per cent, or more, and judgment shall be rendered against him for the amount of such costs; in case such assessment shall be abated or shall be reduced ten (10) per cent or more, such costs and expenses shall be paid by the City, and judgment shall be entered against it for the amount thereof.

SECTION 70. The amount of the special assessment, against any lot or parcel which may be set aside by the court, unless the assessment upon the entire district be set aside, or the amount by which such assessment is so reduced, may by resolution of the Commission be made chargeable against the City at large; or, in the discretion of the Commission a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll, except that no notice of hearing upon such roll need be published or given as to any property unless the assessment against it is increased. The Commission shall take prompt action as herein provided in case of the reduction or invalidation of any assessment, and any such action shall be noted by the City Manager on said assessment roll, unless a new roll shall be made and confirmed, in which case the former roll shall be a nullity and the right of petition to the Circuit Court as the amounts apportioned by the new roll shall again be in force as to such new roll.

(Reenacted without change, Chapter 15129, 1931)

(a) Thirty (30) days after the confirmation of the assessments the

amounts apportioned and assessed shall be due and payable at the office of the City Manager, except as to any property including railroads, whose owners shall have filed a petition in the Circuit Court as hereinabove provided, which assessments shall be due and payable eleven (11) days after the decision of the Court thereupon, but not within said thirty (30) days; but it shall be lawful for the Commission to provide by resolution that if the owner of any lot or parcel assessed in excess of Twenty-five (\$25.00) Dollars shall file with the City Manager before such date on which full payment is required, his written undertaking waiving all irregularity and illegality in connection with the said assessment against such lot or parcel, he shall have the privilege of paying the same in equal annual installments in each of the ten (10) succeeding years or such shorter period as may be fixed by the Commission at the time in said years at which the general City taxes are due and payable, with interest upon such deferred installments at the rate of six (6) per centum per annum, payable annually from the date of such assessment would be due if such undertaking were not filed; and upon the filing of any such undertaking the assessments embraced by it shall be payable at the time or times so fixed, and with such interest, but any assessment whose payment shall be so deferred may be paid at any time when accompanied by the payment of interest accrued thereon and that which will accrue to the next succeeding annual date for payment; provided, however, that nothing herein contained shall be deemed to prevent the Commission from extending the time in which such undertaking as to any one or more lots or parcels of land shall be filed.

(Reenacted without change, Chapter 15129, 1931)

(b) Said assessments shall constitute a lien upon the property so assessed from and after the passage of a resolution by the City Commission confirming the preliminary assessment roll, of the same nature and to the same extent as the lien for general city taxes, and shall be collectible in the same manner and with the same penalties and under the same provisions as to sale, deed and forfeiture as city taxes are collectible. Collection of such assessments may also be made by the City by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed, for an improvement ordered by the same resolution; provided, that failure to pay any installment of principal or interest of any assessment when such installment shall become due shall without notice or other proceeding, cause all installments of principal remaining unpaid to be forthwith due and payable with interest thereon at six (6) per centum per annum; but if before any sale of the property for delinquent assessments, the amount of such delinquency shall be paid with all penalties, interest and costs, further installments of the principal shall cease to become so due and payable and shall be due and payable at the times set forth in or contemplated by said written undertaking.

In any foreclosure proceeding brought under the terms of this section, said City shall be allowed, as a reasonable fee for its solicitor, and as a reimbursement for its other expenses in connection with ascertaining the state of the title and the parties interested, the sum of \$25.00 for each lot or parcel of land involved in such action, to be included in any decree of sale therein.

Said City may purchase in its name, at any sale for delinquent assess-

ments, through foreclosure or otherwise, any property for not exceeding the amount due said City at such sale.

(As amended, Chapter 15129, 1931; and Chapter 25747, 1949)

(c) All such assessments made under this section, and hereafter to be made, are hereby pledged to the payment of the principal and interest of the bonds authorized or hereafter to be issued, and shall when collected be placed in a special fund to be known as Improvement Fund No. "A," which fund shall make no distinction or separation as between the assessments for different improvements and shall be used solely for the payment of the principal and interest of such bonds as the same shall fall due.

(Reenacted without change, Chapter 15129, 1931)

(d). Immediately upon confirmation of the resolution ordering an improvement or improvements, an ordinance shall be submitted to the legally qualified electors who are freeholders, for approval or disapproval, in the event that the improvements provided for in said resolution are financed by the issuance of general obligation bonds of the City. In the event that such improvements are to be financed other than by the issuance of general obligations bonds, then no such ordinance need be submitted to such legally qualified electors. In the event that such improvement or improvements are to be financed out of general obligation bonds, then and in that event notice of an election by the legally qualified electors who are freeholders shall be given in a newspaper published in the City of Coral Gables, and if no newspaper is published in the City of Coral Gables, then in a newspaper published in Dade County, Florida and of general circulation in the City of Coral Gables, once each week for four consecutive weeks, the first publication to be not less than twenty-five (25) days before the date of such election. If a majority of the electors vote at said election, and fifty (50) per cent of such electors plus one (1) shall vote for the approval of such ordinance then the City Commission shall be authorized to issue bonds of the City for the payment of the entire cost or any part thereof, including incidental expense, and for the reimbursement of any fund of the city from which any part of such cost shall have theretofore been paid, in an amount not greater than the estimate herein provided of the cost and incidental expense, which estimate, if the initial resolution shall have given two or more alternative descriptions of the improvement by its material, nature, character and size, with estimates as to each description, shall be the lowest of such estimates. An issue of bonds need not be limited to one improvement, and bonds may be issued in one or more series for all or part of the cost of any one or more improvements. Each series of bonds shall mature in annual installments on such date in each year and in such amounts as the Commission may determine, beginning not more than two years from their date, nor extending beyond twelve years from their date, and no option of prior redemption of such bonds shall be reserved; they shall bear interest not greater than six (6) per centum per annum payable semi annually, and the principal and interest shall be made payable in such medium and at such place as the Commission may determine. Such bonds shall be the absolute, general and direct obligation of the City and shall be issued only in denominations of \$500 or \$1000, with interest coupons attached. They shall be sold by the Commission under the same conditions and requirements as set forth in Section 58 of this Charter. They may be made registrable as to principal alone, or as to both principal and interest, under such conditions as the Commission may determine and shall, with the coupons thereto attached, be executed as

provided by the Commission. If such ordinance shall fail to be approved by the required majority of the electors voting at said election, then all prior proceedings shall become null and void.

(As amended, Chapter 15129, 1931; and Chapter 25746, 1949)

SECTION 71. Notwithstanding the provisions made herein for the conservation and pledge of special assessments for the payment of such bonds and interest, the Commission is hereby authorized and required annually to levy a special tax upon all taxable property within the City over and above all taxes authorized or limited by the Charter of the City or other law sufficient to pay the interest and principal of all such bonds at their several dates of maturity, the proceeds of all which taxes shall when collected be paid into the fund referred to in paragraph "c," Section 70 of this Act, together with the special assessments in said fund contained, and said fund shall be used for no other purpose than the payment of such principal and interest; provided, however, that the amount of the annual tax levy herein required may be reduced in any year by the amount then contained in said fund, it being the intention hereof to provide that such bonds shall be payable by general taxation as other bonds of the city, but that the additional security provided herein by way of special assessments will reduce the amount of such general taxation.

SECTION 72. Where the proceeds of bonds issued or to be issued under Section 70 have been or shall be found to exceed the costs of the improvements for which such bonds were or shall be issued, such excess may be applied to a reduction of the City's bonded indebtedness.

SECTION 73. As soon as any improvement shall have been completed, the Commission shall cause a notice to be published in a newspaper published in the City, or the City of Miami, stating that at a meeting of the City Commission to be held at a certain day and hour, not less than ten (10) days from the publication of such notice, the Commission will hear any objections of persons interested in or affected by the said improvements as to the acceptance thereof by the Commission. At the time and place mentioned in said notice said Commission shall hear such objections, if any, and may then or thereafter accept the said improvement.

SECTION 74. The Commission may make allowances and grant credit to property owners for improvements previously made by such property owners to the extent, and only to the extent, that said existing improvements shall be of value and utility as a part of the improvements for which such assessment is made, and may prescribe a plan or system for fixing and determining said allowances and credits.

SECTION 75. In fixing the assessments herein provided for, whenever any such land shall have been surveyed or subdivided and platted into small tracts designated as lots or blocks or otherwise, and the owner of any land embraced in the said survey or subdivision shall have recognized such survey or subdivision by reference thereto in making any conveyance of land therein, or by selling any land therein by reference thereto, then, in that event, the land embraced in such subdivision shall be described for assessment purposes by reference to such subdivision whether any plat thereof shall have been recorded or not.

SECTION 76. The Commission shall have the power to authorize and require the use of surface privies, septic tanks and other devices for the disposal of sewage where connection with sanitary sewers is deemed by the Commission to be impracticable, and to regulate and control the location, construction, maintenance, care and use of the same, and to compel the

payment to said City of reasonable charges for its sanitary services in connection therewith, and to make the said charges a lien upon the houses, lands and premises served, and the Commission shall have power where connection with sanitary sewers is deemed by the Commission practicable, to prohibit, destroy or forbid the use of surface privies and cesspools and all other devices for the disposal of sewage except sanitary sewers.

(a) For purpose of this Act being to provide an economical method by which local improvements may be made, it is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for such improvements or special assessment or bonds or contracts, unless such irregularity or illegality shall substantially affect the rights of said City or its inhabitants, or the owners of property assessed for such improvement.

(b) In case of any omissions, errors and mistakes in making the assessments, or in case of deficiencies or otherwise, then, unless the Commission or the Court shall have determined that the assessments already made fully equal the amount of special benefits a supplemental assessment may be made for such deficiencies, errors, omissions, or mistakes; and such supplemental assessments shall be made in the same manner and after the same notice hereinabove provided for the original assessments, and shall be a lien to the same extent and be payable in the same manner, draw the same rate of interest, and be subject to the same penalties, and be in force and collected in the same manner as such original assessments.

(c) A copy of any assessment certified as correct by the City Manager shall be admissible in evidence and shall be prima facie proof of the amount of the assessment and the property upon which such assessment is levied.

SECTION 77. Dade County, and any school district, or other political subdivision, wholly or partly within said City, shall possess the same power and be subject to the same duties and liabilities in respect of said assessments affecting their real estate that private owners of real estate possess, or are subject to hereunder, and such real estate of said county, school districts and political subdivisions shall be subject to liens for said assessments and in all cases where the same property would be subject had it at the time the lien attaches been owned by a private owner.

SECTION 78. The Commission shall have the power by resolution or ordinance to prescribe the width of every sidewalk in the city and the material of which the same shall be constructed, and shall have power on such notice as may be prescribed by resolution, to require owners of property to lay, construct or repair sidewalks in front of their property; the Commission shall also have the power on such notice as may be prescribed by resolution, to require owners of property to clear or scavenge the same of, and destroy saw palmetto, weeds, undergrowth, rubbish, debris, trash, dead trees, standing or fallen, and unsightly or unsanitary matter; to fill in ponds, swamps, abandoned quarry sites, unsanitary excavations or depressions, and if the owner or owners shall not comply with any such requirement within the time limited in the resolution, the Commission may cause such work to be done, and may make the cost thereof a charge and lien against such property respectively, of the same extent and character as the lien herein provided for special assessments; which charge shall be forthwith due and payable unless the time for such payment shall be extended by the Commission, with the same penalties and with the same rights of collection and sale and forfeiture as obtained for city taxes. Nothing herein contained shall prevent the City from con-

structing sidewalks and providing for the payment therefor as elsewhere in this section.

(a) Where laterals shall have been constructed or shall be ordered, the Commission may require property owners to connect their premises with the laterals and may provide by general ordinance that in case of their refusal after notice given, the said connection shall be made by the City and that the cost thereof shall constitute a lien upon the house, land and premises thereby affected. The notice last above provided for may be by service on the owner of the property or the agent who collects his rents or the occupant, or in case the said property is unimproved, by posting such notice on the property.

(See also Chapter 25744, 1949, page 75 concerning clearing of lots)

SECTION 79. Bonds issued hereunder shall have all the qualities of negotiable paper under the law merchant and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value.

SECTION 80. No right, title or interest of the City of Coral Gables in and to the waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, electric and other works, shall be sold except by authority of an ordinance passed by a recorded affirmative vote of four-fifths of all the members of the Commission, and under such other restrictions as may be imposed by law.

SECTION 81. No ordinance granting, renewing or leasing the right to use the streets, alleys, public grounds or buildings of the City of Coral Gables to any private person, persons, firm or corporation shall become a law or effective in any way unless the same be passed by a vote of four-fifths of all the members of the Commission; and no such grant, renewal or lease shall be for a longer period than thirty years, and no such grant, renewal or lease shall be transferable except with the approval of the Commission expressed by Ordinance; and copies of all transfers and mortgages or other documents affecting the title or use of such grants, renewals or leases shall be filed with the City Clerk within ten days after the execution thereof.

SECTION 82. All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by ordinance at any time for misuse or non-use, or failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

(b) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(d) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility; but if a public service commission or any other authority shall be given the power by law to prescribe the form of accounts for public utilities throughout the State, the forms so prescribed shall be controlling so far

as they go, but the Commission may prescribe more detailed forms for the utilities within its jurisdiction.

(e) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

SECTION 83. All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant. In case of an extension of a public utility operated under a franchise hereafter granted such right shall be terminable under the same conditions as the original grant.

SECTION 84. Every public utility franchise hereafter granted shall be subject to all the terms and conditions of this Charter, whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, except as specifically stated, the discretion of the Commission imposing terms and conditions in connection with any franchise grant.

SECTION 85. Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts, and in such manner as to show the true and complete financial result of such city ownership and operation, including all assets, liabilities, revenues and expenses.

The accounts shall show the actual cost to the city of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amounts set aside for sinking fund purposes; and in the case of city operation, all operating expenses of every description. They shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. They shall also show a proper allowance for depreciation, insurance, interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The Commission shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership, or ownership and operation, which reports shall give the information specified in this section and such other information as the Commission shall deem expedient.

SECTION 86. All books, records, and documents used by any city officer in his office or pertaining to his duties shall be deemed the property of said city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records and documents, shall, within three days after the date of his resignation or removal from office as the case may be, deliver to the City Clerk all such books, records, and documents. Any such officer or person failing to deliver such books, records, or documents as required by this section, shall be deemed guilty of an offense against the city, and upon conviction thereof before the City Court shall be fined not more than five hundred (\$500.00) dollars, or imprisonment not exceeding sixty days.

SECTION 87. Except in the case of officers whose bonds are specifically provided for by this Charter, the Commission shall determine, by resolution, whether such officer, clerk or employee shall give bond and the amount of penalty thereof. All officers required by this Charter

to give bond, and all officers, clerks and employees of whom bond is required by the Commission, shall, before entering upon their respective duties, give bond with surety to be approved by this Commission, conditioned for the faithful performance of the duties of their respective offices, which bond, unless otherwise specifically provided by this Charter, shall be payable to said City, and in such penalty as the Commission may by resolution prescribe. The Commission shall accept as surety on any such official bond only a good, solvent surety company authorized to do business in the State of Florida. The premium on any such bond shall be paid by the City. Unless otherwise specially provided in this Charter, all such bonds shall be filed with and preserved by the City Clerk.

SECTION 88. The Commission may, at the request of the City Manager, appoint Boards or Commissions, to be composed of such number of citizens as the Commission may deem expedient to act in an advisory capacity in conjunction with any one or more of the departments created or authorized hereby. The members of all such Boards and Commissions shall serve without compensation, and may be removed at any time by a majority vote of the Commission.

SECTION 89. The Commission shall fix by ordinance the compensation of all officers and heads of departments. The City Manager shall, subject to the approval of the Commission, fix the number and salaries or compensation of all other officers and employees. The salaries or compensations so fixed shall be uniform for like service in each grade of the service as the same shall be framed or classified by the City Manager in accordance with the rules and regulations adopted by the Commission. All fees and monies received or collected by officers and employees shall be paid into the City Treasury.

SECTION 90. Every officer of the City shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the Commission, that he will support, protect and defend the Constitution and laws of the United States and of the State of Florida, and the Charter and all Ordinances of the City, and in all respects faithfully discharge the duties of his office.

SECTION 91. No contract for furnishing supplies or services for the City, except as otherwise provided in this Charter, shall be made for a period of more than one year.

SECTION 92. The Commission shall make no appropriation of public funds towards the maintenance and support of any public or private charity except upon condition that the City shall have representation upon the Board of Directors, Board of Managers or other governing body of such private or public charity, and that a detailed financial report, showing all receipts and disbursements by such charity shall be made to the Commission at least once in each year. But nothing herein shall be construed to prevent the City from contracting with any hospital or similar institution for the care of the indigent, sick or injured persons, or for other services.

SECTION 93. Any owner of lots or grounds within the City who subdivides the same for sale shall cause to be made an accurate plat of said subdivision describing with certainty all grounds, laid out or granted for streets, or other public uses. Lots intended for sale shall be numbered by progressive numbers or described by the squares in which situated and the precise length and width shall be given of each lot sold or intended for sale; such plat shall be subscribed by the owner, acknowledged before

an officer authorized to take the acknowledgment of deeds, approved by the Commission, and recorded in the office of the Clerk of the Circuit Court in and for Dade County, Florida. No such plat shall be approved unless it clearly gives an accurate description of the property showing section corners or quarter section corners or at least tying said property to one or more section or quarter section corners or other government monument.

SECTION 94. The Commission shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of proper width and to be co-terminus with adjoining streets and alleys and otherwise to conform to regulations prescribed by the Commission. Whenever the commission shall deem it expedient to plat any portion of territory within the City limits, within which the necessary streets or alleys have not already been accepted by the City, so as to become public streets or alleys, or when any person plats said land within the corporate limits or within two miles thereof, the Commission shall, if such plats are in accordance with the rules as prescribed by the Commission, endorse its written approval thereon. No plat subdividing lands within the corporate limits of the City of Coral Gables, shall be entitled to record in the office of the Clerk of the Circuit Court in and for Dade County, Florida, without such written approval endorsed thereon.

SECTION 95. No streets or alleys, except those laid down on such plat as referred to in the last two preceding sections, and bearing the approval of the Commission, as hereinbefore provided for, shall subsequently in any way be accepted as public streets or alleys by the City, nor shall any public funds be expended in the repair or improvement of streets and alleys subsequently laid out and not on such plat. This restriction shall not apply to a street or alley laid out by the City, nor streets, alleys or public grounds laid out on a plat by, or with the approval of the Commission.

SECTION 96. No streets or alleys hereafter dedicated to public use by the owner of ground in the City shall be deemed a public street or alley, or under the care and control of the Commission, unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions of this charter relating to subdivisions shall have been complied with.

SECTION 97. All ordinances of the City of Coral Gables, before they shall become a law or take effect, must be published by title and posted in full at the door of the City Hall, at least one time in a newspaper published in the City of Coral Gables, or in the event there is no newspaper published in the City of Coral Gables, then in a newspaper published in Dade County of general circulation in the City of Coral Gables. Provided, that nothing herein contained shall prevent the Commission, at any time appointing some person or persons and authorizing him or them to arrange, and codify the ordinances of the said City, and publishing such codification in appropriate volume or volumes, which shall become the laws of the said City upon its adoption by ordinance published as herein provided; and provided, further, that in the exercise of the power by said Commission to adopt said codification, it shall not be necessary to publish said codification, but the publication of the ordinance adopting the same shall be sufficient to make it binding as the law of said City.

SECTION 98. The Commission shall determine by ordinance the amount to be credited to prisoners for each day's work performed be-

cause of the non-payment of fine and costs. No costs in criminal prosecutions shall be taxed against the City or paid by the Commission.

SECTION 99. It shall be the duty of the City Clerk to record within ten days after passage all ordinances adopted by the Commission in a book kept for that purpose and properly index said book. A copy of any ordinance therefrom, certified by the Clerk under the seal of said City, shall be received in evidence in all Courts of this State.

