

PART I CHARTER

The sections of the original act (Ch. 24398, 1947) filed in the office of the Secretary of State were misnumbered by omission of section number 77. The printers of the Special Acts of 1947 corrected this error by renumbering starting with § 77. However, they omitted section number 155. Consequently, the section numbers of the original act and those in the published Special Acts of 1947 agree from §§ 1—76 and from § 156 on.

In preparing the 1958 Code of Ordinances of the City, the editors reorganized the Charter into articles and renumbered its sections. The editors of this compilation have adopted the same organization and numbering used by their predecessors. However, note that the source of each section is shown in parentheses following the section.

Words and phrases have been added in brackets where necessary to clarify meaning.

Ord. No. 87-4, §§ 1—3, adopted Feb. 3, 1987, provided that the name and title of the legislative body of the City be changed from "City Council" to "City Commission" and that all references within the Charter and Code of Ordinances to the terms City Council or councilman shall be synonymous to the terms City Commission or City Commissioner until such time as recodification of the Charter and Code of Ordinances is required; see also, §§ 1-2 and 2-1.1 of the Code of Ordinances. Prior to such recodification, the above noted changes will be made in the Code as pages are necessarily updated through the supplement service pursuant to the City's instructions; and such changes will be made in the Charter only as prescribed by subsequent amendments to specific sections.

PREAMBLE

The citizens of the City of Boynton Beach, in order to protect the general health, welfare, and safety of its residents, promote honest, efficient, and responsive government, hereby adopt a City Charter in accordance with the Constitution and Statutes of the State of Florida.

(Ord. No. 25-037, § 2(Exh. A), 11-18-2025)

ARTICLE I. IN GENERAL

Sec. 1. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 1 pertaining to the abolition of existing government. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 1.

Sec. 1. Establishment of municipality.

The Municipality to be known and designated as the City of Boynton Beach is hereby established, organized and constituted in the County of Palm Beach, State of Florida, and the inhabitants of the City of Boynton Beach, Florida, within the boundaries hereinafter described and designated or within such boundaries as may hereinafter be established, is hereby created, organized and established, and shall continue to be a body politic and corporate under the name of the City of Boynton Beach, and as such shall have perpetual succession, may use a common

seal, may contract and be contracted with, and may sue and be sued, plead and be impleaded in all the courts of this state and in all matters whatsoever.

(Laws of Fla. 1947, Ch. 24398, § 5; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 2. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, deleted § 2, pertaining to title to property reserved. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 2.

Sec. 2. When Commissioners and Mayor are to assume office.

The Commissioners and Mayor who are elected in elections held in March of any year, shall assume office on the first regular or special city commission meeting following certification of their election results. Once all newly elected officials have taken office the Commission shall organize in accordance with the provisions of this Charter and shall then proceed to select the officers and employees, designated in this Charter.

(Laws of Fla. 1947, Ch. 24398, § 12; Ord. No. 73-54, § 1, 12-18-73; Ord. No. 80-41, § 1, 10-21-80; Ord. No. 83-51, § 1, 12-20-83; Ord. No. 91-26, § 1, 5-21-91; Ord. No. 01-25, § 7, 7-3-01; Ord. No. 08-005, § 2, 4-1-08; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 3. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, deleted § 2, pertaining to obligations unimpaired. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 3.

Sec. 3. Composition, election, terms, vacancies.

- (a) In order to qualify for the office of Mayor, a candidate must be a qualified elector of the City of Boynton Beach and have resided continuously within the City for a period of not less than two (2) years prior to filing for office, and who shall have attained the age of twenty-one (21) years on or before the date the candidate files and qualifies for office. The Mayor of the City of Boynton Beach may reside in any of the four (4) election districts and shall be elected by a city-wide vote.
- (b) There shall be a City Commission of four (4) members elected from each of the four (4) election districts within the City, and a Mayor who is elected by a city-wide vote. Each City Commissioner and each candidate for City Commissioner shall reside in the election district from which he or she is (to be) elected at the time of the election. A candidate for a Commission district seat must reside, for a period of not less than two (2) years continuously prior to filing for election in the district from which the candidate seeks election. Voters shall vote for only one (1) candidate in each election district in which the voter resides, and one (1) candidate for Mayor.
- (c) Qualifications for City Commissioners. Only qualified electors who have resided continuously in the City of Boynton Beach for at least two (2) years immediately prior to the election and who shall have attained the age of twenty-one (21) years on or before the date the candidate files and qualifies as a candidate for office shall be eligible to hold the office of City Commissioner. Each Commissioner and each candidate for Commissioner shall be elected from the election district in which they reside, subject to the fifty percent (50%) plus one rule and runoff procedures set forth in the City Charter. Once elected, a Commissioner from an election district shall remain a resident of the election district and the City of Boynton Beach during their term of office or shall forfeit their office.