SECTION 100. The ordaining clause of every ordinance shall be as follows: "Be it Ordained by the Commission of the City of Coral Gables."

SECTION 101. The City of Coral Gables shall not be annexed to any other incorporated city until such annexation shall have been approved by a three-fifths majority of the qualified electors of the City, voting at such an election.

SECTION 102. All records and accounts of every office and department of the City shall be open to inspection by any resident or taxpayer at all reasonable times and under reasonable regulations established by the City Manager, except such records and documents the disclosure of which would tend to defeat the lawful purpose for which they are intended to accomplish.

SECTION 103. No member of the Commission nor any officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. Any wilful violation of this section shall constitute a malfeasance in office and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with knowledge expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Commission.

SECTION 104. It shall be the duty of the County Commissioners of Dade County, Florida, to maintain all streets designated as county highways in the City of Coral Gables.

SECTION 105. The City is hereby authorized for the purpose of developing and extending the port and other shipping and transportation facilities of the city, to construct, purchase, lease or otherwise acquire, and to equip, own and maintain a single or multiple track line or lines of railway, and also yards, terminals, stations, warehouses, team and other tracks, switches, turnouts and all buildings and appurtenances deemed necessary and appropriate in connection therewith for the receipt, transportation, housing and delivery of passengers, freight, mail and express from, into and within the City and the zone lying outside of the City and not distant more than ten miles from the city limits as now or hereafter constituted; also to extend or connect with such line or facilities, or with the lines of any common carrier, the lines or facilities of shipping or transportation now or hereafter owned by the City; said line or lines of railway may be upon or along the public highways, or said line or lines of railway may be upon lands or easements now owned or hereafter to be acquired therefor, located in any part of said area; also to acquire by donation, purchase, condemnation or otherwise all land, easements, rights of property deemed necessary therefor by the City Commission; and to operate, or cause to be operated, said line or lines or facilities, or to lease, or grant the use of all or any part thereof without statutory limitation as to the duration thereof, or all or any part of any port,

terminal or transportation line, with facilities appurtenant thereto, now or hereafter owned by the City, to any common carrier or carriers for such time and upon such terms and conditions as may be determined by the City Commission by ordinance. Provided, however, that no properties herein authorized to be acquired shall be so acquired by purchase, condemnation, or lease until ordinance for such acquisition be first ratified in the manner provided in Section 7j.

SECTION 106. The City Commission may grant, lease or renew any lease to the right to use the streets, highways, alleys, public grounds or public buildings, and to grant franchises, or to enter into franchise contracts, for the construction, maintenance and operation of any electric or general railroad over, along or upon or across the streets, avenues, highways, alleys and public places of said City of Coral Gables to any private person, persons, firm or corporation, but no such grant, renewal, lease or franchise or renewal thereof shall be transferable except with the approval of the Commission expressed by ordinance and copy of all transfers and mortgages or other documents affecting the title to the use of such grants, renewals, leases or franchises shall be filed with the City Clerk within ten days after the execution thereof; and provided, no franchise shall be granted for a longer period than thirty years; and, provided, further, that no roadbed or tracks shall be constructed under such grants, leases or franchises or franchise contracts, in any public thoroughfare or way, unless and until the written consent of legal or equitable owners of two-thirds of the frontage property fronting on the portion of the thoroughfare or way over which such railroad is run, has been filed in the office of the City Clerk.

SECTION 107. For the purpose of this act the term "uncollected taxes" shall include (a) taxes of the City of Coral Gables which shall have become delinquent and remain uncollected and (b) taxes of said City for which property shall have theretofore been sold to said City and remain unredeemed, and (c) taxes which are due to the City, but which have not been extended on the tax roll because of a sale to the City for taxes of a prior year. The word "collection," in connection with such uncollected taxes, shall include the receipt of moneys from the redemption or sale or other disposition of any tax certificates, deeds or other property or rights therein held by said City and arising out of sales to said City of property for uncollected taxes.

(Reenacted without change, Chapter 15129, 1931)

(1) The City Commission of the City of Coral Gables may by resolution authorize the issuance and sale of negotiable notes of said City to anticipate collections of the uncollected taxes of (a) the fiscal year then current or the preceding fiscal year or of (b) the then current fiscal year or preceding year and the year immediately preceding or of (c) the then current fiscal year or preceding year and the two years immediately preceding; or any part of the uncollected taxes for either one or more of the years mentioned, either such as may be collected in any named period of time, or on any named property or otherwise. If such uncollected taxes or any part thereof shall then be pledged to the payment of any obligations, such obligations shall be paid off prior to or upon the issuance of such notes, or a sufficient amount of the proceeds of the notes first sold shall be set aside in trust for the payment of such obligations.

(As amended, Chapter 15129, 1931)

(2) The resolution authorizing such notes shall state the fiscal year or years (or parts or portions thereof), or the designated period during which taxes collected are pledged, or description of the real estate upon which taxes levied are pledged, or such other description as shall sufficiently identify the part or portion of taxes pledged; and the face value of such taxes remaining uncollected on the date such resolution is passed, without interest or penalties, and the aggregate face value of the notes at any time to be issued in anticipation of the collection of such uncollected taxes. The face value of such notes shall not exceed the face value of such uncollected taxes as recited in the resolution.

(As amended, Chapter 15129, 1931)

(3) All notes issued in anticipation of the collection of any year or combination of years, or parts thereof or periods therein, or upon designated property, taxes shall mature at such time or times, not later than five years from their date, as the Commission shall by resolution determine. Such notes may be made redeemable before their maturity at such time or times and upon such terms and conditions and at such prices as may be set forth in the resolution, but the redemption price shall not exceed the face value and a premium of one per cent. If the time between redemption and maturity does not exceed one year, and an additional premium of not to exceed one percent per year or portion thereof, for the time between redemption and maturity.

(As amended, Chapter 15129, 1931)

(4) After the delivery of any such notes for value, or after any contract made for any such delivery, the provisions of such resolution as to maturity and redemption shall not be subject to amendment or repeal.

(As amended, Chapter 15129, 1931)

(5) All uncollected taxes as defined hereinabove which are anticipated by an issue of notes, and also all certificates, deeds and other property and rights founded thereon, and also all collections thereof from the date of passage of the resolution, including interest and penalties, are hereby pledged to the payment of the principal and interest and the redemption premium, if any, of and upon the notes which may be issued to anticipate such collections, and the resolution shall create a special fund, suitably designated, into which all such collections shall be placed immediately upon the receipt thereof. Such fund shall be used only for the payment of such principal and interest and redemption premium, if any, until such notes and the interest thereon shall be fully paid.

(Reenacted without change, Chapter 15129, 1931)

(6) The Commission shall in the resolution determine the form and manner of execution of the notes, the interest rate, not exceeding 7% per annum, payable annually or at shorter intervals, and the denomination or denominations, which shall be in a multiple or multiples of \$100, and the place of payment of principal and of interest upon the notes, which place may be either within or without the State of Florida.

(Reenacted without change, Chapter 15129, 1931)

(7) Such notes may be sold in such manner as the Commission may determine, but not at a price lower than 90 cents on the dollar and accrued interest. The proceeds shall be paid into the City Treasury and used for the lawful purposes of the City for which the uncollected taxes were levied.

(As amended, Chapter 15129, 1931)

(8) This section shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplementary and additional to powers conferred by other laws.

(As amended, Chapter 15129, 1931)

(9) None of the restrictions and limitations of other laws, general or special, shall apply to the issuance of notes under this act, and it shall not be necessary to hold an election or to take any proceedings whatever for the issuance of notes hereunder except such proceedings as are prescribed by this Act.

(Reenacted without change, Chapter 15129, 1931)

(10) The notes herein authorized shall be the general obligations of said City, and the faith and credit of said City shall be pledged to the payment thereof with interest; the City Commission shall have power in each year in which any such notes shall be outstanding, to levy and collect a tax upon all taxable property within the City for the payment of the principal and interest thereof, and it shall be the duty of the City Commission, in the tax levy of the fiscal year in which such notes mature, to levy and collect a tax sufficient for such payment except that the amount of moneys in the special fund pledged to such payment may be deducted in arriving at the amount of the tax so to be levied and collected.

(Reenacted without change, Chapter 15129, 1931)

SECTION 108. If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appear that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid.

SECTION 109. No municipal corporation shall be formed in the State of Florida using in any manner as part of its name the words "Coral Gables" or either of them.

SECTION 110. That Chapter 10418, Laws of Florida, the same being an Act to establish the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers, approved April 29, 1925; Chapter 10419, being an Act to amend certain sections of an Act of the 1925 Legislature entitled "An Act Establishing the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers," the same being approved the 5th day of June, A. D. 1925; Chapter 11440, Laws of Florida, being an Act to amend an Act entitled: "An Act to establish the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers," passed at the 1925 Regular Session of the Legislature and thereafter amended at the same Session, the same being approved on November 30, 1925; Chapter 11439, Laws of Florida, being entitled "An Act to amend an Act entitled 'An Act to establish the City of Coral Gables, Florida, to provide for its government and to prescribe its jurisdiction and powers,' passed at the 1925 Regular Session of the Legislature and thereafter amended at the same Session," and approved November 30, 1925; Chapter 12631, Laws of Florida, being entitled "An Act to extend the corporate limits of Coral Gables, Dade County, Florida, and to convey to said City of Coral Gables jurisdiction over the territory embraced in said extension," same being approved May

31, 1927; Chapter 12632, Laws of Florida, being an Act to amend certain sections of an Act of the 1925 Legislature, entitled: "An Act establishing the City of Coral Gables, Florida, to provide for its government, and to prescribe its jurisdiction and powers," approved May 21, 1927; and Chapter 12633, Laws of Florida, being an Act to amend certain sections of Chapter 10418 of the Acts of the Legislature of the State of Florida, Session of 1925, entitled "An Act establishing the City of Coral Gables and to provide for its government and to prescribe its jurisdiction and powers," and to amend certain sections of an Act amendatory of said Chapter 10418, being Chapter 10419 of the Acts of the Legislature of the State of Florida, Session of 1925, entitled "An Act to amend certain sections of an Act of 1925 Legislature, entitled 'An Act establishing the City of Coral Gables, to provide for its government and to prescribe its jurisdiction and powers,'" the same having been approved June 6, 1927, be and the same are hereby repealed.

SECTION 111. This Act shall be effective on becoming a law.

SPECIAL ACTS GRANTING POWERS TO THE CITY OF
CORAL GABLES IN ADDITION AND SUPPLEMENTAL
TO THE CHARTER OF THE CITY

REFUNDING BONDS

Chapter 13977, 1929:

SECTION 1. Nothing in the Charter of the City of Coral Gables shall be deemed to prevent the issuance of refunding bonds by said City in the manner provided by General Law.

Chapter 15132, 1931:

SECTION 1. The City of Coral Gables is hereby authorized to issue refunding bonds in the manner herein provided for the purpose of refunding its outstanding bonded and other indebtedness and the interest thereon, now due and payable or hereafter maturing, at or after the maturity of such bonds or other obligations, or the interest thereof, or prior to the maturity thereof, pursuant to an agreement made with the holders of such bonds or interest coupons.

SECTION 2. Such refunding bonds may be of one or both of the following classes: Class A, to consist of bonds constituting definite obligations of the City maturing not more than fifty years from their date and bearing interest at a rate not to exceed six per cent, payable semi annually; and Class B, to consist of obligations which may be designated as Corporate Stock, without fixed maturities and bearing interest at a rate not to exceed seven per cent, the principal and interest of which shall be payable, out of the funds realized from the earnings and/or the sale of assets and/or other revenues which may be pledged therefor, upon such contingencies as may be stipulated in said bonds or in the proceedings authorizing their issuance. All bonds issued under this Act shall constitute negotiable instruments.

SECTION 3. The Commission of the City of Coral Gables is hereby empowered to enter into agreements with the holder or holders of any outstanding bond or bonds, coupon or coupons, or other obligations heretofore issued or now owing by said City regardless of whether such bonds or coupons or other obligations are then due and payable, providing for the refunding of the indebtedness represented by such bonds and/or coupons and/or other obligations. Such agreement may provide for the exchange of refunding bonds of Class A, and/or Class B, in payment and satisfaction of said outstanding bonds and/or coupons, and/or other obligations upon such terms and conditions as may be agreed upon.

SECTION 4. An agreement for the refunding of the outstanding indebtedness of the City, pursuant to the provisions of this Act, may provide for any or all of the following:

(a) for the issuance, in retirement of said outstanding bonds and/or coupons and/or other obligations of Class A, refunding bonds and Class B refunding bonds in such proportions as may be agreed upon;

(b) for the levy of ad valorem taxes upon all taxable property in the City, without limitation of rate or amount, for the payment of the principal and interest of Class A Refunding Bonds;

(c) for the pledging for the payment of the Class B Refunding Bonds, or any portion or series thereof, of delinquent taxes, tax certificates and/or special improvement liens owned by the City, Property owned

by the City, and the income derived therefrom, and any public utilities owned by the City and/or the income derived therefrom, and to charge the assets so pledged with a lien in favor of the holders of such Class B refunding bonds;

(d) for the levy of a tax of a fixed millage annually until all of the Class A and/or Class B bonds, together with the interest thereon, shall have been paid, at all events, or upon such contingencies as may be agreed upon between the holders of said bonds and the Commission of the City of Coral Gables;

(e) for the fixing of a definite ratio between the amount of taxes levied for current expenses and the amount of taxes levied for the payment of the principal and interest of bonds issued under the provisions of this Act, and for the maintenance of such ratio until all of the bonds issued under the provisions of this Act and the interest thereon shall have been paid in full;

(f) for a depository or trustee to receive, hold and administer all revenues, properties or other assets pledged for the payment of Class B bonds and for the payment of the fees and compensation of such depository or trustee as a current expense of the City;

(g) for the disposal by the Depository of the assets pledged for the payment of the Class B Bonds from time to time upon such terms and conditions as shall be prescribed by the holders of such bonds or by their duly constituted agents or attorneys;

(h) for the foreclosure of the liens for taxes and assessments and for the pledging of properties acquired by the City as a result of such foreclosures for the further securing of bonds issued hereunder;

(i) for the acceptance by the Commission of the City of Coral Gables in payment of such delinquent taxes or special assessments as may be specified in the agreement, of Class B bonds upon such terms and conditions as may be defined in the agreement;

(j) for such other undertakings and covenants on the part of the City of Coral Gables not inconsistent with the Constitution of the State of Florida and this Act, it being intended to confer upon the City of Coral Gables complete power and authority to enter into such agreements with its creditors as may be necessary or expedient for the purpose of refunding its outstanding bonded indebtedness and other obligations and the interest thereon, and this Act shall be liberally construed to effectuate that intent.

SECTION 5. The depository or trustee, appointed to receive, hold and administer revenues, properties or assets pledged for the payment of the Class B bonds, shall be a bank or trust company within or without the State of Florida authorized to undertake trusts. Such depository may also be constituted, by agreement with the holders of bonds issued under the provisions of this Act, custodian of all taxes and/or revenues applicable to the payment or retirement of the principal and interest of the Class A bonds. All moneys required to be paid to such Depository under the provisions of any agreement made pursuant to this statute shall, as the same are collected from day to day, be paid directly by the collecting official of the City of Coral Gables to said depository, and the depository shall give such security therefor as may be stipulated in said agreement. Such depository shall be the custodian of all sinking funds accumulated for the payment or retirement of the principal and interest of bonds issued under the provisions of this Act. Funds in the hands of the depository,

unless otherwise provided by an agreement made under the provisions of this Act, shall be invested in obligations of the United States.

SECTION 6. In the event of a default, on the part of the City of Coral Gables, in the payment of any bond or interest coupon issued under the authority of this Act, on the date of its maturity, and such default shall continue for a period of sixty days, or in the event of a default, on the part of said City, in the performance of any covenant or undertaking prescribed by an agreement made with its creditors under the provisions of this Act, and such default shall continue for a period of sixty days, a court of competent jurisdiction, upon the application of any holder of a bond or interest coupon issued under the provisions of this Act, either of Class A or Class B or upon application of the Depository appointed in pursuance of an agreement made hereunder, may appoint a Comptroller of Bond Revenues and Funds, who shall have the powers of a Receiver in Chancery.

Said Comptroller shall be a resident of the State of Florida or some corporation organized under the Laws of Florida and authorized by such laws to act as receiver and shall be entitled to take possession of all assets pledged by the City for payment of any such bonds and to collect all revenues allotted to payment or retirement of such bonds. Such appointment by such court shall not be made except upon sixty days notice of such application for such appointment having been given to the Commission of said City. The revenues collected by the Comptroller shall be applied in the manner specified in any agreement made with the creditors of said City under the provisions of this Act. The Comptroller may be directed to foreclose, in the manner provided by law, the lien of taxes and assessments upon all delinquent properties. Such suits to foreclose the liens of taxes or assessments may be brought by the Comptroller under any statute, general or special, applicable to said City, and shall be conducted as and governed by the provisions of said Act or Acts, and the decrees, deeds and other acts therein shall have the same presumptions in their favor as though such suits have been conducted by the City. When all costs, overdue interest and bonds which are then due and payable have been paid, and any other default on the part of the City shall have been terminated, the Comptroller shall be discharged. A Comptroller so appointed by any court shall exercise no political or governmental powers conferred by law upon the Commission of said City, but shall constitute the agent of such court for the purpose of enforcing its judgments, and decrees and for the protection of the rights of the creditors of the City.

SECTION 7. No bonds shall be issued under the provisions of this Act until a proposition for the issuance thereof shall have been approved by a majority of the votes cast in an election by the qualified electors who are freeholders of the City of Coral Gables, in which election a majority of the freeholders who are qualified electors, residing in such City, shall participate. Such proposition may be submitted at a general election or at a special election called for the purpose. Notice of such special election, or the submission of such proposition at a general election shall be given by publication in a newspaper of general circulation published in the City of Coral Gables, or if there be none, then in a newspaper published in the City of Miami once a week for three successive weeks; the first of such publications to be not less than twenty one (21) days prior to the date of election. Such notice of election shall set forth the date of election, the hours the polls will be open and the place

or places of election; and shall contain a complete copy of the ordinance authorizing the issuance of the bonds. If such proposition shall be submitted at a general election, the polling places shall be those designated for such general election. In the event the proposition be submitted at a special election, the Commission of the City of Coral Gables shall fix such place or places for the holding of the election as it shall deem expedient. The election shall be held and conducted, and returns made and canvassed in the manner provided by law for the conduct and canvass of elections upon bond propositions. All provisions of the City Charter, except such as may be inconsistent therewith, shall apply to and govern such election.

SECTION 8. Both Class A and Class B bonds, issued under the provisions of this Act, may be validated by decree of the Circuit Court of Dade County in a proceeding brought under the provisions of Sections 5106 to 5129 inclusive of the Compiled General Laws, of Florida, 1927.

SECTION 9. In the event any clause or section of this Act shall be held invalid, the validity of the remainder of the Act shall not be affected, and this statute shall in that event be construed and applied with such clause or section deleted.

SECTION 10. All laws or parts of laws in conflict with this Act are hereby repealed.

TAX CERTIFICATES AND TAX DEEDS

Chapter 16374, 1933:

SECTION 1. All general laws of the State of Florida heretofore or hereafter enacted, providing any remedy or procedure in behalf of the owner of a tax sale certificate, or tax deed, or for enforcement thereof, shall be applicable and available to the owner or holder of any tax sale certificate issued by the City of Coral Gables, Florida, and to the owner or holder of any tax deed issued on any such certificate. All such remedies or procedure prescribed by general law shall be deemed to be cumulative to any and all other remedies and procedure prescribed by special law.

EXEMPTION FROM TAXES—CITY PROPERTY

Chapter 22911, 1945:

SECTION 1. That the City of Coral Gables, Florida, a municipal Corporation of the State of Florida, being the owner now or becoming the owner hereafter of any lands lying and being in the County of Dade and State of Florida, and used by it in connection with governmental functions imposed upon it by law, which property may have been sold to the State of Florida by the Tax Collector of Dade County, Florida for unpaid County and/or Okeechobee Flood Control District taxes and having been sold by said Tax Collector of Dade County, Florida to the Board of Commissioners of Everglades Drainage District for unpaid Everglades Drainage District taxes and having been sold to the Board of Commissioners of Okeechobee Flood District for its unpaid taxes, and the tax certificates having been issued against said property; all taxes levied and assessed against any such lands owned by the City of Coral Gables and used by it in connection with governmental functions imposed on it by law, and all tax certificates on such lands now in the hands of the Clerk of the Circuit Court of Dade County, Florida, be, and the same are hereby cancelled in view of the use of said property by the said City of Coral Gables in its governmental capacity; that the Clerk of

the Circuit Court of Dade County, Florida, is hereby authorized and directed to certify to the Comptroller of the State of Florida, all outstanding certificates issued on or against any such property, for any year whatsoever, if any, as and when issued, for cancellation, and the Comptroller of the State of Florida, be, and he is hereby authorized and directed to cancel such certificates as are certified to him by the said Clerk of the Circuit Court of Dade County, Florida, for the sale of taxes, if, as and when issued on any such property, together with all claims or demands for taxes which the County of Dade, the Okeechobee Flood Control District for the Everglades Drainage District may have against the above described property.

SECTION 2. That all such property described in Section 1 hereof be, and the same is hereby exempted from all taxes whatsoever, whether county or drainage district or flood control district, as long as the same is owned by the City of Coral Gables, Florida, and used, by it in its governmental capacity.

SECTION 3. That this Act shall be liberally construed and if any clause or section thereof, for any reason, be held or declared invalid, the remaining portion or portions thereof shall remain in full force and effect, as if such invalid clause, provision or section had not been incorporated herein.

SECTION 4. That for the purposes of¹ this Act it shall be sufficient upon determination of the particular question if a certificate be made by the then City Clerk of the City of Coral Gables to the effect that certain lands are owned by said City and are used by it in connection with its governmental functions or in its governmental capacity and such certificate when so made, shall be sufficient to warrant and justify the cancellation and/or exemptions provided for in this Act.

SECTION 5. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

Chapter 17518, 1935:

SECTION 1. The Board of County Commissioners in and for Dade County, Florida, is hereby authorized and empowered to settle, adjust and compromise all State and County taxes, and the Dade County School Board to settle, adjust and compromise all school taxes, on vacant and unimproved properties now owned or which may be acquired by the City of Coral Gables, Florida, through foreclosure of tax certificates or assessment liens thereon, evidencing unpaid taxes and assessments upon property in the City of Coral Gables; PROVIDED: That no adjustments shall be made upon lands which taxes are not delinquent for at least five (5) years.

ELECTION OF MAYOR

Chapter 24449, 1947:

SECTION 1. Whenever in any election of the City of Coral Gables, Florida, in which the office of mayor is to be filled, the candidate receiving the highest number of votes for the office of mayor is disqualified to serve because of the fact that he is not a hold-over commissioner whose term of office has not expired, or because he failed to receive sufficient votes at such election to elect him a commissioner of said City, the office of mayor, for the term prescribed by the City Charter, shall be filled by a majority of the votes of the City Commissioners of said City as it is constituted after and upon the result of such election.

SECTION 2. All laws or parts of laws in conflict herewith are hereby repealed.

MUNICIPAL COURT

Chapter 25749, 1949:

SECTION 1. The City Commission of the City of Coral Gables, Florida, is hereby given the power and authority to name an Associate Judge of the Municipal Court of said City.

SECTION 2. Such Associate Judge shall hold office at the will of the City Commission.

Chapter 25750, 1949:

SECTION 1. The Judges of the Municipal Court of the City of Coral Gables shall have the power to issue search warrants upon either of the following grounds:

1. When the property shall have been stolen or embezzled in violation of law.

2. When any property shall have been used:

(a) As a means to commit any misdemeanor, or

(b) In connection with gambling, gambling implements and appliances, or

3. When any property is being held or possessed:

(a) In violation of any of the laws prohibiting the manufacture, sale and transportation of intoxicating liquors;

(b) In violation of any of the laws or ordinances of the City of Coral Gables.

4. A search warrant cannot be issued except upon probable cause supported by affidavit or affidavits, naming or describing the person, place or thing to be searched and particularly describing the property or thing to be seized; no such warrant shall be issued in blank and any such warrant shall be returned within ten days after issuance thereof.

5. The Municipal Judges, before issuing the warrant, must have the application of some person for said warrant duly sworn to and subscribed, and may receive further testimony from witnesses or supporting affidavits, or depositions in writing, to support the application. The affidavit and further proof, if same be had or required, must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

6. The Judges of the Municipal Court, upon examination of the application and proofs submitted, if satisfied that probable cause exists for the issuing of the search warrant, shall thereupon issue a search warrant signed by him with his name and office, to any sheriff and his deputies or police officer or other person authorized by law to execute process, commanding the officer or person forthwith to search the property described in the warrant or the person named, for the property specified, and to bring the same before him.

7. The search warrant shall, in all cases, be served by any of the officers mentioned in its direction, but by no other person except in aid of the officer requiring it, said officer being present and acting in its execution.

8. The officer may break open any outer door, inner door or window of a house, or any part of a house or anything herein, to execute the warrant, if after due notice of his authority and purpose, he is refused

admittance to said house or access to anything therein.

9. A search warrant issued under the provisions of this Section may, if expressly authorized in such warrant by the judge issuing the same, be executed by being served either in the daytime or in the nighttime, as the exigencies of the occasion may demand or require.

10. All search warrants shall be issued in duplicate. The duplicate shall be delivered to the officer with the original warrant, and when the officer serves the warrant, he shall deliver a copy to the person named in the warrant, or in his absence to some person in charge of, or living on the premises. When property is taken under the warrant the officer shall deliver to such person a written inventory of the property taken and receipt for same, specifying the same in detail, and if no person is found in possession of the premises where such property is found, shall leave the said receipt on the premises.

11. Upon the return of the warrant the officer shall attach thereto or thereon a true inventory of the property taken under the warrant, and at the foot of the inventory shall verify the same by affidavit taken before some officer authorized to administer oaths, or before the issuing officer, said verification to be to the following effect:

I,....., the officer by whom the warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on said warrant.

12. The judge to whom the warrant is returned, upon the request of any claimant or any person from whom said property is taken, or the officer who executed the search warrant, shall deliver to said applicant a true copy of the inventory of the property mentioned in the return of said warrant.

13. If it appears to the judge before whom the warrant is returned that the property or papers taken are not the same as described in the warrant, or that there is no probable cause for believing the existence of the grounds upon which the warrant was issued, the judge may order a return of the property taken.

14. Whoever shall knowingly and wilfully obstruct, resist or oppose any officer or person aiding such officer, in serving or attempting to serve or execute any search warrant, or shall assault, beat or wound any person or officer, or his deputies or assistants, knowing him to be such an officer or person so authorized, shall be fined not more than five hundred dollars, or imprisoned for not more than sixty (60) days.

15. Any person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than five hundred dollars or imprisoned for not more than sixty (60) days.

Chapter 25751, 1949:

SECTION 1. A sworn or verified complaint shall not be necessary to give the Municipal Court of the City of Coral Gables, Florida, jurisdiction of offenses triable in that court, but the accused may be tried for such offense as docketed, provided such docket entry be sufficient to put the accused upon notice of the offense with which he is charged.

CIVIL SERVICE

Chapter 19748, 1939:

SECTION 1. The City Commission of the city of Coral Gables shall

have authority to provide by ordinance for the creation of A Civil Service Board of five members, to prescribe the powers, duties and compensation, if any, of the members of the said Board and the Board members shall be appointed and elected in the following manner, to-wit:

(A) Two members of the Board shall be elected by the City Commission of the City of Coral Gables, one for a term of one year, and one for a term of two years, Two members of the Board shall be elected by the officers and employees of the City, who are members of the Civil Service System, one for a term of one year, and one for a term of two years. The fifth member of the Board shall be elected by the other four members, for a term of one year. In the event the four Board members cannot agree upon the fifth member within fifteen days after the said Board members take office, then the County Judge of Dade County, Florida, shall designate and appoint a fifth member to the said Board. The said Board shall annually elect one of their members to be Chairman, and the Chairman of the Board shall be the Director of Civil Service. After the expiration of the first terms of office of the members of said Board, each member of the Civil Service Board shall thereafter hold office for a term of two years and until his successor is elected and qualified.

(B) The City Commission shall by resolution determine the procedure for the election of the two members of the Board which it is empowered to elect, and at the same time the City Commission shall elect an alternate member of the said Board.

(C) Any five members of the Civil Service System may nominate candidates for election to the said Board by transmitting to the City Clerk such nominations in writing signed by such members. Such nominations must be filed with the City Clerk at least 10 days prior to the date upon which the said election shall be held. The names of all persons so nominated by the Civil Service members shall be printed upon a ballot. All employees shall be required to vote in said election on a secret ballot prepared by the Clerk and shall deposit the same in a box which shall remain in the custody of the City Clerk and one member of the Civil Service designated by Civil Service employees to act as an Election Commissioner, and such member shall be relieved of all duties upon the date of the election and shall receive the same compensation which he would have otherwise received if he had not been exercising said special duties. The ballot box shall remain open for the casting of votes in such an election on such date and for such period of time as may be designated by resolution of the City Commission. The members of the Civil Service shall have the right to assemble and the City Commission shall provide a place for such members to assemble to discuss the candidates nominated prior to said election, and no person except members of the Civil Service shall attend said meetings, except with the express approval of the members thereof. The votes shall be counted and tallied in the presence of the City Clerk and a member of the City Commission designated by such body, and the Election Commissioner designated by the Civil Service Employees, and the returns of said election shall be certified by the said three election officials and reported to the City Commission. The person receiving the highest number of votes shall be declared to be elected for a term of two years. The person receiving the next highest number of votes at the first election shall be declared to be elected for a term of one year. After the first election the two persons receiving the highest number of votes shall be declared to be elected for

terms of two years. The person receiving the next highest number of votes shall be declared to be the alternate member of the said Board representing the Civil Service Employees. In the case of a tie vote for a member or the alternate member of the said Board, a run-off election shall be held within ten days between the two candidates receiving the same number of votes and the candidate receiving the highest number of votes in the run-off election shall be declared to be elected as such member or alternate member of said Board.

(D) Any member of the Civil Service Board may be disqualified to hear and determine any cause if there exists any ground which would disqualify the judge of any court, or which is a ground of challenge for cause to any juror, under the laws of the State of Florida. If any member of the Board elected by the City Commission shall be so disqualified the alternate elected by the City Commission shall serve in his place and stead. If any member of the Board elected by the Civil Service Employees shall be so disqualified the alternate elected by the employees shall serve in his place and stead. If the fifth member of the Board, elected by the other four members or appointed by the County Judge, shall be so disqualified the remaining members of the Board shall name an alternate to serve as a member of the Board in his place and stead. No alternate may be disqualified after the disqualification of the regular member of the Board except with the approval of the other four members then acting as members of the Board. In the event the other four members shall approve the disqualification of an alternate member, then a second alternate member shall be named in the following manner; the City Commission shall by resolution designate a second alternate if the alternate elected by it shall be disqualified; the Executive Committee of the members of the Civil Service shall name a second alternate if the alternate elected by the employees shall be disqualified; and the remaining members or alternates of the Board not disqualified shall name the alternate should the first alternate named by them be disqualified.

(E) No member of the Civil Service Board disqualified in any proceedings against a member of the Civil Service shall thereafter act as a member of the Civil Service Board in any matter pertaining to such Civil Service employee, but the proper alternate shall act in the disqualified member's place and stead.

(F) In the event a member of the Civil Service Board shall refuse to qualify as such or if said office shall become vacant by reason of death, resignation or otherwise, the proper alternate shall become a member of the Civil Service Board for the unexpired term of the member vacating said office and another alternate shall be elected as herein provided for the election of the alternate filling such vacancy.

(G) Any qualified voter residing in The City of Coral Gables shall be eligible to be a member of the Civil Service Board; provided, however, that no person who has been convicted of a crime involving moral turpitude or who is an officer or employee of The City of Coral Gables shall be eligible to hold said office, and further provided that no member of the said Board shall during his incumbency hold or be a candidate for any political office or position, and no member of said Board shall be eligible to qualify for any elective office of The City of Coral Gables for a period of two years after he ceases to be a member of said Board.

SECTION 2. The City Commission of The City of Coral Gables shall have authority to designate by ordinance the departments, appointive officers or employees of the City which shall be Civil Service Employees

of the City and under the regulation of the Civil Service System established by ordinance; and the City Commission may from time to time by ordinance add additional departments, appointive officers or employees of the City to the list originally designated in the ordinance creating the Civil Service System; however, the City Commission shall not have the authority to withdraw any departments, appointive officers or employees from the list of Civil Service Employees and from the operation of the Civil Service System unless and until the ordinance providing for such withdrawal shall have been submitted to the qualified electors of the City at a general or special municipal election called for such purpose and shall have been approved by a majority of the electors voting on such ordinance.

SECTION 3. The City Commission of The City of Coral Gables shall have authority to prescribe by ordinance rules and regulations to govern the selection, employment, classification, advancement, suspension, discharge, and retirement of Civil Service Employees of the City, and for the establishment of lists or persons eligible for re-employment, employment and advancement, and such other rules and regulations as may appear to be necessary or expedient.

SECTION 4. Upon the enactment and approval by the qualified electors of the City as hereinabove provided of an ordinance establishing a Civil Service System for the City, and designating who shall be Civil Service Employees, all appointive Officers and employees of the City, coming within the provisions of such ordinance who have held their positions continuously for a period of six (6) months or more next preceding the enactment of such ordinance, shall hold their positions subject to the rules and regulations prescribed by ordinance for the government of such employees.

SECTION 5. Any ordinance adopted by the City Commission under the authority and provisions of this Act shall include the following provisions and penalties:

Political Activities Prohibited:

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position as a Civil Service Employee, or in any way favored or discriminated against with respect to employment as a Civil Service Employee because of his political or religious opinions or affiliations.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position as a Civil Service Employee.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position as a Civil Service Employee, or an increase in pay or other advantage in employment as a Civil Service Employee for the purpose of influencing the vote or political action of any person, or for any consideration.

(d) No Civil Service Employee of the City, and no member of the Civil Service Board, shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription or contribution; and no person shall solicit any such assess-

ment, subscription or contribution of any Civil Service Employee of the City.

(e) No civil Service Employee of the City shall be a member of any national, state or local committee of a political party, or an officer of a partisan political club, or a candidate for nomination or election to any public office, or shall take any part in the management or affairs of any political party or in any political campaign or seek signatures to any petition provided for by any law, or act as a worker at the polls, or distribute badges or pamphlets, dodgers or handbills of any kind favoring or opposing any candidate for election, or for nomination to any public office; provided that nothing in this ordinance shall be construed to prevent any such civil service officer or employee from becoming or continuing to be a member of a county, state or National political club or organization and from paying the usual and customary dues therein, or from attending a political meeting, or from exercising his right as a citizen privately to express his opinion and to cast his vote in any election.

(f) No person elected to public office shall, during the term for which he was elected, be appointed to any position as Civil Service Employee of the City.

(g) Any Civil Service Employee of the City who violates any of the foregoing provisions of this section shall forfeit his Civil Service office or position.

SECTION 6. This Act and any ordinance enacted under the provisions hereof shall not become effective until a majority of the qualified voters of The City of Coral Gables, Florida, voting on the same at a special or general election called for such purpose, shall vote in favor thereof.

SECTION 7. No ordinance repealing an ordinance enacted under the provisions of this Act and approved in a referendum election as hereinabove provided shall become effective until such repealing ordinance shall have been approved by a majority of the qualified voters of The City of Coral Gables, Florida, voting on the same at a general or special election called for such purpose.

SECTION 8. Any election provided for under the provisions of this Act shall be held and conducted in substantial conformity with the manner of holding and conducting other elections in said City so far as the same are applicable. The form of ballot to be used at any such election shall be prescribed by the City Commission of the said City, and the caption of this Act shall be a sufficient statement on said ballot of the purpose for which said ballot is cast.

INSURANCE IN LIEU OF LIABILITY UNDER WORKMEN'S COMPENSATION LAW

Chapter 19749, 1939:

SECTION 1. The City Commission of The City of Coral Gables, Florida, be, and it is hereby authorized to provide by ordinance for life, health, accident or annuity insurance or all or any kinds of said insurance for its officers and employees upon a group insurance plan, and to pay in whole or in part premiums therefor, and upon providing such insurance the said City shall be relieved from the provisions of the Workmen's Compensation Act to the extent that the insurance so provided affords the benefits provided by said Florida Workmen's Compensation Act.

SECTION 2. No ordinance enacted under the provisions of this Act

shall become effective until a majority of the qualified voters of the City of Coral Gables, Florida, voting on the same at a general or special election called for such purpose shall vote in favor thereof. Said election shall be held and conducted in substantial conformity with the manner of holding and conducting other elections in said City so far as the same are applicable. The form of ballot to be used at said election shall be prescribed by the City Commission of the said City.

SECTION 3. This Act and the ordinance herein provided for shall be liberally construed, and if any clause, provision or section hereof or of said ordinance shall for any reason be held invalid, the same shall be eliminated and the remaining portions hereof and thereof shall be and remain in full force and effect as if such invalid clause, provision or section had not been incorporated herein or therein.

SECTION 4. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

PENSION SYSTEM

Chapter 19750, 1939:

SECTION 1. The City Commission of the City of Coral Gables shall have authority to establish by ordinance a pension, annuity and retirement system for any or all groups of officers and employees in the service of said City. Any system so established may provide for disability and death benefits. Any such pension and retirement system shall be established on a jointly contributory basis, with the officers and employees bearing that percentage of the cost as may be prescribed by ordinance, except as to prior service charges, which may be borne entirely by the City. The cost of the system shall be determined actuarially on the basis of such mortality and service tables as the Commission shall approve and shall be calculated and contributed as a uniform or decreasing percentage of the payroll of members. No system requiring an increasing percentage of the payroll to be paid as the contribution of either the members or the City shall be established. The provisions of the ordinance establishing such a pension and retirement system shall require periodic actuarial evaluations which shall serve as the basis of any changes in the rates of contributions and shall also provide for the maintenance at all times of adequate reserves. Any officer or employee of the City who shall have for a reasonable time, after the establishment of such system and after his or her appointment or employment, the privilege of becoming a member of the system so established and the privilege of sharing its obligations and benefits. Any system established under this Act shall provide that any employee leaving the service of the City for any reason shall receive from the pension fund a sum at least equal to his contribution.

SECTION 2. All monies paid into any pension or retirement fund created by authority of this Act except such monies as are necessary to meet current operating or pension or retirement payments shall be invested in Bonds of the City of Coral Gables or United States of America Government Bonds.

SECTION 3. Any Pension and Retirement System established under this Act shall be administered by a Pension Board of seven members. Three of the members of said Board shall be appointed by the City Commission and three of the members of said Board shall be elected by officers and employees of the City who are members of the Pension System at the time of holding said election. The seventh member of the

said Board shall be elected by the other six members. In the event the six Board members cannot agree upon the seventh members within ten days after the said Board members take office, then the County Judge of Dade County, Florida, shall designate and appoint a seventh member to the said Pension Board. The City Commission shall by resolution designate the term of office of the said members, and the term of office of the members of said Board appointed by the City Commission shall be the same as the term of office of the members of said Board elected by the City employees. Such elections shall be held under such rules as the City Commission shall prescribe by resolution.

SECTION 4. No ordinance enacted under the provisions of this Act shall become effective until a majority of the qualified voters of the City of Coral Gables, Florida, voting on the same at a general or special election called for such purpose, shall vote in favor thereof. Said election shall be held and conducted in substantial conformity with the manner of holding and conducting other elections in said City, so far as the same is applicable. The form of ballot to be used at said election shall be fixed by the City Commission of the City of Coral Gables, Florida.