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- (d) Except as the result of a boundary change of a district, the failure of a City Commissioner to continue to reside within the district from which elected, or the Mayor within the City, shall cause said City Commissioner or Mayor to automatically forfeit his/her office. The tender of a resignation from any elective office shall immediately create a vacancy in that office. Upon automatic forfeiture or the tender of any resignation, the remaining members of the City Commission shall declare the office vacant and proceed to fill the vacancy as herein otherwise provided, so long as the individual selected to fill the vacancy has resided in the same district from which the original Commissioner resided for a period of not less than one (1) year.
 - (e) Any City Commissioner who ceases to possess the qualifications required by this Charter, or is otherwise removed from office by lawful means, shall forfeit office, and it shall be the duty of the remaining members of the City Commission to declare the office vacant and proceed to fill the vacancy as herein otherwise provided.
 - (f) Candidates for City Commissioner shall file with the City Clerk a written notice of candidacy, designating which of the four (4) Commission districts of the City Commission the candidates intend to fill.
 - (g) Geographic boundaries for each voting district are established pursuant to the City's Code of Ordinances. Geographic boundaries for each voting district shall be designated, prepared and identified, commencing ninety (90) days after the 2020 Census report is published, and every ten (10) years thereafter, by contract to the City of Boynton Beach with a four (4) year college or university or educational research institution located within the State of Florida to be selected by the City Commission of the City of Boynton Beach, Florida. The election districts shall be of equal population, compact, proportional and logically related to the natural internal boundaries of the neighborhoods within the City. The principal of non-discrimination and one man/one vote shall be adhered to strictly. In the event no candidate qualifies for election for any designated election district seats, then a special qualifying period shall be opened for five (5) calendar days after the close of the regular qualifying period and anyone from anywhere within the City may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter. A change in district boundaries which results in the City Commissioner no longer residing in the district which they represent, during the City Commissioner's term, shall not result in a disqualification for continuing to serve in office.

(Laws of Fla. 1947, Ch. 24398, § 24; Ord. No. 80-46, § 2, 10-31-80; Ord. No. 83-54, § 1, 2-7-84, election of 3-13-84; Ord. No. 84-5, § 1, 2-7-84, election of 3-13-84; Ord. No. 87-37, § 1, 10-20-87, election of 3-8-88; Ord. No. 91-47, § 2, 7-2-91; Ord. No. 00-43, § 2, 8-15-00, election of 11-7-00; Ord. No. 02-036, § 2, 8-20-02, election of 11-5-02; Ord. No. 02-043, § 3, 8-20-02, election of 11-5-02; Ord. No. 12-020, § 2, 1-15-13, election of 3-12-13; Ord. No. 12-021, § 3, 1-15-13, election of 3-12-13; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 13-002, § 2, 2-5-13, election of 3-12-13; Ord. No. 25-038, § 2(Exh. A), 12-2-2025)

Sec. 4. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, deleted § 3, pertaining to obligations unimpaired. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 4.

Sec. 4. Judges of own qualifications, rules of procedure; expulsion of members; quorum; fines and penalties.

The City Commission shall be the judges of the qualifications, election and returns of its own members: it may enact rules of procedure and may prescribe penalties for the non-attendance or disorderly conduct of its members, and enforce the same. A majority of the members of the Commission shall be necessary to constitute a quorum for the transaction of any business; but a smaller number may adjourn from time to time, and under the provisions of ordinances or rules of procedure may compel the attendance of the absent members by the

imposition of fines or penalties. (Laws of Fla. 1947, Ch. 24398, § 25; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

State law reference(s)—Quorum and vote required for municipal governing body, F.S. § 166.041(4).

Sec. 5. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 5 to § 1 of this Charter.

Sec. 5. Terms of elective offices.