SECTION 5. This Act and the ordinance herein provided for shall be liberally construed and if any clause, provision or section hereof or thereof shall for any reason be held invalid, the same shall be eliminated and the remaining portions hereof and thereof shall be and remain in full force and effect as if such invalid clause, provision or section had not been incorporated herein or therein.

SECTION 6. All laws and parts of laws in conflict herewith are hereby repealed.

LIMITATIONS UPON ISSUANCE OF LICENSES FOR SALE OF ALCOHOLIC BEVERAGES

Chapter 24446, 1947:

SECTION 1. The number of licenses which may be granted by the City of Coral Gables, Florida for the sale of intoxicating beverages within its corporate limits by vendors operating places of business where beverages containing alcohol of more than fourteen percentum by weight are sold, is hereby limited to one license for each three thousand persons in said City, according to the last state or federal census, whichever is nearest to the date of application for such license, and no license shall be issued to any applicant therefor for the sale of intoxicating beverages within the corporate limits of the City of Coral Gables, Florida containing alcohol of more than fourteen per centum by weight, of more than one such license for each three thousand persons in said City according to the last preceding state or federal census as aforesaid.

Provided, however, that the City Commission of the City of Coral Gables may, without regard to the limitation fixed herein, issue such licenses to hotels having one hundred or more guest rooms, and licenses issued to such hotels shall not be taken into consideration in computing the number of licenses permissible on the basis of population, as hereinabove set forth.

SECTION 2. This Act shall not apply to operators of railroads, sleeping cars, buses or airplanes obtaining licenses good throughout the State of Florida under the beverage laws of the State of Florida.

This Act shall not affect licenses which have already been issued or any proper renewals thereof.

SECTION 3. If any sentence, clause, or phrase or paragraph hereof be held invalid or unconstitutional, such holding shall not affect any other portion of this Act.

Chapter 24447, 1947, as amended by Chapter 25753, 1949:

SECTION 1. The number of licenses which may be granted by the City of Coral Gables, Florida for the sale of beer, wine or other beverage containing alcohol of more than 3.2 per centum by weight and not more than 14 per centum by weight, for consumption on the premises where sold, is hereby limited to one such license for each fifteen hundred persons in the City of Coral Gables, Florida, according to the last preceding state or federal census, whichever is nearest to the date of the application for such license.

SECTION 2. Said City is hereby given the authority by ordinance to regulate and control establishments licensed for the sale, for consumption on the premises, of beverages containing alcohol of more than 3.2 per centum by weight, and not more than 14 per centum by weight, as to all matters and things which may affect, or tend to affect adversely the health or welfare of such City, including the zoning of such establishments by reasonable restrictions as to the distances from other like establishments, hours in which such establishments may operate, sanitary conditions, the prevention of minors from being employed in, loitering in or being sold such beverages. These powers herein granted being in addition to all other such powers which such City may have by law.

SECTION 2½ This Act shall not affect licenses which have already been issued or any proper renewals thereof.

SECTION 2¾ Provided, however, that the City Commission of the City of Coral Gables may, without regard to the limit fixed herein, issue such licenses to bona fide restaurants or eating places with a seating capacity of not less than fifty persons, and, provided further, that such sale of such alcoholic beverages in bona fide restaurants or eating places shall nevertheless be subject to zoning and regulatory ordinances of the City of Coral Gables now existing or which may hereafter be adopted.

SECTION 3. If any clause, phrase, sentence or paragraph hereof be held unconstitutional or invalid, such holding shall not affect any other part.

IMPOSITION OF FEES FOR GARBAGE AND TRASH COLLECTION

Chapter 25752, 1949:

SECTION 1. The City of Coral Gables, Florida is hereby given the right and power, by ordinance, of imposing and collecting charges or fees for trash and/or garbage collection made by said City.

SECTION 2. In connection with the authority granted in Section 1 hereof the said City of Coral Gables, Florida, is hereby granted specific right and authority, by ordinance, to provide for methods, ways and means of collecting fees and charges for trash and/or garbage collection, including the right to declare the non-payment of such fees or charges to be a lien against the personal and real property of the debtor collectible as is now provided by law for the collection of liens for personal property taxes.

SECTION 3. The rights herein contained are cumulative and in addition to any such rights which said City of Coral Gables, Florida now has or may hereafter be granted.

SECTION 4. If any clause, phrase, sentence or paragraph herein con-

tained be held to be invalid or unconstitutional, such holding shall not affect the balance thereof.

CLEARING OF LAND

Chapter 25744, 1949:

SECTION 1. Specific authority is hereby granted the City of Coral Gables to enter upon improved or unimproved properties and clean up the same of weeds, trees, debris and other like matter whenever the owner or occupant of such property has neglected to do these things and has been given fifteen (15) days registered notice in which to do so and has failed.

SECTION 2. The City Commission of the City of Coral Gables, Florida, is hereby vested with the right, power and authority, by non-emergency ordinance, to impose penalties for the non-payment of charges and fees incurred by it in cleaning up improved or unimproved property of weeds, trees, debris and other like matter whenever the owner or occupant thereof has neglected to do such and has been given fifteen (15) days registered notice in which so to do and has failed, including the right and power to declare such unpaid charges and fees to be a lien against the property served and to provide methods for collection of such fees and charges, including the right to declare such unpaid fees and charges a lien against the real and personal property of the owner and occupant of such property, collectible in the same manner as unpaid liens for special assessments are collectible.

SECTION 3. This power herein conferred is cumulative in addition to any other powers which the City of Coral Gables now has or may hereafter have.

ANNEXATION OF LAND TO CITY

Chapter 24452, 1947:

SECTION 1. The City of Coral Gables, Florida is hereby given the right and power to annex unto itself and bring within its corporate jurisdiction any unincorporated area lying contiguous or adjacent to any part of its jurisdiction or boundaries as they may now or hereafter exist.

SECTION 2. Before the annexation of such unincorporated area shall become effective the question thereof shall be submitted to and approved by the qualified electors residing in such area who must be not less than ten in number and approved by a majority of them voting in a separate election participated in only by such electors voting on that question and shall also be approved by a majority of the qualified electors of said City voting upon the question in a separate election participated in by such electors; both elections may be held at the same time and place but upon separate ballots setting forth the general question, "Do you favor the annexation by the City of Coral Gables, Florida, of the following described unincorporated territory, (then follows the description)," and providing a space for an affirmative or negative vote on such question.

SECTION 3. Registration. The City Clerk by notice direct to the residents of such unincorporated area sought to be annexed or by publication thereof twice in a newspaper of general circulation published in Dade County, Florida, or by both, shall call for registration of qualified electors residing in such area at the City Hall in Coral Gables and shall allow a period of 15 days for such registrations before closing the registration books; said City Clerk may call for special registration of qualified electors

of Coral Gables, or he may use the then existing registration lists of said City, whichever the City Commission of said City may decide. The election on such question shall be held in the City Hall of said City on a date to be fixed by the City Commission of Coral Gables, notice of which shall be published one time in a newspaper of general circulation published in Dade County, Florida.

SECTION 4. The powers herein contained are declared to be cumulative and supplemental to such powers of said City as now exist or may be hereafter created.

SECTION 5. If any clause, phrase, word or sentence hereof shall be declared invalid, such holding shall not affect the balance hereof.

SECTION 6. All laws or parts of laws in conflict herewith are hereby repealed.

ACQUISITION AND OPERATION OF HOTEL, HEALTH RESORT, COUNTRY CLUB

Chapter 24450, 1947:

SECTION 1. The City of Coral Gables, Florida, is hereby granted authority to purchase and/or operate either a hotel or a health resort, separately or in conjunction with a golf course and/or country club; specifically, the said City is authorized, for purposes hereinbefore stated, to purchase from War Assets Administration, or any other agency having the control and disposition thereof, the property commonly known as Pratt General Hospital, and formerly known as the Biltmore Hotel, Country Club and Golf Course, and the Casa Loma Hotel, together with the furniture, furnishings, apparel, equipment and all real or personal property held, owned or used in connection therewith; provided, however, that before said City undertake to operate such property or any part thereof as a hotel and/or health resort, such operation must be approved by a majority of the qualified electors of said City voting in either a general or a special election called for that purpose.

SECTION 2. In connection with the authority granted in Section 1 hereof the said City of Coral Gables, Florida, is hereby authorized, subject to the specific authorization and its approval by the City Commission, to finance the planning, design, and the acquisition of such property by any one or any combination of the following methods: (a) General obligation of the City within legal debt limitations: By a mortgage with no obligation of the municipality as to its general faith and credit, but with the mortgagee looking solely to the mortgaged property; or by revenue bonds payable solely out of revenue derived from the operation of such properties. (b) General Fund appropriation to the extent deemed necessary or advisable. (c) Federal and State grants and local aids to the extent available for such operations. (d) Gift, devise, bequest or grant, provided, however, that the said City shall neither enter into or give any general obligation or furnish any obligation which is a liability or a pledge of its general faith and credit, nor shall it give or pay any appropriation from its general funds as provided for in Section (b) herein unless and until such action shall have been approved by a majority of the qualified electors of said City voting in either a general or special election called for that purpose.

SECTION 3. If any clause, phrase, sentence or paragraph herein be held to be invalid or unconstitutional for any reason, such holding shall not affect the balance hereof.

Chapter 27483, 1951:

SECTION 1. The City Commission of the City of Coral Gables, Florida, is hereby vested with power and authority to regulate and classify persons, firms, or corporations engaging in the business of building, electrical work, painting, plumbing, water-proofing, paper-hanging and the like, in connection with any trade or business where mechanical and technical skill is required, whether engaged in such businesses or trades as contractors or as individuals doing work in such businesses or trades.

SECTION 2. The said Commission of said City is hereby vested with authority to create Boards of Examiners and to fix, by ordinance, the rights, duties and privileges of said boards and to empower said boards to promulgate rules, regulations, requirements, qualifications, fees and charges of such persons, firms or corporations engaged in such trades or businesses, whether as contractors or as individuals performing work in any of such trades or businesses.

SECTION 3. Subject to the limitations and conditions as to the effective date of this Act as contained hereinabove, it shall become a law immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

(Chapter 27483 above supersedes and replaces Chapter 25737, 1949. The 1951 law deletes the requirements of a referendum and of the existence of a technical code.)

OFF-STREET PARKING FACILITIES

Chapter 24445, 1947:

SECTION 1. The City of Coral Gables, Florida, is hereby granted full right and authority by private purchase, lease, or the right of eminent domain to acquire title to or right to use any real estate lying within the city limits of the City of Coral Gables for off-street parking for automobiles and all other vehicles.

SECTION 2. The City Commission is hereby vested with the authority, by ordinance, to operate property acquired for the purposes set forth in Section 1 hereof, itself, or in any other manner and under such terms and conditions as may be determined by its City Commission; it shall have the right to fix fees and charges, and to adopt reasonable rules and regulations affecting the use of such property.

SECTION 3. The said City is hereby authorized, subject to the specific authorization and approval by its Commission, to finance the planning design, acquisition of property for, construction, alteration, enlargement, maintenance, or operation of parking facilities by any one or any combination of the following methods: (a) General obligation bonds within legal debt limitations, or revenue bonds payable solely out of revenue from parking facilities, in such amounts, at an interest rate, and upon conditions prescribed by its City Commission. (b) Special or benefit

assessments, equal to the total cost of land and improvements or only a portion thereof to be assessed against benefited property in proportion to benefit derived, to be paid in not to exceed ten annual installments, at interest not to exceed six per cent per annum. Such benefit assessments are to be determined in accordance with established State and local special assessment law, after proper notice and hearing as set forth for special assessments in the Charter of said City, and subject to approval by the City Commission. (c) Parking fees and special charges, to be levied at the discretion of the Commission, derived from the use of such off-street parking facilities by motorists, lessees, concessionaires, or others. (d) General fund appropriations to the extent deemed necessary or desirable. (e) State and Federal grants and local aids, to the extent available for the provision of off-street parking facilities. (f) Parking meter revenues. (g) Gift, bequest, devise, grant, or otherwise.

Chapter 25745, 1949:

SECTION 1. The Legislature hereby determines and declares that excessive curb parking of motor vehicles on roads and streets in the City of Coral Gables, Florida, and the lack of adequate off-street parking facilities in said City creates congestion, obstructs the free circulation of traffic, diminishes property values, and endangers the health, safety and general welfare of its citizens; that the provision of conveniently located off-street parking facilities and the simultaneous control of curb parking by said City are necessary to alleviate such conditions; that the establishment of off-street motor vehicle parking facilities is deemed to be a public or municipal purpose of said City and the Legislature hereby declares it to be such and to be a "local improvement" within the provisions of the City Charter of said City; that the problem of providing such off-street parking facilities is an intricate and complicated one and that even the most far-seeing minds are not always able, in advance, to anticipate and to prepare for all the circumstances and contingencies which arise, or may arise and hereby declares and determines that in the construction of this Act the most liberal construction should be placed upon it in favor of the acquisition, financing and operation of such off-street parking facilities.

SECTION 2. For the purpose of this Act, "off-street motor vehicle parking facilities" are defined as accommodations provided for the parking of motor vehicles off the surface of the street or highway. Such parking facilities may consist of lots, improved or unimproved; single or multi-level garages; buildings, structures, equipment, entrances, exits, fencing and all other accessories necessary or desirable for the safety and convenience of motorists using said facilities; or any combination of these features. They may be surface facilities or facilities above or under the ground.

SECTION 3. The City of Coral Gables is hereby authorized to acquire, construct or cause to be constructed, own, maintain and operate off-street motor vehicle parking facilities, and all such improvements and buildings as said City may deem necessary or desirable in connection therewith; to use any lands now owned by said City for the aforesaid purpose, and to acquire by purchase, gift, lease, bequest, devise, grant, or condemnation in the manner from time to time provided for the exercise of the right of eminent domain, such property, real or personal, or any interest therein, above, at or below the surface of the earth, as

it may deem necessary or desirable for such purpose; and said City may charge and collect reasonable fees or rentals for the use or enjoyment of such parking facilities, and may prescribe reasonable rules and regulations for the use and operation thereof.

SECTION 4. The City of Coral Gables, Florida, is hereby authorized to set up local improvement districts in connection with such off-street motor vehicle parking facilities in the same manner and to the same extent as is now provided by Charter of said City, and to the applicable laws, for such local improvement districts, and to levy and impose and collect special assessments, tolls, rents, charges for services, and to impose upon properties benefitted, apportionment of benefits, charges or apportionment for availability of benefits, and the like, and the City Commission of said City is hereby vested with specific power and authority, to determine the benefits and apportionment of benefits applicable to properties within such local improvement district.

SECTION 5. The City of Coral Gables is hereby authorized to finance the acquisition, planning, design, construction, alteration, enlargement, maintenance or operation of off-street motor vehicle parking facilities by any one or any combination of the following methods:

(a) By any method or methods of financing deemed expedient or necessary in the discretion of the City Commission of said City, and which method or methods are not specifically prohibited by general law or by the Constitution.

(b) Revenue bonds or Certificates payable solely out of revenue derived from such parking facilities.

(c) General obligation bonds within the legal limit and in accordance with Charter provisions of said City, as to any other general obligation bonds under said Charter, as it now exists or as it may be amended.

(d) Parking fees and charges derived from the use of such parking facilities by motorists, lessees, concessionaires or others;

(e) General fund appropriations to the extent deemed necessary or desirable for such purpose;

(f) State and Federal grants and local aids, to the extent available for the provisions of such off-street parking facilities;

(g) Parking meter revenue or revenues from other operations of said City whenever the City Commission deems advisable, expedient or necessary in connection therewith, including the right to pledge the same;

(h) Gift, bequest, devise, grant, or otherwise.

SECTION 6. To do all acts and things necessary and convenient to carry out the powers expressly given herein.

SECTION 7. To use any method of financing or any part of such method with any other means or manner of financing.

SECTION 8. No method, or combination of methods, of financing need be submitted to a referendum vote except general obligation bonds of said City.

SECTION 9. The City is hereby given specific authority to make general fund appropriations to the extent deemed necessary, expedient and desirable.

SECTION 10. The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers herein provided for and if any provisions of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not

affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provision not been included therein.

SECTION 11. It is hereby declared that the powers herein provided for are cumulative and in addition to other powers of said City.

(See chapter 28985, 1953, page 108 for exemption from taxes of off-street parking facilities)

PLEDGE OF REVENUES

Chapter 25741, 1949:

SECTION 1. The City of Coral Gables is hereby given the right and power in connection with public improvements such as sewer, water works, bus terminal and transportation operation, off-street parking and the like, the mention of these being in no wise to effect other and similar operations and projects authorized by law of pledging, in connection with financing of such operations and projects, proceeds of parking meters, utility taxes, franchise taxes paid by public utilities, proceeds of transportation operation after due allowance for maintenance and operation, whenever, in the opinion of the City Commission of the said City it is necessary and expedient so to do.

SECTION 2. The pledging of revenue provided for in Section 1 need not be of the revenue derived from or in connection with the particular operation or project being financed, but may be of revenues derived from one operation for the purpose of financing and/or assisting in financing another different type of operation or project.

SECTION 3. The power and authority herein given is cumulative and in addition to powers now vested in the City of Coral Gables, Florida, by either special or general law.

MUNICIPAL PROJECTS

Chapter 21160, 1941:

SECTION 1. That for the purpose of this Act the term "Municipal Project" shall cover only one or more or any combination of the following: bridges, viaducts, community houses, waterworks systems (including new water lines), waterways, harbors and channels, jetties, breakwaters, public landings, wharves, docks and other improvements for harbors and shipping facilities, memorials, parks, including recreational facilities, play grounds, recreation centers, bathing beaches with necessary improvements, structures, buildings piers, public buildings and places, reservoirs, sewers, sewage or drainage systems and sewage disposal or treatment plants, stadiums, streets, roads, avenues, alleys and highways, sidewalks and curbs, gutters and storm-water sewers or drains, harbor and port facilities, toll bridges or causeways, as defined in this section; and all property real and personal appurtenant thereto or connected with such work, undertaking or project and the existing work, undertaking or project, if any, to which such work, undertaking or project is an extension, addition, betterment or improvement.

(a) The term "to construct" shall mean to build, to construct, to reconstruct, to erect, to replace, to extend, to repair, to better, to equip, to develop, to embellish, to improve, to acquire by gift, exchange of property, purchase or the exercise of the right of eminent domain, or any one or more or all of the foregoing.

(b) The term "construction" shall mean building, construction, reconstruction, erection, replacement, extension, repairing, betterment, equipment, development, embellishment, improvement, acquisition, by gift, exchange of property, purchase, or the exercise of the right of eminent

domain, or any one or more or all of the foregoing.

(c) The term "the city" shall mean "The City of Coral Gables."

SECTION 2. The City of Coral Gables shall have the power and is hereby authorized:

(a) To construct any municipal project, as defined in Section 1 hereof, within or without the municipality, or partially within and partially without the municipality.

(b) To operate and maintain any municipal project for public and private users and consumers within and without the municipality.

(c) To issue its general obligation bonds or its revenue bonds as provided in this Act to finance such construction, and to provide for the rights of the holders of the bonds and to secure the bonds all as hereinafter provided; to contract debts for the construction of any municipal project and to borrow money.

(d) To enter into a trust agreement with any bank or trust company within or outside the state, in connection with the construction of a project and in order to secure bonds payable exclusively from revenue which are issued in connection therewith.

(e) To assess, levy and collect ad valorem taxes on all property subject to taxation to pay the bonds, and the interest thereon, issued to finance any municipal project under this Act where such bonds are not payable exclusively from the revenue of a municipal project.

(f) To fix, levy and collect fees, rents, tolls, or other charges for the use of or in connection with any municipal project, and in the event any trust agreement with holders of bonds shall be made as hereinafter provided, to fix, levy and collect such fees, rents, tolls and other charges in accordance with such agreements and subject thereto.

(g) To acquire by purchase, exchange, gift or the exercise of the right of eminent domain and to hold and dispose of any property, real or personal, tangible, or intangible, or any right or interest in any such property, in connection with any municipal project, whether or not subject to mortgages, liens, charges or other encumbrances, and construct any municipal project subject thereto, and whether within or without the municipality, or partially within and partially without the municipality.