- (a) All elective offices shall be for the term of three (3) years and no person shall be eligible to hold any elective office for more than two (2) consecutive terms. For purposes of this section, elective office shall include both mayor and commission member.
- (b) The resignation from, or forfeiture of, an elective office during any part of a three (3) year elective term shall be deemed to constitute a full and complete term under the provisions of this section.

(Laws of Fla. 1947, Ch. 24398, § 15; Laws of Fla. Ch. 67-1118, § 1: Ord. No. 87-30, § 1, 9-15-87, election of 3-8-88; Ord. No. 87-38, § 1, 10-20-87, election of 3-8-88; Ord. No. 00-41, § 2, 8-15-00, election of 11-7-00; Ord. No. 02-043, § 4, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted previous § 5 pertaining to committee designation. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 26. Current § 5 was originally part of Article IV and designated § 50.

Sec. 6. Boundaries.

Editor's note(s)—The boundaries of the City were described originally by Laws of Fla. 1947, Ch. 24398, § 6, as amended by Laws of Fla. 1955, Ch. 30588, § 1; Laws of Fla. Ch. 61-1888, § 1; and Laws of Fla. Ch. 68-81. Said 1968 act completely redescribed the boundaries. Further annexations have been made by the following ordinances:

Ord. No.	Date	Ord. No.	Date
62-7	6-4-62	72-17	6-20-72
62-8	6-4-62	72-20	8-1-72
62-15	9-17-62	72-21	8-15-72
63-37	1-6-64	72-27	11-7-72
64-4	3-2-64	73-44	11-6-73
64-5	3-2-64	74-9	4-16-74
65-17	5-17-65	74-31	9-17-74
65-18	5-17-65	74-34	10-1-74
65-21	6-1-65	75-6	3-4-75
65-35	8-16-65	76-10	4-23-76
69-8	4-7-69	(Date recorded)	
70-4	3-2-70	78-9	4-10-78
70-7	3-16-70	(Date recorded)	
70-25	9-29-70	78-14	4-18-78
72-16	6-20-72	78-39	9-19-78
78-40	9-19-78	88-11	4-5-88
79-11	4-3-79	88-27	8-16-88

79-17	8-7-79	88-48	12-6-88
80-9	7-15-80	88-49	12-6-88
81-29	9-15-81	88-50	12-6-88
82-14	7-6-82	89-10	6-20-89
82-26	10-6-82	89-14	6-20-89
82-27	10-6-82	89-25	10-3-89
82-32	10-6-82	89-35	10-17-89
82-33	10-6-82	89-42	12-5-89
82-34	10-6-82	89-44	12-5-89
82-35	10-6-82	90-25	9-5-90
82-38	11-16-82	90-61	12-18-90
82-39	11-16-82	90-62	12-18-90
82-40	11-16-82	90-63	12-18-90
82-49	11-16-82	90-64	12-18-90
83-2	3-15-83	91-56	8-20-91
83-46	1-17-84	92-14	6-2-92
83-49	1-3-84	92-61	1-5-93
83-52	1-3-84	93-11	6-1-93
84-3	2-21-84	93-40	12-7-93
84-15	4-3-84	93-43	12-7-93
84-24	7-3-84	93-46	12-7-93
84-55	1-5-85	93-49	12-7-93
85-15	3-5-85	93-55	12-7-93
86-7	6-3-86	93-59	12-7-93
86-18	9-3-86	93-62	12-7-93
86-19	9-3-86	93-65	12-7-93
86-20	9-3-86	93-68	12-7-93
86-21	9-3-86	94-32	10-18-94
86-22	9-3-86	94-35	10-18-94
86-40	12-16-86	94-41	10-18-94
86-41	12-16-86	94-44	10-18-94
87-44	12-15-87	94-53	1-3-95
87-45	12-15-87	95-17	6-6-95
95-11	6-6-95	95-14	6-20-95
98-19	7-7-98	98-27	7-21-98
04-055	8-3-04	04-080	11-3-04
04-082	11-3-04	04-085	10-19-04
05-008	5-17-05	05-039	8-2-05
05-056	10-5-05	06-001	1-17-06
06-004	1-17-06	06-016	3-21-06
06-029	4-18-06	06-030	4-18-06
06-033	5-2-06	06-051	7-5-06
06-054	7-5-06	06-081	10-17-06
06-089	12-5-06	06-093	1-16-07
07-038	1-15-08	10-022	10-5-10
R10-172	5-3-11	18-024	10-16-18
19-001	4-2-19	22-001	1-18-22

Inasmuch as the description formerly set out in section 6 was rendered obsolete by the above annexation ordinances, it has been omitted.