(h) To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of any municipal project.

(i) To perform any acts authorized under this law through or by means of its own officers, agents, and employees, or by contracts with private corporations, firms or individuals.

(j) To award any contract for the original building of any new municipal project or any part thereof upon any day at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality.

(k) To do all acts and things necessary or convenient to carry out the powers expressly given in this law.

SECTION 3. Before any bonds are issued under this law, the City Commission of the City shall adopt a resolution (herein referred to as the "initial resolution") determining to issue the bonds, which resolution shall state in substance (a) the amount or maximum amount of bonds to be issued; (b) the purpose or purposes for which such bonds are to be issued; (c) the rate or maximum rate of interest which such bonds are

to bear; (d) a brief concise statement of the fact whether such bonds will be payable (1) exclusively from revenues, and if so payable the resolution shall provide that the City shall have no power to levy or to pledge any form of taxation for the payment of such bonds, or (2) exclusively from taxes, or (3) from revenues, and in the event of a deficiency in such revenues from taxes, or (4) from taxes and additionally secured by a pledge of revenues. In determining the cost of any municipal project, the following items may be included as a part of the cost of such municipal project and financed by the issuance of the bonds: (a) engineering, inspection, accounting, fiscal and legal expenses; (b) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (c) any interest costs during the period of construction of such municipal project and for six months thereafter on money borrowed or estimated to be borrowed; (d) working capital in an amount to be determined by resolution of the City Commission of the City.

SECTION 4. No holder or holders of any bonds payable exclusively from the revenue of a municipal project shall ever have the right to compel any exercise of taxing power of the City to pay said bonds or the interest thereon, and the issuance of bonds payable exclusively from revenues shall not directly or indirectly or contingently obligate the City to levy or pledge any form of taxation whatever therefor. Each such bond issued under this law shall recite in substance that said bond including interest thereon, is payable from the revenue pledged to the payment thereof, and that the holder of said bonds shall have no recourse to the power of taxation.

SECTION 5. Bonds authorized to be issued under this Act may be issued only after the issuance of such bonds shall have been approved by a majority of the vote cast at an election at which a majority of the freeholders who are qualified electors residing in the City shall participate. Such election shall be called and held as provided by law, including Chapter 14715, General Laws of Florida, 1931, excepting where inconsistent with this Act.

SECTION 6. At any time before delivering any bonds to be issued pursuant to this law not payable exclusively from the revenue of a municipal project, the City Commission of the City shall adopt a resolution (herein called the "tax resolution") which shall recite in substance that adequate provision will be made for raising annually by tax upon all property subject to taxation by the City a sum sufficient to pay the interest on and principal of such bonds as the same shall become due. A tax sufficient to pay when due such principal and such interest shall be levied annually and assessed, collected and paid, in like manner with the other taxes of the City and shall be in addition to all other taxes authorized or limited by law. It shall be the duty of the City Commission of the City to include in the annual levy a tax sufficient to pay the interest on and principal of such bonds as the same become due; Provided, however, that if the bonds are payable from taxes only in the event of a deficiency in revenues or are payable from taxes and additionally secured by a pledge of revenues, and if the tax resolution shall so provide, then in such events, the tax to be levied and assessed by the City Commission of the City may be reduced by such amount and under such conditions as may be determined in such tax resolution. When for any reason all or any part of the principal of or interest on any bonds issued by the City pursuant to this law, not payable exclusively from the revenues of a municipal project, shall not be paid when due there shall be levied and

assessed by the City and collected by the proper collecting officers at the first assessment, levy and collection of taxes in the City, after such omission or failure, a tax sufficient to pay the same.

SECTION 7. The bonds may be issued under this Act in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years, from their respective dates, may bear interest at such rate or rates, not exceeding five percentum per annum, payable semi-annually, may be in such denomination; may be in such form, either coupon or registered, may be payable at such place or places, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption, with or without premium, and may be declared or become due before the maturity date thereof, as may be provided by resolution of the City Commission of the City. The bonds authorized to be issued by this Act shall be sold in the manner provided by law; provided, however, that bonds payable exclusively from the revenues of a waterworks system may be sold in such manner and for such price as the City Commission may determine by resolution are for the best interests of the City; provided, further, that bonds authorized to be issued under this Act shall not be sold at less than par plus accrued interest, except by a four-fifths vote of the members of the City Commission and then at no less than ninety-seven (97%) per centum of their par value plus accrued interest; and provided, further, that notwithstanding any provision, restriction or limitation in this Act, or in any of the foregoing provisions of this sentence or in any special or general law, the bonds authorized to be issued hereunder may be issued by the City in exchange for, or as payment to the owner for the acquisition of, a waterworks system authorized hereunder and already constructed and in operation within and without the City, which issuance or exchange of bonds for such a waterworks system and its purchase and acquisition by the City from the owner thereof shall be in such a manner and for such price, terms, conditions and requirements as the City Commission of the City may by resolution determine to be for the best interests of the City. The bonds shall be fully negotiable for all purposes. All bonds issued under the provision of this Act shall have, and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments laws of the State of Florida. Bonds issued under this law bearing the signature of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be officers of the City. Pending the preparation or delivery of the definitive bonds for the purpose of financing the construction of a municipal project, interim certificates or other temporary obligations may be issued by the City to the purchaser of such bonds. Such interim certificates or other temporary obligations shall be in such form and contain such terms, conditions and provisions as the City Commission of the City may determine. At any time after the bonds have been delivered to the purchaser thereof such bonds may be repurchased by the City at a price not more than the principal amount thereof plus the accrued interest, and all bonds so purchased shall be cancelled.

In the event the City has heretofore acquired or shall hereafter acquire a project and at the time has outstanding its revenue bonds or certificates payable from the revenues of such project, and in the further event the City shall desire to construct additions, extensions, improve-

ments or betterments to such project or to acquire by purchase or to construct an additional project of the same class and to combine such additional project with the project heretofore purchased or constructed, and to refund such outstanding bonds or certificates, the City may provide for the issuance of a single issue of bonds payable exclusively from revenues under the provisions of this Act and without the holding of an election as required in Section 5 of this Act for the combined purposes (a) Of refunding such revenue bonds or certificates then outstanding if they shall then be subject to redemption or can be acquired for retirement, or (b) Of constructing such additions, extensions, improvements or betterments or of acquiring by purchase or of constructing such additional project of the same class, and the principal and interest of such bonds shall be payable solely from the revenues derived from the operation of the combined projects.

SECTION 8. The City Commission of the City issuing bonds payable exclusively from the revenue of a municipal project shall prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities of such municipal project, and shall revise such rates, fees or charges from time to time whenever necessary so that such municipal project shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise incumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such municipal project, including reserve therefor.

SECTION 9. (1) Bonds other than bonds payable exclusively from the revenue of a municipal project shall not be issued by the City in an amount, together with bonds issued under this law and bonds heretofore issued by the City which shall exceed fifteen per centum of the assessed value of the taxable property of the City according to the last assessment for municipal purposes prior to the issuance of such bonds, provided, however, that an additional five (5) per centum of such assessed value of the taxable property of the City may be issued for the construction of sewers and incidentals thereto; (2) bonds payable exclusively from the revenue of a municipal project may be issued under this law notwithstanding and without regard to any limitation on indebtedness prescribed by this or any other law; (3) bonds other than bonds payable exclusively from the revenue of a municipal project, issued by the City under this law shall be considered in computing the amount of indebtedness which the City may incur under this law; and (4) bonds payable exclusively from the revenue of a municipal project issued by the City under this law, shall not be considered in computing the amount of indebtedness which the City may incur under any other law.

SECTION 10. In order to secure the payment of any of the bonds issued pursuant to this law and interest thereon, or in connection with such bonds, the City shall have power as to such bonds:

(a) To pledge the full faith and credit and unlimited taxing power of the City to the punctual payment of the principal of and interest on such bonds.

(b) To pledge all or any part of the fees, rent, tolls or other charges received or receivable by the City from any municipal project then existing or thereafter to be constructed to the punctual payment of bonds

issued for such municipal project, and interest thereon, and to covenant against thereafter pledging any such fees, rents, tolls, or charges to any other bonds or any other obligations of the City for any other purpose.

(c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.

(d) To provide for the replacement of lost, destroyed or mutilated bonds.

(e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.

(f) To covenant as to the fees, rents or tolls to be charged in connection with the municipal project for which such bonds are to be issued and as to the use and disposition to be made thereof.

(g) To covenant to set aside or pay reserves and sinking funds for such bonds and as to the disposition thereof.

(h) To redeem such bonds, and to covenant for their redemption, and to provide the terms and conditions thereof.

(i) To covenant as to its books of account and as to the inspection and audit thereof and as to the accounting methods.

(j) To make covenants other than, and in addition to, the covenants herein authorized.

(k) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties, including trust indentures to secure bonds payable exclusively from revenues.

(1) To make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure such bonds, or in the absolute discretion of the City Commission of the City tends to make such bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the purpose hereof to give the City power to do all things in the issuance of the bonds and for their security that may be consistent with the Constitution of the State of Florida.

SECTION 11. Any holder or holders of the bonds, shall have the right in addition to all other rights:

(a) By mandamus or other suit, action or proceedings in any court of competent jurisdiction to enforce his or their rights against the City, and the City Commission of the City, and any officer, agent, employee of the City, including, but not limited to, the right to require the City and the City Commission and any proper officer, agent or employee of the City to assess, levy and collect taxes, and to fix and collect fees, rents, tolls, or other charges adequate to carry out any agreement as to, or pledge of, such taxes, fees, rents, tolls or other charges, and to require the City and the City Commission and any officer, agent or employee of the City to carry out any other covenants and agreements and to perform its and their duties under this law;

(b) By action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of such holder of bonds.

SECTION 12. All actions required or authorized to be taken under this law by the City Commission of the City may be by resolution, which resolution may be adopted at the meeting of the City Commission at which such resolution is introduced; and shall take effect immediately upon such adoption. Except as otherwise provided in this law, no resolution under

this law need be published as posted, nor shall any such resolution require for its passage more than a majority of all the members of the City Commission then in office.

SECTION 13. Any resolution authorizing bonds under this law may provide that such bonds shall contain a recital that they are issued pursuant to this law, which recital shall be conclusive evidence of their validity and the regularity of their issuance. Bonds to be issued under this law may be validated as provided in Article 7 of Chapter XI of Title III of the Second Division of the Compiled General Laws of Florida, 1927, and amendments thereto.

SECTION 14. The powers conferred by this law shall be in addition and supplemental to and the limitations imposed by this law shall not affect the powers conferred by any other law and not in substitution for the powers conferred by any other law. Bonds may be issued hereunder for any municipal project notwithstanding that any other law may provide for the issuance of bonds for like purposes and without regard to the requirements, restrictions or procedural provisions contained in any other law. Any proceedings heretofore taken by the City relating to the subject matter of this law, whether or not commenced under any other law, may be continued under this law, or, at the option of the City Commission of the City may be discontinued and new proceedings instituted under this law.

SECTION 15. If any provisions of this law, or the application of such provisions to any person, body or circumstance shall be held invalid, the remainder of this law, or the application of such provisions to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

CORAL GABLES LOCAL IMPROVEMENT ACT

Chapter 25742, 1949:

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the "City of Coral Gables Local Improvement Act."

SECTION 2. DEFINITIONS. As used in this Act, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

(a) The word "City" shall mean the City of Coral Gables, a municipal corporation in Dade County, State of Florida.

(b) The word "Commission" shall mean the City Commission of the City of Coral Gables or the board or body in which the general legislative powers of the City shall be vested.

(c) A "local improvement" is an improvement defined by this Act and made under the provisions thereof.

(d) A "street" is a public way embracing a street, boulevard, avenue, lane, alley, parkway, court, terrace and place, but not embracing a sidewalk.

(e) A "sidewalk" is a path for pedestrians along a street.

(f) A "sanitary sewer" is an underground conduit for the passage of sewage, and may embrace a pumping station and outlet where deemed necessary. A "curb sewer" is a sanitary sewer at or near a curb, instead of at or near the middle of a street.

(g) A "storm sewer" is a conduit above or below ground for the passage of storm water, and may embrace a pumping station and outlet

where deemed necessary, and culverts over streams and stream enclosures where necessary or advisable to carry off storm water.

(h) The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown.

(i) A "water main" is a pipe for the passage of water for public hydrants and private and public use and consumption.

(j) A "lateral" is a pipe connecting a sewer or water main with the line of adjacent property or the curb line, as the Commission may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection, that is, a pipe line extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served.

(k) The word "cost" as applied to a local improvement shall include: Labor and material.

In street acquisition, the cost of any property purchased, condemned or otherwise acquired including court costs and other expense incident to such acquisition.

Damages paid or to be paid for injury to property by change of grade or drainage, including court costs and other expense incidental to the determination of damage.

The cost of retaining walls, sidewalks or fences built or altered in lieu of cash payment for such property damage or acquisition, including the cost of moving or altering any structure.

The cost, whether in the nature of damages or otherwise, of establishing a building setback line or lines.

(l) The term "incidental expense" embraces the following items, including reasonable sums paid or credited to the City or any department thereof for services rendered by a department or officer or clerk thereof in connection with any such items:

Preliminary and other surveys.

Inspection and superintendence of work.

Preparations of plans and specifications and estimates.

Printing and publishing of notices and proceedings.

Preparation of bonds.

Interest during construction.

Legal services, abstracts, etc.

Any other expense necessary or proper in conducting the proceedings and work herein provided for.

(m) Improvements authorized to be made under the provisions of this Act are divided into five classes as follows:

Class 1. Street improvements embrace the grading, paving, repaving, macadamizing, and remacadamizing of streets, with necessary drainage, sewer inlets, manholes and catch basins, and, if the Commission so orders, curbs and gutters.

Class 2. Sidewalk improvements embrace the grading and construction of sidewalks, and, if the Commission so orders, curbs and gutters.

Class 3. Sanitary sewer improvements embrace the construction of sanitary sewers, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of sewer laterals as a separate improvement or as a part of the main improvement.

Class 4. Storm sewer improvements embrace the construction of storm sewers, the relaying where necessary of streets and sidewalks neces-

sarily torn up or damaged, and, if the Commission so orders, the laying of sewer laterals as a separate Improvement or as a part of the main improvement. Storm sewer improvements may also embrace the building of culverts over or enclosing the streams where necessary or advisable to carry off storm water.

Class 5. Water main improvements embrace the laying of water mains, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Commission so orders, the laying of water laterals as a separate improvement or as a part of the main improvement.

SECTION 3. LOCAL IMPROVEMENTS AND THEIR FINANCING AUTHORIZED. The City of Coral Gables is hereby authorized to make local improvements and provide for paying the cost thereof as herein provided.

SECTION 4. INITIAL PROCEEDING. The initial proceeding for a local improvement hereunder shall be the passage at any lawful meeting of the Commission of a resolution ordering the same to be made under and subject to the provisions of this Act, indicating the location by terminal points and route, and either giving a description of the improvement by its material, nature, character and size, or giving two or more such descriptions with the direction that the material, nature, character and size be subsequently determined in conformity with one of such descriptions. A single resolution may embrace one improvement only or one improvement of each of two or more classes of improvements. An improvement need not be continuous and may be in more than one locality or street, but a street or sidewalk improvement shall be practically uniform in cost and kind throughout the improvement. If the resolution shall order a storm sewer improvement, it shall designate the property which the Commission deems will be specially benefited thereby, and, if a water main improvement be ordered, the resolution shall indicate the proportion of the cost thereof which shall be borne by the City at large and the proportion thereof which shall be specially assessed. A resolution may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement shall be designated as a district, followed by a letter or number or name to distinguish it from other districts, after which it shall be sufficient to refer to such improvement and property by such designations in all proceedings, assessments, bonds and warrants, except in the notices provided by Section 6 and 11 of this Act.

SECTION 5. PLANS, SPECIFICATIONS, ESTIMATES AND TENTATIVE APPORTIONMENT OF COST. As soon as may be after the passage of such resolution the City Manager shall prepare and file in his office, plans and specifications of each improvement ordered thereby and an estimate of the cost thereof, including an estimate of the cost of each kind of improvement if the resolution provides alternative descriptions of material, nature, character and size, which estimate shall show the estimated amount of cost and incidental expense to be apportioned to the City and the estimated amount of cost and incidental expense to be assessed against property benefited thereby, and, except in the case of a storm sewer improvement, the estimated amount to be assessed against each foot of abutting property.

SECTION 6. NOTICE OF HEARING UPON INITIAL RESOLUTION. The City Manager, upon the filing of such plans, specifications, estimates and tentative apportionment of cost, shall publish once in a

daily newspaper published in Dade County and of general circulation in the City a notice stating that at a meeting of the Commission on a certain day and hour, not earlier than ten days from such publication, the Commission will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed improvement with the location thereof, and shall also state that plans, specifications, estimates and a tentative apportionment of the cost thereof are on file in the office of the City Manager. Such notice in the case of a resolution for a storm sewer improvement shall describe the property declared by such resolution to be specially benefited by a description sufficient to identify the property.

SECTION 7. HEARING. At the time named in such notice or to which an adjournment may be taken by the Commission, the Commission shall receive any objections of interested persons and may then or thereafter repeal or confirm such resolution with such amendments, if any, as may be desired by the Commission and which do not cause any additional property to be specially assessed; provided, however, that such resolution shall not then or thereafter be confirmed containing items which cannot be properly assessed against property or if, because of any default or defect in the passage or character of the resolution, estimate or apportionment, it is void or voidable in whole or in part, or if it exceeds the power of the Commission.

SECTION 8. OBJECTIONS. All objections to any such resolution on the ground that it contains items which cannot be properly assessed against property, or that, because of any default or defect in the passage or character of the resolution, estimate or apportionment, it is void or voidable in whole or in part, or that it exceeds the power of the Commission, shall be made in writing, in person or by attorney, and filed with the City Manager at or before the time or adjourned time of such hearing. Any objections against the making of an improvement not so made shall be considered as waived, and if an objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within ten days.

SECTION 9. CONTRACT FOR WORK. As soon as practicable after the confirmation of any such initial resolution ordering work to be constructed and the authorization of bonds under the provisions of this Act, the City Manager shall publish at least once in a newspaper published in Dade County and of general circulation in the City, and if estimated cost exceeds \$5,000, in a newspaper of general circulation in the State of Florida, a notice calling for sealed bids to be received by the Commission on a date not earlier than fifteen days from the first publication, for the construction of work, unless in the initial resolution the Commission shall have declared its intention to have the work done by City forces without contract. The notice shall refer in general terms to the extent and nature of the improvement or improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the improvement as to its material, nature, character and size, and if the Commission shall not have theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more improvements authorized by the same or different resolutions,

but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The notice shall require bidders to file with their bids either a certified check upon an incorporated bank or trust company for 2½ % of the amount of their respective bids or a bid bond in like amount with corporate surety satisfactory to the City Manager to insure the execution of a contract to carry out the work in accordance with such plans and specifications and to insure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate sureties satisfactory to the City Manager conditioned for the performance of the work in accordance with such contract. The Commission shall have the right to reject any or all bids, and if all bids are rejected the Commission may readvertise or may determine to do the work by City forces without contract.

SECTION 10. PRELIMINARY ASSESSMENT ROLL. Promptly after the completion of the work, the City Manager shall cause to be prepared a preliminary assessment roll and file the same in his office, which roll shall contain the following:

(1) A description of the lots and parcels of land within the district, which in the case of storm sewer improvements shall include all property declared by the Commission in the initial resolution therefor to be specially benefited thereby, and in the case of other improvements shall include the lots and lands which abut upon the sides of that part of any street to be improved or in which a sanitary sewer, except a curb sewer, or a water main is to be laid, and the lots and lands which abut upon that side or sides of any street in or along which side or sides a sidewalk is to be constructed or a sanitary curb sewer is to be laid. Such property, lots and lands shall include City property and the property of the county and of any school district or other political subdivision. There may also be given, in the discretion of the City Manager, the name of the owner of record of each lot or parcel, where practicable, and in all cases except storm sewer improvements a statement of the number of feet of property so abutting, which number of feet shall be known as the frontage.

(2) The total cost of the improvement, and the amount of incidental expense.

(3) An apportionment, as between the City and property, of the cost of each improvement, to be computed as follows, incidental expense to be apportioned in the same proportion.

IN STREET IMPROVEMENTS

A. To the City shall be apportioned that part of the cost of street improvements at intersections. The word "intersection" shall be deemed to include not only that part of a street which is common to another street, but also that portion of a street which would be embraced within the extension of another street entering into it or meeting it if such other street should be extended.

B. To abutting property shall be apportioned the remaining cost of street improvements.

IN SIDEWALK IMPROVEMENTS

C. To abutting property shall be apportioned all the cost of sidewalk improvements, the lots within a block being deemed to abut upon a sidewalk although the sidewalk extends beyond the lots to the curb line of an intersecting street.

IN SANITARY SEWER IMPROVEMENTS

D. To each lot or parcel to the property or curb line of which a sani-

tary sewer lateral is laid shall be apportioned the cost of that lateral.

E. To abutting property shall be apportioned the cost of sanitary sewer improvements or such part thereof as may have been determined by the initial resolution.

F. To the Village shall be apportioned the remaining cost, if any, of the sanitary sewer improvements.

IN STORM SEWER IMPROVEMENTS

G. To the City shall be apportioned one-third of the cost of storm sewer laterals.

H. To the lots and parcels within the district shall be apportioned two-thirds of the cost of storm sewers, including any pumping station and outlet but excluding laterals.

I. To each lot or parcel to the property or curb line of which a storm sewer lateral is laid shall be apportioned the cost of that lateral.

IN WATER MAIN IMPROVEMENTS

J. To the City shall be apportioned such part of the cost of water main improvements as may have been determined by the initial resolution; provided, however, that the entire cost of water main improvements at intersection shall be apportioned to the City.

K. To each lot or parcel to the property or curb line of which a water lateral is laid shall be apportioned the cost of that lateral.

L. To abutting property shall be apportioned the remaining cost of the water main improvements.

ASSESSMENT OF INDIVIDUAL LOTS

M. The amount of the cost of each storm sewer improvement, excluding storm sewer laterals, so apportioned to lots and parcels of land shall in said roll be assessed to the several lots and parcels within the district in the proportion which the City Manager deems to be the proportion of special benefits each such lot or parcel will receive, and the amount of the cost of each street, sidewalk, sanitary sewer and water main improvement, except sanitary sewer laterals and water laterals, so apportioned to abutting property shall be assessed in said roll against such abutting property according to frontage.

The preliminary roll shall be advisory only and shall be subject to the action of the Commission as hereinafter provided.

(See also Chapter 27486, 1951, page 106 for authority to assess benefits upon a unit basis.)

SECTION 11. NOTICE OF HEARING UPON ASSESSMENT ROLL.

Upon the filing in the office of the City Manager of the preliminary assessment roll required by this Act, the City Manager shall publish once in each of two successive weeks in a daily newspaper published in Dade County and of general circulation in the City, a notice stating that at a regular meeting of the Commission to be held on a certain day and hour, not less than twelve days from the date of the first publication, all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state the class of the improvement and the location thereof by terminal points and route.

SECTION 12. HEARING AND CONFIRMATION OF ASSESSMENT ROLL. At the time and place stated in such notice the Commission shall meet and receive the objections in writing of all interested persons as stated in such notice. The Commission may adjourn the hearing from time to time. After the completion thereof the Commission shall

either annul or sustain or modify in whole or in part of the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any or all lots or parcels described therein, or by cancelling, increasing or reducing the same, according to the special benefits which the Commission decides each such lot or parcel has received or will receive on account of such improvement. If any property may be chargeable under this Act shall have been omitted from the preliminary roll or if the prima facie assessment shall not have been made against it, the Commission may place on such roll an apportionment to such property. The Commission shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. The assessments so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within ten days in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the City Manager shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be abated by the court, unless the assessment upon the entire district is abated, or the amount by which such assessment is so reduced, may by resolution of the Commission be made chargeable against the City at large, or in the discretion of the Commission, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

SECTION 13. PAYMENT OF ASSESSMENTS. Any assessment may be paid at the office of the City Manager within thirty days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal annual installments, with interest at 6% per annum from the expiration of said thirty days in each of the succeeding fifteen (15) calendar years at the time or times in each year at which general city taxes are payable; provided, however, that the Commission may by resolution fix a shorter period of payment for any assessment; and provided, further, that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment.

SECTION 14. LIEN AND ENFORCEMENT. All assessments made under the provisions of this Act shall constitute a lien upon the property so assessed from the date of the confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general city taxes falling due in the same year or years in which such assessment or installments thereof fall due, and any assessment or installment not paid when due shall be collectible in the same manner and at the same time as such general taxes are or may be collectible, with the same attorney's fee, interest and penalties and under the same provisions as to forfeiture and the right of the City to purchase the property assessed as are or may be provided by law in the case of city taxes; provided, however, that no such sale of any property for general city taxes or for an installment or installments of any such assessment and no perfecting of title under any such sale shall divest the lien of any installment of such assessment not due at the time of sale. Collection of such assessments, with such interest and with a reasonable attorney's fee and costs, but without penalties, may also be made by the City by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State. Any such proceedings to foreclose shall embrace all installments of principal remaining unpaid

with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and be due and payable. Nevertheless, if prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of any resolution passed pursuant to Section 13 of this Act, with interest as required by said Section 13 and by this Section 14 and all costs including attorney's fee, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by such resolution passed pursuant to said Section 13, and the proceeding shall be dismissed. It shall be the duty of the City to enforce the prompt collection of assessments by one or the other of the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this Act in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than thirty days after the annual sale of property for delinquent taxes of the City, it shall be the duty of the Commission to direct the City Attorney or an attorney or attorneys whom the Commission shall then designate, to institute actions within three months after such direction to enforce the collection of all special assessments for local improvements made under this Act and remaining due and unpaid at the time of such direction (unless such property has theretofore been sold at tax sale). Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the State. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interests of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the City, and the same shall be collectible as a part of or in addition to the costs of the action. At any sale pursuant to a decree in any such action, the City may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the City, including the certificate of sale thereof, may be sold or otherwise disposed of, for cash or upon terms, the proceeds of such disposition to be placed in the fund provided by Section 15 of this Act; provided, however, that no sale or other disposition thereof shall be made unless notice calling for bids therefor to be received at a stated time and place shall have been published in a newspaper published in Dade County and of general circulation in the City once in each of four successive weeks prior to such disposition.

SECTION 15. PLEDGE OF SPECIAL ASSESSMENTS. All assessments and charges made under this Act on account of the construction of any local improvement or improvements may be pledged to the payment of the principal of and the interest on bonds issued to pay the whole or any part of the cost of such improvement or improvements, and shall when collected be placed in a separate fund, properly designated, which fund shall be used for no other purpose.

SECTION 16. ISSUANCE OF BONDS. On or after the confirmation of the resolution ordering a local improvement or improvements, the Commission may by resolution issue bonds of the City for the payment of the entire cost of any such improvement or improvements or any part of such cost, including incidental expense, and for the reimbursement of any fund of the City from which any part of such cost shall have thereto-

fore been paid, in an amount not greater than the estimate herein provided of the cost and incidental expense, which estimate, if the initial resolution shall have given two or more alternative descriptions of the improvement by its material, nature, character and size, with estimates as to each description, shall be the lowest of such estimates, but no bonds shall be issued in excess of the contract price and estimated cost of incidental expenses unless such bonds shall have been delivered or sold or advertised for sale prior to the making of such contract. If bonds shall be authorized after such contract is made, they may be issued to the full amount of such contract and the amount paid, or the amount awarded in eminent domain proceedings, for any land rights and easements necessary to be acquired for the improvement, and the estimated incidental expense, and a finding by the Commission of the amount of a contract, or the amount so paid or awarded for land, rights or easements, or the amount of incidental expense, shall be conclusive for the purposes of this paragraph. Such bonds shall be issued only in denominations of \$500 or \$1,000, or both, as shall be determined by the Commission, and the foregoing limitations upon the amount of bonds may be exceeded to such extent as may be necessary in order that bonds of the denomination or denominations determined by the Commission may be issued, and to such extent as may be necessary to pay interest upon the bonds at the rate borne thereby (or at the rate of 6% per annum if the interest rate upon the bonds is not to be determined until the sale thereof) for a period of not more than eighteen months. An issue of bonds need not be limited to one improvement, and bonds may be issued in one or more series for all or a part of the cost of any one or more improvements. Bonds may be issued under the provisions of this Act beyond the general limits of indebtedness prescribed by law and shall not be included in the amount of bonds which the City may be authorized to issue under any other law.

Each series of bonds shall mature at such time or times as the Commission may determine, not more than twenty years from their date, and may be made redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds. Such bonds shall bear interest at a rate not greater than 6% per annum, payable semi-annually, and the principal and interest shall be made payable in such medium and at such place as the Commission may determine. Such bonds shall be sold by the Commission after publishing, at least ten days before receipt of bids therefor, a notice calling for such bids, and they shall not be sold at less than par and accrued interest; provided, however, that if no bids have been received in connection with the sale of said bonds, by unanimous vote of the members of the Commission, said bonds may be sold at private sale, without advertisement, but at a price of not less than 97 cents on the dollar and accrued interest. Such bonds may be made registrable as to principal alone, or as to both principal and interest, under such conditions as the Commission may determine, and shall, with the coupons thereto attached, be executed as provided by the Commission.

Such bonds shall be general obligations of the City, but no such bonds shall be issued unless the issuance thereof shall have been approved by a majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in the City shall participate. Such election shall be called, noticed and conducted and the result thereof determined and declared in the manner required by law for the issuance of bonds of the City. For the payment of the principal of and the interest on such bonds the Commission is hereby authorized and

required annually to levy a special tax upon all taxable property within the City, over and above all taxes authorized or limited by the Charter of the City or other laws, sufficient, with any other funds available for such purpose, to pay the interest on and principal of all such bonds at their several dates of maturity.

SECTION 17. PROCEEDINGS BY RESOLUTION. All proceedings of the Commission herein provided for may be taken by resolution, which shall be in force from and after its passage.

SECTION 18. SURPLUS OF BONDS PROCEEDS. Where the proceeds of bonds issued under this Act shall be found to exceed the costs of the improvements for which such bonds were issued, such excess shall be paid into the appurtenant fund created by Section 15 of this Act.

SECTION 19. ACCEPTANCE OF IMPROVEMENT. As soon as any improvement shall have been completed, the Commission shall cause a notice to be published in a newspaper published in Dade County and of general circulation in the City, stating that at a meeting of the Commission to be held at a certain day and hour, not less than ten days from the publication of such notice, the Commission will hear any objections of persons interested in or affected by the said improvements as to the acceptance thereof by the Commission. At the time and place mentioned in such notice the Commission shall hear such objections, if any, and may then or thereafter accept the said improvement.

SECTION 20. CREDIT FOR PRIOR IMPROVEMENTS. The Commission may make allowances and grant credit to property owners for improvements previously made by such property owners to the extent, and only to the extent, that such existing improvements shall be of value and utility as a part of the improvements for which such assessment is made, and may prescribe a plan for fixing and determining such allowances and credits.

SECTION 21. DESCRIPTION OF PROPERTY. In fixing and enforcing the assessments herein provided for, whenever any land shall have been surveyed or subdivided and platted into small tracts designated as lots or blocks or otherwise, and the owner of any land embraced in the said survey or subdivision shall have recognized such survey or subdivision by reference thereto in making or accepting any conveyance of land therein, or by selling any land therein by reference thereto, then, and in that event, the land embraced in such subdivision may be described by reference to such survey or subdivision whether any plat thereof shall have been recorded or not.

SECTION 22. DIVISION OF ASSESSMENTS. If the owner or owners of any lot or parcel of land assessed under the provision of this Act and all those having any interest therein by way of mortgage or other lien or leasehold rights or otherwise shall in writing request that such assessment be divided so that a part of the same shall be the assessment on and constitute a lien on one portion of such lot or parcel and the remainder shall be the assessment on and constitute a lien or liens against the remainder of such parcel or separate parts thereof, the Commission, in its discretion, shall have the power to divide such assessments in accordance with such request, and thereafter the separate parts of such assessment shall be the assessments and constitute separate liens upon the parts of the lot or parcel, respectively, into which the same shall have been so divided; any ordinance or resolution making such division shall recite a finding of the Commission that such division is equitable and will not impair the collectibility of any part of the assessments so divided.

SECTION 23. LIBERAL CONSTRUCTION. The purpose of this Act being to provide an economical method by which local improvements may be made, it is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for the improvements or the special assessments or the bonds or contracts, unless such irregularity or illegality shall substantially affect the rights of the City or its inhabitants or the owners of property assessed for such improvements.

SECTION 24. OMISSIONS, ERRORS AND MISTAKES. In case of any omissions, errors and mistakes in making the assessments, or in case of deficiencies or otherwise, then, unless the Commission or a court shall have determined that the assessments already made fully equal the amount of special benefits, a supplemental assessment may be made for such deficiencies, errors, omissions or mistakes; and such supplemental assessments shall be made in the same manner and after the same notice hereinabove provided for the original assessments, and shall be a lien to the same extent and be payable in the same manner, draw the same rate of interest, and be subject to the same penalties, and be in force and collectible in the same manner as such original assessments.

SECTION 25. PROOF OF ASSESSMENTS. A copy of any assessments certified as correct by the City Manager of the City shall be admissible in evidence and shall be prima facie proof of the amount of the assessment and the property upon which such assessment is levied.

SECTION 26. ASSESSMENTS ON PUBLIC PROPERTY. Dade County, and any school district or other political subdivision wholly or partly within the City, shall possess the same power and be subject to the same duties and liabilities in respect of assessment under this Act affecting their real estate that private owners of real estate possess or are subject to hereunder, and such real estate of said county, school districts and political subdivisions shall be subject to liens for said assessments in all cases where the same property would be subject had it at the time the lien attached been owned by a private owner.

SECTION 27. ALTERNATIVE METHOD. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

SECTION 28. PROVISIONS OF ACT SEVERABLE. The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provision not been included therein.

CORAL GABLES SEWER FINANCING ACT

Chapter 25743, 1949:

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as "The City of Coral Gables Sewer Financing Act."

SECTION 2. DEFINITIONS. As used in this Act, the following words and terms shall have the following meanings:

(a) The word "City" shall mean The City of Coral Gables, a municipal corporation in Dade County, State of Florida.

(b) The word "Commission" shall mean the City Commission of the City of Coral Gables.

(c) The term "sewage disposal system" shall mean and shall include any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources, or any integral part thereof, and, without limiting the generality of the foregoing definition, shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains and all necessary appurtenances and equipment, and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

(d) The word "cost" as applied to a sewage disposal system or to extensions or additions thereto shall include the cost of construction or reconstruction, the cost of all labor, materials, machinery and equipment, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized. Any obligation or expense heretofore or hereafter incurred by the City in connection with any of the foregoing items of cost may be regarded as a part of such cost and reimbursed to the City out of the proceeds of bonds issued under the provisions of this Act.

(e) The term "general obligation bonds" shall mean general obligations of the City which are payable from unlimited ad valorem taxes or from such taxes and additionally secured by a pledge of revenues of a sewage disposal system or systems.

(f) The term "sewer revenue bonds" or "revenue bonds" shall mean special obligations of the City which are payable solely from revenues of a sewage disposal system or systems.

(g) The word "bonds" shall include both general obligation bonds and revenue bonds.

SECTION 3. GENERAL GRANT OF POWERS. The City is hereby authorized and empowered:

(a) To construct, and to improve, extend, enlarge, reconstruct, maintain, equip, repair and operate a sewage disposal system or systems, either within or without or partly within and partly without the corporate limits of the City;

(b) To issue either general obligation bonds or revenue bonds of the City to pay all or a part of the cost of such construction or reconstruction;

(c) To make contracts for the collection, treatment and disposal of sewage originating within the City;

(d) To fix and collect rates, fees and other charges for the services and facilities furnished by any such sewage disposal system;

(e) To acquire in the name of the City, either by purchase or the exercise of the right of eminent domain, such lands and rights and interests therein, including lands under water and riparian rights, and to acquire

such personal property, as it may deem necessary in connection with the construction, reconstruction, improvement, extension, enlargement or operation of any sewage disposal system, and to hold and dispose of all real and personal property under its control;

(f) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, and to employ such consulting and other engineers, superintendents, managers, construction and accounting experts and attorneys, and such other employees and agents, as may, in the judgment of the Commission, be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Act;

(g) To exercise jurisdiction, control and supervision over any sewage disposal system or systems owned, operated or maintained by the City and to make and enforce such rules and regulations for the maintenance and operation of any such sewage disposal system or systems as may, in the judgment of the Commission, be necessary or desirable for the efficient operation of any such system and for accomplishing the purposes of this Act;

(h) To enter on any lands, water or premises located within or without the City to make surveys, borings, soundings or examinations for the purposes of this Act;

(i) To construct and operate trunk, intercepting or outlet sewers, sewer mains, laterals, conduits or pipelines in, along or under any streets, alleys, highways or other public places within the City;

(j) To restrain, enjoin or otherwise prevent any person or corporation, public or private, from discharging into any navigable or non-navigable waters within the corporate limits of the City, any sewage, industrial wastes or other refuse which would contribute to the pollution of such waters; and to restrain, enjoin or otherwise prevent the violation of any provision of this Act or of any ordinance, resolution, rule or regulation adopted pursuant to the powers granted by this Act;

(k) Subject to such provisions and restrictions as may be set forth in any ordinance or resolution authorizing or securing any sewer revenue bonds, issued under the provisions of this Act, to enter into contracts with the Government of the United States or any agency or instrumentality thereof, or with any other municipality, sanitary district, private corporation, co-partnership, association or individual, providing for or relating to the treatment and disposal of sewage; and

(l) To receive and accept from any Federal Agency grants for in aid of the planning, construction, reconstruction or financing of any sewage disposal system, and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

SECTION 4. CONSTRUCTION OF SEWAGE DISPOSAL SYSTEMS. Whenever the Commission deems it expedient so to do, it shall cause to be made a comprehensive report setting forth the type of sewage treatment and estimate of cost and of revenues of each sewage disposal plant or system, the construction of which shall be deemed to be desirable and feasible, together with the approximate location thereof and of each integral part.

The Commission may order the construction of such sewage disposal system or systems as it may deem feasible and practicable. In lieu of

constructing a treatment plant, the City may contract with the City of Miami for the treatment and disposal of sewage originating within the City.

All public or private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation made therefor, out of funds provided by this Act.

The State of Florida hereby consents to the use of all State lands lying under water which are necessary for the accomplishment of the purposes of this Act.

SECTION 5. ISSUANCE OF BONDS. The Commission is hereby authorized to provide by ordinance or resolution, at one time or from time to time, for the issuance of either general obligation bonds or sewer revenue bonds of the City for the purpose of paying all or a part of the cost of any sewage disposal system or systems, or extensions and additions thereto. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per centum (5%) per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Commission, and may be made redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds. The principal of and the interest on such bonds may be made payable in any lawful medium. The Commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the Commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law, and the Commission may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interest of the City.

Prior to the preparation of definitive bonds, the City may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Commission may also provide for the replacement of any bonds which shall become mutilated or destroyed or lost.

Bonds may be issued under the provisions of this Act without obtaining the consent of any commission, board, bureau or agency of the State, and without any other proceeding or the happening of any other condition or thing than those proceedings, conditions or things which are specifically required by this Act. Bonds may be issued under the provisions of this Act

beyond the general limits of indebtedness prescribed by law and shall not be included in the amount of bonds which the City may be authorized to issue under any other law.