State law reference(s)—Municipal annexation or contraction, F.S. Ch. 171.

Sec. 6A. Filling vacancy on City Commission.

In the event of a vacancy occurring in the members of the City Commission, except at the close of a regular term, it shall be the duty of the remaining members at the next regular meeting, or as soon thereafter as possible, following the declaration of such vacancy, to appoint a duly qualified citizen to fill said vacancy until the next municipal election, at which time the balance of the original members term shall be filled by election. In no event shall an appointment or election alter the term of the district seat. Municipal election shall mean the election held on the first Tuesday in November of the calendar year. If a majority of said remaining members are unable to agree upon the selection of a Commissioner to fill said vacancy after two (2) regular meetings have been held, the City Commission shall call a special election for that purpose.

(Laws of Fla., 1947, Ch. 24398, § 16; Ord. No. 90-80, § 1, 1-2-91, election of 3-12-91; Ord. No. 01-25, § 7, 7-3-01; Ord. No. 02-043, § 4, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted previous § 6 pertaining to the fixing of salaries by resolution. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 27; Laws of Fla, Ch. 67-1119, § 1. Current § 6 was originally part of Article IV and designated § 51.

Sec. 6A. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 6A pertaining to boundaries and territory of greater Boynton Beach area. Said section was derived from Laws of Fla., Ch. 69-848, § 1.

Sec. 7. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 7 pertaining to general powers. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 7, as amended by Laws of Fla. 1955, Ch. 30588, § 2; Laws of Fla., Ch. 61-1885; Laws of Fla., Ch. 61-1888, §§ 2, 3; Laws of Fla., Ch. 68-82, § 1.

Sec. 7. Authority to contract; execution; attestation and seal.

The Commission shall have the power to enter into contracts on behalf of the City. All contracts shall be attested by the City Clerk with the seal of the City affixed thereto.

(Laws of Fla. 1947, Ch. 24398, § 28; Ord. No. 02-037, § 2, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Cross reference(s)—Contracts must be approved by City Attorney, § 23.

Sec. 7.1. Reserved.

Editor's note(s)—The provisions previously codified as § 7.1 have been converted to ordinance status by the Home Rule Act, F.S. § 166.021, and have been moved to the Code of Ordinances at the direction of the City.

Sec. 7.2. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 7.2 pertaining to extra-territorial municipal police powers. Said section was derived from Laws of Fla., Ch. 63-1123, § 1.

Sec. 8. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 8 pertaining to powers and provisions of general law. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 171.

Sec. 8. Frequency, date of regular meetings; special meetings; rules of procedure.

- (a) The Commission shall hold its meetings as the Commission deems necessary. Should any scheduled City Commission meeting fall upon a date on which any national, state, county, or municipal election is held, said City Commission meeting should be deferred until the next regular working day.
- (b) The Mayor, or any three (3) members of the City Commission, may call special meetings of the City Commission, upon written notice to each member served personally or left at the usual place of residence, or by electronic delivery to the member's designated email address. Notice of all special meetings shall also be provided to the public in accordance with Chapter 286, Florida Statutes. All regular and special meetings of the City Commission shall be open to the public. The City Commission shall determine its own rules and order of business.

(Laws of Fla. 1947, Ch. 24398, § 29; Ord. No. 77-31, § 1, 10-18-77; Ord. No. 02-043, § 3, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Sec. 9. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 9 pertaining to tort liability procedure. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 98.

Sec. 9. Mayor, Vice Mayor; election, procedure.

At the first regular or special meeting of the City Commission immediately following an election, the Vice-Mayor of the City shall be selected by a vote of the Mayor and Commission. The Vice-Mayor of the City shall serve in such capacity for a period of one year until the next general election of a member of the commission. In the event, of a vacancy in the office of Mayor, the Vice-Mayor shall automatically assume the duties of said office until a successor Mayor is elected as provided herein. If, for any reason, there shall be a vacancy in the office of Mayor, a special election shall be held within sixty (60) days of the date of said vacancy, provided that should said vacancy occur within one hundred (100) days of a regularly scheduled general election, no such special election shall be held and the Mayor, or successor Mayor, shall be elected at the general election. Upon the election of a successor Mayor, the Vice-Mayor shall reassume his duties as Vice-Mayor and the successor Mayor shall serve for the remainder of the term of the originally duly elected Mayor. In the event of a vacancy in the office of Vice-Mayor, the vacancy on the City Commission shall be filled by the Commission in the manner herein otherwise provided, and a successor Vice-Mayor shall be elected by a vote of the Mayor and City Commission.

(Laws of Fla. 1947, Ch. 24398, § 19; Laws of Fla., Ch. 63-1122, § 1; Ord. No. 80-41, § 2, 10-21-80; Ord. No. 83-54, § 2, 2-7-84, election of 3-13-84; Ord. No. 97-36, § 2, 8-5-97, election of 3-10-98; Ord. No. 02-043, § 4, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted previous § 9 pertaining to the authority to create and abolish offices. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 30. Current § 9 was originally part of Article IV and designated § 53.

Sec. 10. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 10 pertaining to tax exemption of city property. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 9.

Sec. 10. Duties, powers, privileges of Mayor.

The Mayor shall preside at all meetings of the City Commission and perform such other duties consistent with his or her office as may be imposed by the City Commission, and he or she shall have a voice and a vote in the proceedings of the City Commission, but no veto power. He or she may use the title of Mayor when executing legal instruments of writing or when required by necessity, arising from the General Laws of the State, but this shall not be considered as conferring upon him or her the administrative or judicial functions of a Mayor under the General Laws of the State. He or she shall be considered as the official head of the City for ceremonial purposes, and shall be so recognized by the courts for the purpose of serving civil processes, and by the Government in the exercise of military law. In the absence or disqualification of the Mayor, the other members of the City Commission shall select one of their members to perform his or her duties. This selection shall be made in accordance with the provisions of this Charter with respect to the election of a Mayor.*

The Mayor shall sign all deeds, bonds or other instruments of writing to which the City is a party, when authorized so to do by the City Commission.

(Laws of Fla. 1947, Ch. 24398, §§ 20, 22; Am. Ord. No. 97-38, § 2, 8-5-97, election of 3-10-98; Ord. No. 02-040, § 2, 8-20-02, election of 11-5-02; Ord. No. 02-043, §§ 4-5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

***Editor's note**—Note that § 9 above, as amended, provides for the annual designation of a Vice-Mayor.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed previous § 10 pertaining to quorum and vote requirements on ordinances, resolutions, and enactment procedures generally. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 31, as amended by Laws of Fla. 63-1125, § 2; Ord. No. 74-21, § 1, 8-20-74; Ord. No. 87-46B, § 1, 1-5-88, election of 3-8-88; Ord. No. 97-39, § 2, 8-5-97. Current § 10 was originally part of Article IV and designated § 54.

Sec. 11. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 11 pertaining to exemptions from liens and forced sale of city property. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 10.

Sec. 12. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 12 pertaining to subdivision maps. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 11.

Sec. 13. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 13 pertaining to building, electrical and plumbing codes. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 168.

Sec. 14. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 14 pertaining to gender definition and sex discrimination. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 148.

ARTICLE II. CITY COMMISSION¹

Sec. 15. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 15 to § 2 of this Charter.

Editor's note(s)—Ord. No. 91-26, § 1, adopted May 21, 1991, amended § 15 to read as herein set out. Such provisions were approved at a referendum held Mar. 10, 1992.

Sec. 16. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 16 pertaining to qualifications of Commissioners and forfeiture of office. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 13; Laws of Fla., Ch. 63-1123, § 2; as amended by Ord. No. 75-13, § 1, 5-6-75.

Sec. 17. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 17 to § 3 of this Charter.

Sec. 18. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 18 to § 4 of this Charter.

Sec. 19. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 19 to § 5 of this Charter.

Sec. 20. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 20 to § 6 of this Charter.

Sec. 20. General provisions.