The proceeds of such bonds shall be used solely for the payment of the cost of the sewage disposal system or systems for the construction or reconstruction of which such bonds shall have been authorized, and shall be disbursed in such manner and under such restrictions, if any, as the Commission may provide in the authorizing ordinance or resolution. If the proceeds of such bonds by error of estimates or otherwise, shall be less than such costs, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the authorizing ordinance or resolution, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds shall have been issued, the surplus shall be paid into the fund hereinafter provided for the payment of the principal of and the interest on such bonds.

SECTION 6. GENERAL OBLIGATION BONDS. No general obligation bonds shall be issued by the City unless the issuance of such bonds shall have been approved by a majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in the City shall participate. Such election shall be called, noticed and conducted and the result thereof determined and declared in the manner required by law for the issuance of bonds of the City.

For the payment of the principal of and the interest on any general obligation bonds of the City issued under the provisions of this Act, the Commission is hereby authorized and required to levy annually a special tax upon all taxable property within the City over and above all other taxes authorized or limited by law sufficient to pay such principal and interest as the same respectively become due and payable, and the proceeds of all such taxes shall when collected be paid into a special fund and used for no other purpose than the payment of such principal and interest; provided, however, that there may be pledged to the payment of such principal and interest the revenues of a sewage disposal system or systems, and in the event of such pledge the amount of the annual tax levy herein required may be reduced in any year by the amount of such revenues actually received in the preceding year and then remaining on deposit to the credit of the special fund for the payment of such principal and interest.

SECTION 7. SEWER REVENUE BONDS. Sewer revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the City or pledge of the faith and credit of the City, but such bonds shall be payable solely from the funds hereinafter provided therefor under the provisions of this Act. All such bonds shall contain a statement on their face substantially to the effect that the City is not obligated to pay such bonds or the interest thereon except from such bonds and that the faith and credit of the City are not pledged to the payment of the principal of or the interest on such bonds. The issuance of sewer revenue bonds under the provisions of this Act shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

The ordinance or resolution authorizing the issuance of sewer revenue bonds under the provisions of this Act may pledge the revenues to be

received, but shall not convey or mortgage any sewage disposal system or any part thereof, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the City and of the Commission in relation to the construction, reconstruction, improvement, maintenance, operation, repair and insurance of the sewage disposal system or systems, and provisions for the custody, safeguarding and application of all moneys, and for the employment of consulting engineers in connection with such construction, reconstruction or operation. Such ordinance or resolution may set forth the rights and remedies of the bondholders, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. In addition to the foregoing, such ordinance or resolution may contain such other provisions as the Commission may deem reasonable and proper for the security of bondholders. Except as in this Act otherwise provided, the Commission may provide for the payment of the proceeds of the sale of the bonds and the revenues of the sewage disposal system or systems to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such ordinance or resolution may be treated as a part of the cost of operation.

The ordinance or resolution providing for the issuance of sewer revenue bonds may also contain such limitations upon the issuance of additional sewer revenue bonds as the Commission may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such ordinance or resolution.

No revenue bonds shall be issued under the authority of this Act unless the Commission shall have theretofore found and determined (a) the estimated cost of the sewage disposal system or systems on account of which such bonds are to be issued, (b) the estimated annual revenues of such sewage disposal system or systems, and (c) the estimated annual cost of maintaining, repairing and operating such system or systems, nor unless it shall appear from such estimates that the annual revenues will be sufficient to pay such cost of maintenance, repair and operation and the interest on such bonds and the principal thereof as such interest and principal shall become due.

SECTION 8. SEWER SERVICE CHARGES; REVENUES. The Commission shall, in the ordinance or resolution providing for the issuance of sewer revenue bonds, fix the initial schedule of rates, fees and other charges for the use of, and for the services and facilities furnished or to be furnished by, the sewage disposal system or systems, to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or use any such sewage disposal system or systems by or through any part of the sewer system of the City. After the system or systems shall have been in operation the Commission may revise such schedule of rates, fees and charges from time to time. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (a) to pay the cost of maintaining, repairing and operating the system or systems, including reserves for such purposes and for replacements and depreciation and necessary extensions, and, if the City shall enter into a contract with the City of Miami for the treatment and disposal of sewage originating in the City, to pay the cost of such treatment and disposal, (b) to pay

the principal of and the interest on the revenue bonds as the same shall become due and reserves therefor, and (c) to provide a margin of safety for making such payments. The City shall charge and collect the rates, fees and charges so fixed or revised, or may contract with the City of Miami to collect such rates, fees and charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the City or of the State or of any sanitary district or other political subdivision of the State.

Such rates, fees and charges shall be just and equitable, and may be based or computed either upon the quantity of water consumed or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system or upon the number or average number of persons residing or working in or otherwise connected with such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors.

Charges for services to premises, including services to manufacturing and industrial plants, may be determined by gauging or metering or in any other manner approved by the Commission.

In cases where the character of the sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the Commission may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the Commission before discharging such sewage into any sewer lines owned or maintained by the City.

No rates, fees or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the sewage disposal system or systems and owners, tenants or occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by the Commission of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of such public hearing, setting forth the proposed schedule or schedules of rates, fees and charges, shall be given by one publication in a newspaper published in the City at least ten days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect, and thereupon the ordinance or resolution providing for the issuance of sewer revenue bonds may be finally adopted. A copy of the schedule or schedules of such rates, fees and charges finally fixed in such ordinance or resolution shall be kept on file in the office of the City Manager and shall be open to inspection by all parties interested. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional properties thereafter served which fall within the same class, without the necessity of any hearing or notice. Any change or revision of such rates, fees or charges may be made in the same manner as such rates, fees or charges were originally established as hereinabove provided, but if such change or revision be made substantially pro rata as to all classes of service no hearing or notice shall be required.

SECTION 9. COLLECTION OF CHARGES. Upon the construction of a sewage disposal system under the provisions of this Act, the owner,

tenant or occupant of each lot or parcel of land within the City which abuts upon a street or other public way containing a sanitary sewer served or which may be served by such sewage disposal system and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall, if so required by the rules and regulations of the Commission or by ordinance, connect such building with such sanitary sewer, and shall cease to use any other method for the disposal of sewage, sewage waste or other polluting matter. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Commission.

Any such ordinance or resolution may include any or all of the following provisions, and may require the Commission to adopt such ordinances or resolutions or take such other lawful actions as shall be necessary to effectuate such provisions, and the Commission is hereby authorized to adopt such ordinances or resolutions and to take such other action.

(a) That the City may require the owner, tenant, or occupant of each lot or parcel of land within the City who is obligated to pay rates, fees or charges for the services and facilities furnished by any sewage disposal system constructed or reconstructed by the City under the provisions of this Act to make a reasonable deposit with the City in advance to insure the payment of such rates, fees or charges and to be subject to application to the payment thereof if and when delinquent.

(b) That if any rates, fees or charges for the services and facilities furnished by any sewage disposal system constructed or reconstructed by the City under the provisions of this Act shall not be paid within thirty days after the same shall become due and payable, the City may at the expiration of such thirty day period disconnect the premises from the sewer system, and the City may proceed to recover the amount of any such delinquent rates, fees or charges, with interest, in an action of assumpsit.

(c) That if any rates, fees or charges for the use and services of any sewage disposal system shall not be paid within thirty days after the same shall become due and payable, the owner, tenant or occupant of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewer system of the city until such rates, fees or charges, with interest, shall be paid; that if such owner, tenant, or occupant shall not cease such disposal at the expiration of such thirty day period it shall be the duty of any municipal corporation, private corporation, board, body or person supplying water to or selling water for use on such premises to cease supplying water to or selling water for use on such premises within five days after the receipt of notice of such delinquency from the city, provided, however, that any such municipal corporation, private corporation, board, body or person that ceases supplying or selling water for use on such premises after such receipt of such notice of delinquency in compliance with the foregoing provisions of this subsection shall be relieved of all liability of any kind whatsoever to the owner, tenant, or occupant of such premises as a result of such ceasing to supply or to sell water for use on such premises; and that if such municipal corporation, private corporation, board, body or person shall not, at the expiration of such five day period, cease supplying water to or selling water for use on such premises, the city may shut off the supply of water to such premises and the city shall be so relieved of all liability of any kind whatsoever to the owner, tenant, or occupant of such premises as a result of shutting off the supply of water to such premises.

(As amended Chapter 28984, 1953)

SECTION 10. APPLICATION OF REVENUES. All revenues derived from any sewage disposal system or systems for which a single issue of sewer revenue bonds shall be issued, except such part thereof as may be required to pay the cost of maintaining, repairing and operating such system or systems and to provide reserves therefor as may be provided in the ordinance or resolution authorizing the issuance of such sewer revenue bonds, shall be set aside at such regular intervals as may be provided in such ordinance or resolution and deposited for the credit of the following separate funds for the following purposes:

(1) A sinking fund for the payment of the interest on and the principal of such sewer revenue bonds as the same shall become due, necessary charges of paying agents for paying such interest and principal, and any premium upon bonds retired by call or purchase before their maturity or respective maturities, including the accumulation of a reserve for such purpose; and

(2) A fund for anticipated renewals and replacements and extraordinary repairs.

The use and disposition of moneys to the credit of such sinking fund shall be subject to such regulations as may be provided in the ordinance or resolution authorizing the issuance of the sewer revenue bonds and, except as may otherwise be provided in such ordinance or resolution, such sinking fund shall be a fund for the benefit of all bonds without distinction or priority of one over another.

The Commission shall cause to be made at least once each year a comprehensive report of the operations of the sewage disposal system or systems including all matters relating to rates, revenues, expenses of maintenance, repair and operation and of renewals and replacements, principal and interest requirements and the status of all funds. Copies of such annual reports shall be filed with the City Manager, and shall be open to the inspection of all interested persons.

SECTION 11. TRUST FUNDS. All moneys received pursuant to the authority of this Act shall be deemed to be trust funds, to be held and applied solely as provided in this Act. The ordinance or resolution authorizing the issuance of bonds shall provide that any officer to whom, or any bank, trust company or other fiscal agent to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such ordinance or resolution may provide.

SECTION 12. REMEDIES. Any holder of bonds issued under the provisions of this Act or of any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Florida or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this Act or by such ordinance or resolution to be performed by the City or by the Commission or by any officer thereof, including the fixing, charging and collecting of rates, fees and charges for the services and facilities furnished by the sewage disposal system or systems.

SECTION 13. SEWER REVENUE REFUNDING BONDS. The Commission is hereby authorized to provide by ordinance or resolution for the issuance of sewer revenue refunding bonds of the City for the purpose of refunding any sewer revenue bonds then outstanding and issued under the provisions of this Act. The Commission is further authorized to pro-

vide by ordinance or resolution for the issuance of sewer revenue bonds of the City for the combined purposes of (1) paying the cost of any extension, addition or reconstruction of a sewage disposal system or systems or the cost of a new sewage disposal system or systems, and (2) refunding sewer revenue bonds of the City which shall theretofore have been issued under the provisions of this Act and shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the City and of the Commission with respect to the same, shall be governed by the foregoing provisions of this Act in so far as the same may be applicable.

SECTION 14. EXEMPTION OF PROPERTY FROM TAXATION. As proper facilities for the collection, treatment, purification and disposal of sewage are essential for the health of the inhabitants of the City and for the City's industrial and commercial development, and as the exercise of the powers conferred by this Act to effect such purposes constitutes the performance of essential municipal functions, and as the sewer system of the City including any sewage disposal system or systems constructed under the provisions of this Act, constitutes public property and is used for municipal purposes, the City shall not be required to pay any taxes or assessments upon any such sewage disposal system or any part thereof, whether located within or without the territorial boundaries of the City.

SECTION 15. ALTERNATIVE METHOD. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. This Act, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes thereof.

SECTION 16. PROVISIONS OF ACT SEVERABLE. The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers herein provided for and if any of the provisions of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included therein.

REVENUE BONDS

Chapter 13978, 1929, as amended by Chapter 15133, 1931:

SECTION 1. For the payment of revenue bonds and revenue refunding bonds of the City of Coral Gables and the interest thereon, the Commission of said City is hereby authorized to levy sufficient taxes upon all the taxable property within the City over and above all other taxes authorized or limited by law, and said bonds shall be the absolute, direct and general obligation of said City. In each year, at the time of the annual tax levy, there shall be included therein, a tax for the payment of the principal and interest of any revenue bonds which have matured and remain unpaid and any revenue refunding bonds, whether matured or not. It shall be the duty of said City, after the authorization of any revenue refunding bonds, to reserve from the current revenues, as received, except revenues for sinking funds for bonds maturing after the current fiscal year, a sum sufficient to meet the payment of such bonds at maturity and interest

thereon. The issuance of any or all bonds authorized hereunder may be revoked by resolution of the Commission, thereby reducing the amount of authorized bonds and protanto reducing the amount of current revenue which shall be reserved for their payment. It shall not be necessary to submit such bonds, or the ordinance or resolution authorizing the same, to a vote of electors or freeholders; provided, however, that the provisions of this section, for the levying of taxes, shall be applicable only to bonds issued after June 10, 1929.

(Note: This act is probably limited in its application to what is now designated, by Section 57 of Charter, as "anticipation certificates" (issued in anticipation of current revenues and maturing at end of fiscal year in which issued), and not to revenue bonds or certificates as now authorized by Section 57½ of charter or subsequent special acts. "Anticipation certificates" were designated as "revenue bonds" in the 1925 Charter (Chapter 10418, 1925, as amended by Chapter 11439, 1925), and such designation was carried over into Section 57 of the 1929 Charter. Chapter 23220, 1945 changed the designation of such "bonds" to "anticipation certificates." A substantial portion of the present bonded debt of the City was originally in the form of such "revenue bonds," issued for current operating expenses.)

DECLARATION OF CANDIDACY

Chapter 27480, 1951:

SECTION 1. Whenever under laws now existing or hereafter enacted a petition, request, notice or other act must be done by a person in connection with candidacy for either Mayor or City Commissioner of The City of Coral Gables, Florida, and a time limit is set for the doing of such act, such act must be done before five (5) o'clock post meridian on the day set as the last day.

(Affects charter sections 10 d, e, f, and 14, pages 18 and 19.)

LOCAL IMPROVEMENTS—UNIT ASSESSMENT

Chapter 27486, 1951:

SECTION 1. Power is hereby given the City Commission of the City of Coral Gables, Florida, by ordinance, to levy and impose special assessments or assessments for special benefits in connection with such municipal projects as sanitary sewers, storm sewers and like municipal operations, upon a unit basis as opposed to a "footage" charge, or a charge of a fixed amount so much per front foot; that is to say, upon the basis of an amount imposed for each connection or connections as opposed to the imposition of the assessment upon a basis of a fixed amount per front foot of the property involved, or, by a combination of portions of both such "unit" basis and "footage" basis.

SECTION 2. As a prerequisite to the imposition of special assessments or assessments for special benefits in connection with such projects herein covered, it shall be necessary for the City Commission to find that such method is fair, equitable and advisable.

SECTION 3. The powers herein given are cumulative and in addition to, and not in derogation of, other powers heretofore vested in said City.

(See also Chapter 25742, 1949, Section M, page 91, and Section 67L of Charter, page 45, concerning assessment of benefits.)

SANITARY SEWER SYSTEM — CONTRACT WITH UNIVERSITY
FOR TRADE OF PROPERTY AND SEWAGE DISPOSAL SERVICES

Chapter 28982, 1953:

WHEREAS, at the present time the University of Miami, a non-profit corporation of Florida, operating upon its campus and for its own use, a sanitary sewage system and disposal plant which it expects will become inadequate with the continued growth of the University, and

WHEREAS, the City of Coral Gables, Florida, is contemplating the construction of a sanitary sewer system which, eventually, will cover and embrace the whole of said city, and needs, or is expected to need, as a part of its operations, certain lands lying within the campus of the University of Miami, and

WHEREAS, the said city and the said University believe that it will be advisable for the city to buy and the University to sell certain lands to be used in connection with the sewer operation and also to enter into a long term contract, under the terms of which, upon conditions, terms and rates mutually to be agreed on by the parties, for the servicing of the University by the city with sewage facilities, NOW, THEREFORE,
Be It Enacted by the Legislature of the State of Florida:

SECTION 1. That the City of Coral Gables, Florida, a municipal corporation, and the University of Miami, a non-profit corporation of this state be and they are hereby authorized and empowered to enter into a contract or contracts, generally dealing with the question of sanitary sewer facilities and like and affiliated matters; to sell or purchase each from the other, lands which will be used in connection with the operation of such sanitary sewer facilities and related matters and to agree on the term of service, conditions and rates and other items deemed expedient or necessary by the governing bodies of the two corporations and generally to do all manner of things customary, needful or expedient in connection with such matters; hereby ratifying and confirming all contracts and negotiations heretofore entered into or hereafter made between the parties.

SECTION 2. All laws or parts of laws in conflict herewith are hereby repealed.

PLEDGE OF CIGARETTE TAXES

Chapter 28983, 1953:

SECTION 1. That the City of Coral Gables be, and it is hereby authorized, to use all or any part of the monies received by it through the collection of taxes on cigarettes and tobacco, as set forth and provided for in Section 210, Florida Statutes, 1951, as a pledge and/or security in connection with the financing by said city of any of the matters and things set forth in Section 210.03, Florida Statutes, 1951, whether such financing be through general bonds, refunding bonds, revenue certificates or any other method or combination of methods deemed necessary by it for the financing of such matters and things.

SECTION 2. All laws or parts of laws in conflict herewith or inconsistent in so far as the City of Coral Gables is concerned are hereby repealed.

EXEMPTION FROM TAXATION OF OFF-STREET PARKING FACILITIES

Chapter 28985, 1953:

WHEREAS, heretofore there has been legislation adopted by this Legislature in which it is set forth, at least, the great and growing need of the cities of this state for adequate off-street parking facilities, particular reference being had to Chapter 24445, Special Acts of 1947 and Chapter 25745, Special Acts of 1949, and Section 183.01 and 183.14, Florida Statutes, 1951, and

WHEREAS, this Legislature is fully convinced that the situation with reference to the needs for such off-street parking is continually growing worse instead of better, and that every consideration should be given to the cities of this state which otherwise might not be able, because of lack of funds or hesitation to increase taxation to provide the monies for the acquisition of property to be devoted to such purposes, NOW THEREFORE,

Be it Enacted by the Legislature of the State of Florida:

SECTION 1. That this Legislature adopts as its understanding of the words "held" and "used" in so far as the definition applies to off-street parking facilities operated and maintained by the cities and towns in this state either fee simple title ownership of the property by such cities and towns or the use of property under lease, which is in writing, executed under seal by the lessor, with the City of Coral Gables, Florida, as lessee, and the term of which lease is for not less than ten years from the date of its beginning.

SECTION 2. There shall be exempted from all taxation all off-street parking facilities maintained and operated by the City of Coral Gables, Florida, whether the fee simple title to the land used in connection with such facilities is owned by the city, or is owned by others and leased to the city, provided that in case of lease by the city, the term of such lease shall be not less than ten years from the date of its beginning, the said lease shall be in writing and executed under seal by both lessor and lessee. The taxing authorities of Dade County are hereby authorized and instructed to cancel any and all taxes which may have been imposed upon any such off-street parking facilities owned and operated by the City of Coral Gables, Florida, and meeting the requirements of this act and, in case any such taxes have been paid by said city on such facilities, to refund them to said city.

SECTION 3. The benefits of exemption herein granted are cumulative and in addition to any other such benefits or privileges which the city may now have or which may hereafter be given to it.

SECTION 4. All laws or parts of laws in conflict herewith are hereby repealed.

FIREMEN'S RELIEF AND PENSION FUND

Chapter 28986, 1953:

SECTION 1. PURPOSE. The purpose of this Act is to implement the provisions of Chapter 19112, Acts of Florida, 1939, and to provide means whereby firemen of the City of Coral Gables, Florida, may receive benefits from the funds provided for that purpose by Chapter 19112, Acts of Florida, 1939. The Fund created by this Act shall supersede a similar Fund created by Ordinance No. 753 of the City of Coral Gables, Florida. This Act shall be deemed to supplement any other pension plan of the

City of Coral Gables, Florida, in so far as benefits to firemen are concerned; and nothing herein shall be construed in any way to effect the operation or benefits of any other pension plan of the City of Coral Gables, Florida. Sections 5, 6, 7, 8, 9 and 10 of Chapter 19112, Acts of Florida, 1939, shall continue to apply to the City of Coral Gables, except as otherwise specifically provided for in this Act.

SECTION 2. DEFINITIONS. The following words and phrases as used herein, unless different meanings are plainly indicated by the context, shall have the following respective meanings:

(a) BOARD. The word Board, as used herein, shall be understood to mean the Board of Trustees of the Coral Gables Firemen's Relief and Pension Fund, as provided for herein.

(b) CITY. The word City shall be understood to mean the City of Coral Gables, Florida.

(c) FIREMAN. The Fire Chief, if one should be appointed, Officers, Inspectors, Enginemen and Firemen, and such other employees of the Fire Department of the City of Coral Gables as the Board shall determine to be engaged directly in firefighting or fire prevention work, shall be deemed Firemen for the purposes of this Act.

(d) FUND. The word Fund shall be understood to mean the Coral Gables Firemen's Relief and Pension Fund, as provided for herein.

(e) PARTICIPANT. Every fireman of the city eligible to have moneys credited to his share account and to receive benefits therefrom under this Act shall automatically become a Participant.

(f) SERVICE. The word Service shall mean all time served as a permanently appointed Fireman of the City of Coral Gables, for which regular compensation is paid by the City of Coral Gables, and all time during which a participant is absent on Military Leave. It shall include all leaves of absence with pay, but shall not include leaves of absence during which no regular compensation is paid by the City of Coral Gables, except Military Leave as herein provided.

(g) IMMEDIATE FAMILY. The phrase Immediate Family shall mean the wife, the children, the grandchildren, and the parents of the Participant, and the parents of the Participant's wife and any other persons who are living in the family relation with the Participant and who are dependent upon the Participant for a substantial portion of their maintenance.

(h) FISCAL YEAR. The Fiscal Year shall extend from November 1st to the following October 31st, both dates inclusive.

(i) NET CREDIT. The phrase Net Credit shall mean the amount standing to the credit of a participant's share account, as at the end of the last preceding fiscal year.

SECTION 3. FUND CREATED. There is hereby created in the City of Coral Gables, Florida, a special fund to be known as the Coral Gables Firemen's Relief and Pension Fund, into which shall be paid all moneys hereafter received by the City of Coral Gables under the provisions of Chapter 19112, Acts of Florida, 1939, and Ordinance No. 699 of the City of Coral Gables. The Participants of a similar fund created by Ordinance No. 753 of the City of Coral Gables, Florida are hereby given the option of transferring their individual account credits in that fund to the fund hereby created. Promptly after the effective date of this Act the Board of Trustees of the fund created by Ordinance No. 753 of the City

of Coral Gables, Florida, shall present to each Participant in the fund created by Ordinance No. 753 an option agreement by which each participant within thirty days thereafter shall make his election to keep his individual account credits in the fund created by Ordinance No. 753 or of having his individual account credits in that fund transferred to the fund hereby created; and promptly after the Participants have all exercised their option the Board of Trustees of the fund created by Ordinance No. 753 shall pay over to the Board of the fund hereby created all the assets of the fund created by said Ordinance No. 753 except such assets as in the aggregate will equal in amount the aggregate of the individual account credits of those participants who have elected to remain in the fund created by Ordinance No. 753. Failure of any participant to file his election agreement, duly executed, with said Board of Trustees within the allowed time shall constitute an election by said participant to keep his account credits in the Fund created by Ordinance No. 753.

SECTION 4. PARTICIPANTS. Each person who is a fireman of the City on the effective date of this Act shall be a Participant in the Coral Gables Firemen's Relief and Pension Fund, subject to the provisions of this Act.

SECTION 5. SHARES. Each fireman will be entitled to shares in the Fund based upon his period of service as a fireman of the city, as follows:

First Period	1 Year through	4 Years	5 shares
Second	"	5 Years through	9 Years 6 shares
Third	"	10 "	"	14 " 7 shares
Fourth	"	15 "	"	19 " 8 shares
Fifth	"	20 "	"	24 " 9 shares
Sixth	"	25 "	"	29 " 10 shares
Seventh	"	30 "	"	34 " 11 shares
Eighth	"	35 "	"	39 " 12 shares
Ninth	"	40 "	"	44 " 13 shares
Tenth	"	45 "	"	49 " 14 shares

In computing the number of shares in the Fund to which each fireman shall be entitled, no credit will be given for service prior to January 1st, 1940. The First Period shall begin with the first day after the first full fiscal year of service.

SECTION 6. DETERMINING VALUE OF SHARES TO PARTICIPANT. The total moneys received, which constitute income to the Fund during each fiscal year, shall be allocated and the value of the respective participants shares shall be determined as follows:

(a) The Board shall pay all costs and expenses of management and operation for the fiscal year last ended.

(b) The Board shall set aside so much of the income as it considers advisable as a reserve for expenses for the then current fiscal year.

(c) After deducting the moneys called for by paragraphs (a) and (b), the remaining moneys shall be allocated and credited to the share accounts of the respective participants.

The number of shares to which each and every participant is entitled as at the close of each fiscal year shall be added together and the total number of shares thus determined shall be divided into the net amount of money available to be allocated and credited to the respective share accounts. The amount to be credited to the account of each participant will then be obtained by multiplying the value determined for one (1) share by the total number of shares to which each participant is entitled.

As promptly as practicable after the close of each fiscal year, the value of each participant's share shall be calculated and credited to his share account as at the end of the fiscal year for which the calculation is made. Such calculation shall be made and credits allocated to share accounts once only in each fiscal year; and prorations shall not be made for a part of a fiscal year.

SECTION 7. ESTABLISHMENT OF ACCOUNTS FOR PARTICIPANTS. An individual account shall be established for each participant, and the amount to which each participant is entitled shall be credited to his account as at the end of each fiscal year. No credits shall be made to an individual's account after he has been separated from service, whether by retirement, transfer to another city department or in any manner whatsoever.

SECTION 8. BOARD OF TRUSTEES. There is hereby created a Board of Trustees of the Coral Gables Firemen's Relief and Pension Fund, which Board shall consist of the City Mayor, the Fireman in charge of the Fire Department, or the Fire Chief, if one is appointed, and one fireman to be elected for a two year term from among the Participants of the Fund by such Participants. The City Mayor and the Fireman in charge of the Fire Department, or the Fire Chief, shall serve so long as they continue to hold their respective offices, and upon replacement their successors shall succeed to their positions as Trustees. At the first election to be held after the effective date of this Act, the fireman receiving the highest number of votes shall be elected to serve as Trustee for a term that will expire with the close of the fiscal year in 1955. Thereafter, a fireman shall be elected for a full term of two years. In the event of a vacancy in such trusteeship, a fireman shall be elected to complete the unexpired term. The Board shall annually elect from its membership a chairman and a Secretary. The Secretary shall keep complete minutes of all proceedings of the Board, and all actions of the Board shall be by majority vote of the Board. Trustees shall receive no compensation as such.

SECTION 9. POWER AND AUTHORITY OF BOARD OF TRUSTEES. The Board of Trustees shall have power and authority as follows:

(a) To invest and re-invest moneys of the Firemen's Relief and Pension Fund in bonds and other securities of the United States Government and in bonds of the City of Coral Gables, and in savings accounts in financial institutions doing business in Dade County, Florida in which said savings accounts are insured by an instrumentality of the United States Government. The amount invested in any such savings account shall not be greater than the amount of insurance coverage for such account.

(b) To convert into cash such securities as may be required for the payment of expenses of operation and of claims against the Fund.

(c) To approve claims, and to authorize payments from the Fund by warrants signed by the Chairman and Secretary of the Board.

(d) To interpret the provisions of this Act wherein the meaning is not clear or ambiguity exists; and to promulgate necessary rules respecting the operation of the Fund, not in conflict with the wording or clear intent of this Act.

(e) To authorize expenditures in connection with preliminary research and technical services, legal services, accounting, auditing and general administration of the Fund.

(f) To do such other things as may be necessary to implement and provide for the proper functioning of the Fund.

SECTION 10. CUSTODIAN OF THE FUND. The custody of all securities and cash of the Fund shall be with the Chief Finance Officer of the City, who shall provide the same protection for such securities and cash as is provided for city funds. The Chief Finance Officer shall issue vouchers against such cash of the Fund only upon warrants as provided for in Section 9 hereof. The Chief Finance Officer shall not be responsible for the action of the Board in directing the disbursement of any of the funds, nor shall he be required to see to the proper application of the funds after withdrawal. His sole responsibility shall be the honoring of the duly executed warrants of the Board to the extent of the funds in his control available for disbursement.

SECTION 11. DEATH BENEFITS WHILE PARTICIPANT ON ACTIVE DUTY. If a Participant shall die while in service, his net credit shall be paid to such beneficiary or beneficiaries as he shall have designated by written designation filed with the Board. If the Participant shall not have designated a beneficiary, his net credit shall be paid to his surviving wife, primarily for the purpose of defraying final illness and burial expenses which are hereby made a first lien or charge against such net credit. If there be no surviving wife, and there are other members of participant's immediate family, the net credit shall be paid in such manner as directed by the Board which shall give consideration (1) to payment of expenses of the last illness and funeral of the Participant; (2) to the children of the Participant; (3) to the grandchildren of the Participant; (4) to the parents of the Participant; (5) to the parents of the Participant's wife; (6) to other persons living in the family relation with the Participant who are dependent upon the Participant for a substantial portion of their maintenance.

If there are no immediate members of the Participant's family surviving him there shall be paid to creditors of the Participant for expenses of last illness and burial a total amount, not to exceed the net credit, and not in any event to exceed the sum of Five Hundred (\$500.00) Dollars. In such case, if the Participant's net credit exceeds the sum of Five Hundred (\$500.00) Dollars, the amount by which the net credit exceeds Five Hundred (\$500.00) Dollars shall be credited as income to the Fund.

The Board shall charge against a Participant's "net credit" all costs and expenses necessarily incurred by the Board in carrying out the provisions of this Section.

SECTION 12. SEPARATION BENEFITS.

(a) If a Participant shall separate from service for any reason whatsoever, he shall be paid the entire amount to his net credit as at the end of the last preceding fiscal year, plus such amount, if any as he may be entitled to receive under sub-section (b) of this Section, in such manner as he shall elect to receive it, either in a lump sum or in installments. If payment is made by installments, no interest shall be credited on unpaid balances, and installment payments shall not be more frequent than each calendar quarter year.

(b) When a Participant separates from the service prior to July first he shall not participate in any of the income received for the calendar year in which he separates; but if he separates from service after July 1, he shall participate in all the income received for the calendar year in which he separates, as fully as though he had not separated from the service during that calendar year. Any moneys due a separating participant

under the provisions of this sub-section shall not be paid until after the close of the fiscal year in which separation takes place.

(c) Settlement as provided in sub-sections (a) and (b) of this Section shall be in full acquittal of all claims of a Participant against the Fund, and he shall thereupon cease to be a Participant.

SECTION 13. RIGHTS AND BENEFITS NOT SUBJECT TO LEGAL PROCESS. The rights and benefits provided for herein are vested rights of Participants in the Fund, and shall not be subject to attachment, garnishment, execution or any other legal process.

SECTION 14. RESPONSIBILITY OF THE CITY. The City of Coral Gables shall have no responsibility for the operation of the Fund except as specified herein, and shall bear no expense in the operation of the Fund.

SECTION 15. PROVISIONS SEVERABLE. If any portion or portions of this Act are declared to be invalid, the remaining portions shall have the same force and effect as though the invalid portion or portions had not been included.

APPENDIX

TABLE 1.

SPECIAL ACTS (a) VALIDATING SPECIFIC CONTRACTS OR ACTIONS OF THE CITY OF CORAL GABLES; OR (b) GRANTING SPECIFIC POWERS TO OR ON BEHALF OF THE CITY OF CORAL GABLES, FOR A PERIOD OF LIMITED DURATION (NOW EXPIRED)

Chapter 13971, 1929:

An Act Ratifying, Validating and Confirming the Action of the City Commission of the City of Coral Gables, Florida, in Selling and Transferring Certain Tax Certificates Held by it For the Non-Payment of Taxes for the Years 1925, 1926, and 1927.

Chapter 13973, 1929:

An Act to Legalize, Ratify, Validate and Confirm any or All Agreements, Conveyances, Certificates of Indebtedness, or other Evidences of Indebtedness, Heretofore Granted, Executed, made or Delivered by the City of Coral Gables, Florida, by Its City Commission or by any of Its Duly Authorized Officers or Agents to Wilson & Toomer Fertilizer Company, and to Legalize, Ratify, Validate and Confirm all Acts Done, Proceedings Taken, Ordinances and Resolutions Passed or Adopted, by the City of Coral Gables, Florida, by Its City Commission, or by any of Its Duly Authorized Officers or Agents in Connection with any or all of the Aforesaid Agreements, Conveyances, Certificates of Indebtedness or Other Evidences of Indebtedness.

Chapter 13974, 1929:

An Act Ratifying, Validating and Legalizing the Use by the City of Coral Gables, Florida, of \$91,986.07 of an Unexpended Sum Derived from the Sale of Its Bonds for Improvement and Equipment of Public Parks and Play Grounds, for a Municipal Emergency Hospital and a Site Necessary Therefor, for Additional Fire Stations and any Sites Necessary Therefor, and for a City Hall, and to Authorize Said City to Use the Balance of Said Unexpended Sum in Redeeming in Part Outstanding Obligations of Said City, Said Balance Aggregating the Sum of \$88,530.06.

Chapter 13975, 1929:

An Act to Legalize, Ratify, Validate and Confirm any or all Franchises, Agreements, Conveyances, Leases, Certificates of Indebtedness, or Other Evidences of Indebtedness, Heretofore Granted, Executed, Made, Or Delivered by the City of Coral Gables, Florida, by its City Commission or by any of Its Duly Authorized Officers, or Agents, To or With C. A. Leddy, Consumers Water Company, The Miami Beach Railway Company, Utilities Land Company, Florida Power & Light Company, or Any of Them; and to Legalize, Ratify, Validate and Confirm all Acts Done, Proceedings Taken, Ordinances and Resolutions Passed or Adopted, by the City of Coral Gables, Florida, by its City Commission, or by any of its Duly Authorized Officers or Agents in Connection With Any or all of the Aforesaid Franchises, Agreements, Conveyances, Leases, Certificates of Indebtedness or Other Evidences of Indebtedness.

Chapter 13976, 1929:

An Act Ratifying, Validating and Confirming the Acts of the City Commission of the City of Coral Gables in Adjusting and Reducing Certain

Amounts Payable for the Redemption of Certain Property from Tax Sales and in Remitting a Part of Taxes Now Payable on Property in Certain Cases, and to Authorize and Empower the City Commission of Said City, Under Certain Conditions, to Make Other Adjustments and Reductions in Cases Where Property Has Been Sold for Non-Payment of City Taxes or Upon Which Taxes are Now Due and Payable.

Chapter 15128, 1931:

An Act to Authorize the Board of County Commissioners of Dade County to Settle, Adjust and Compromise State and County Taxes Upon Lots and Lands in the City of Coral Gables Owned by Said City.

Chapter 15130, 1931:

An Act to Authorize the Commission of the City of Coral Gables to Use Certain City Owned Assets to Secure or Discharge in Whole or in Part Certain Obligations of Said City, and for that Purpose to Pledge, Sell, Exchange, Transfer and Assign Certain Improvement Liens Due to Said City, and Defining the Rights of any Pledges or Assignees of Such Liens; to Pledge, Exchange, Sell or Otherwise Dispose of Tax Sale Certificates Held by Said City; to Sell or Exchange and Convey Certain Real Estate Owned by Said City.

Chapter 15131, 1931:

An Act to Authorize the Commission of the City of Coral Gables to Sell and/or Compromise and Adjust Certain Taxes, Tax Sale Certificates and Assessment Liens, Either for Cash, City Bonds or Other Obligations; and to Create an Adjustment Board to Exercise Such Powers as are Herein Conferred Upon the Commission.

Chapter 15135, 1931:

An Act to Validate, Legalize, Ratify and Confirm an Agreement Made and Entered into by and Between the City of Coral Gables, the City of Miami, Miami Water Company and Consumers Water Company Relating to and Providing the Terms and Conditions of the Supply of Water by the City of Miami, Through Miami Water Company and Consumers Water Company, to the City of Coral Gables and the Inhabitants Thereof.

Chapter 17517, 1935:

An Act to Authorize the Commission of the City of Coral Gables to Sell and/or Compromise and Adjust Certain Taxes, Tax Sale Certificates and Assessment Liens, Either for Cash, City Bonds or other Obligations; and to Create an adjustment Board to Exercise such Powers as are Herein Conferred upon the Commission.

Chapter 17520, 1935:

An Act to Authorize the Commission of the City of Coral Gables to Use Certain City Owned Assets to Secure or Discharge in Whole or in Part Certain Obligations of Said City, and for that Purpose to Pledge, Sell, Exchange, Transfer and Assign Certain Improvement Liens Due to said City, and Defining the Rights of any Pledges or Assignees of Such Liens; to Pledge, Exchange, Sell or Otherwise Dispose of Tax Sale Certificates held by said City; to Sell or Exchange and Convey Certain Real Estate owned by said City.

APPENDIX

TABLE 2

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CHARTER

City of Coral Gables, Florida

Revision No. 2

January 1, 1954

	REMOVE OLD PAGES	INSERT NEW PAGES
To reflect change of officials after April 14, 1953 election	Flyleaf	Flyleaf
To show inclusion of 1953 statutes	Foreword	Foreword
Reference to Chapter 28985, 1953, exemption of off-street parking facilities from taxation	79-80	79-80
To show Chapter 28984, amending Sewer Financing Act, Section 9(c)	103-106	103-106
To add Chapter 28982, authorizing contract with University of Miami concerning sewer system	}	107-113
To add Chapter 28983, authorizing pledge of cigarette taxes		
To add Chapter 28985, exempting off-street parking facilities from taxation add		
To show Chapter 28986, providing for Firemen's Relief and Pension Fund		
To delete page numbers	Table 1, app.	Table 1, app.
To add 1953 statutes	Table 2, app.	Table 2, app.
Index	vii-viii xi-xii xiii-xiv xv-xvi	vii-viii xi-xii xiii-xiv xv-xvi

CHARTER

City of Coral Gables Florida

Revision No. 1

July 15, 1951

	REMOVE OLD PAGES	INSERT NEW PAGES
To reflect change of officials after April 10, 1951 election	Flyleaf	Flyleaf
To show inclusion of 1951 statutes	Foreword	Foreword
Reenactment of boundary section by Chapter 27484, 1951	5-10 incl.	5-10 incl.
Reference to Chapter 27480, 1951, concerning time of filing of declarations of candidacy	17-20 incl.	17-20 incl.
Correction to Section 22 to add omitted words Chapter 27481, 1951	25-26 incl.	25-26 incl.
Amending Section 44 to delete applicability of state law as it existed on August 1, 1931, and amendment of Section 44a in its reference to Coral Gables taxes. Chapters 27482 and 27485, 1951	29-32 incl.	29-32 incl.
Reference to Chapter 27486, 1951 concerning method of assessment	37-38 incl.	37-38 incl.
To correct omission of heading; and add reference to Chapter 27486, 1951, concerning method of assessment	43-46 incl.	43-46 incl.
To show Chapter 27483, 1951, which suspersedes Chapter 25737, 1949, concerning reg- ulation of contractors	77-78 incl.	77-78 incl.
Reference to Chapter 27486, 1951, concerning method of assessment	91-92 incl.	91-92 incl.
To add Chapter 27480, 1951, concerning filing of statements of candidacy; and Chapter 27486, 1951, authorizing assessments upon a unit basis	105-106 incl.	105-106 incl.
To add 1951 statutes	Table 2 app.	Table 2 app.

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