- (a) *Administrative officers, departments and agencies.* The government of the City shall be carried on by the Mayor and City Commission. The City Commission shall appoint a City Manager, who shall serve as the City's Chief Executive Officer, and a City Attorney, both of whom shall serve at the pleasure of the City Commission. There shall also be such other departments and agencies as may be established from time to

¹Editor's note(s)—It should be noted that Ord. No. 87-4, §§ 1—3, adopted Feb. 3, 1987, provided that the name of the legislative body of the city shall be the City Commission. The user's attention is directed to Part II, Code of Ordinances, §§ 1-2 and 2-1.1, of this volume. Previous reference to City Council in Article II title deleted per Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02.

time by ordinance and as may be prescribed by ordinances adopted by the City Commission. All other city employees shall be hired, appointed and discharged by the City Manager, with only the appointment or discharge of Assistant City Managers subject to confirmation by the City Commission.

- (b) *Supervision by City Manager.* Each department, office, and agency under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager. With the consent of the Commission, the City Manager may serve as the head of one or more such departments, offices, or agencies, or may appoint one person as the head of two or more of them, or may combine the functions of any offices specified in this Charter which may be appointed by the City Manager.
- (c) *Commission/Manager integration with administration.* The City Commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the Manager, when such dealings involve giving orders or making requests for services to any such officer or employee. All employees and officers shall be permitted to provide information to any Commissioner or member of the public upon request.

(Laws of Fla. 1947, Ch. 24398, § 14; Ord. No. 73-46, § 1, 11-6-73; Ord. No. 76-43, § 1, 10-5-76; Ord. No. 89-29, § 1, 9-19-89; Ord. No. 02-038, § 2, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Sec. 20.1. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 20.1 pertaining to pension and retirement systems. Said section was derived from Laws of Fla., Ch. 67-1119, § 1; as amended by Ord. No. 78-51, § 1, 11-8-78; Ord. No. 92-7, § 1(Exhibit A), 4-21-92; Ord. No. 92-40, § 1, 7-21-92; Ord. No. 94-52, § 2, 12-20-94.

Sec. 21. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 21 to § 7 of this Charter.

Sec. 21. Compensation of Mayor and City Commission.

Each member of the City Commission, including the member who serves as Mayor shall receive salaries as follows:

- (a) Effective April 1, 2005, the Mayor shall receive an annual salary of \$18,000 paid in equal monthly installments;
- (b) Effective April 1, 2005, City Commission members, excluding the Mayor, shall receive an annual salary of \$15,000 annually, paid in equal monthly installments; and
- (c) The compensation of the Mayor and the Commissioners shall be adjusted annually in April in each year to reflect increase in the consumer price index.

(Laws of Fla. 1947, Ch. 24398, § 21; Laws of Fla., Ch. 65-1268, § 1; Ord. No. 74-25, § 1, 9-3-74; Ord. No. 81-36, § 1, 11-3-81; Ord. No. 84-44, § 1, 11-7-84; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 03-037, § 2, 8-19-03; Ord. No. 06-047, § 2, 5-16-06; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 22. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 22 to § 8 of this Charter.

Sec. 22. City Attorney—Appointment, term, function.

The City Commission may appoint a lawyer, admitted to practice in the courts of this State, as City Attorney, who shall hold office during the pleasure of the Commission, and act as the legal advisor to, and attorney and counselor for, the Municipality and all of its officers in matters relating to their official duties.

(Laws of Fla. 1947, Ch. 24398, § 56; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 23. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 23 to § 9 of this Charter.

Sec. 23. City Attorney—Duties.

The City Attorney, shall, when requested by the City Commission, prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned, or shall endorse on each the City Attorney's approval of the form, language and execution thereof; and no contract with the municipality shall be binding upon the municipality until such approval is so endorsed thereon. When required by the Commission, the City Attorney shall prosecute and defend, for and on behalf of the City, all complaints, suits, and controversies in which the City is a party. The City Attorney shall furnish the Commission, or the City Clerk, a written opinion on any question of law relating to their respective powers and duties; and the City Attorney shall perform such other professional duties as may be required by ordinance or resolution of the Commission or by this Charter, or such as are prescribed for City Attorneys under the general laws of the State, not inconsistent with this Charter.

(Laws of Fla. 1947, Ch. 24398, § 57; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Cross reference—Authority to contract and contract execution, attestation and seal, § 7.

Sec. 24. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 24 to § 10 of this Charter.

Sec. 24. City Attorney—Compensation.

The City Commission may, from time to time, fix the regular compensation of the City Attorney at a sum commensurate with the duties which may be imposed upon the City Attorney by this Charter and by the Commission; provided, that all special or unusual services required of the City Attorney, the fee for which is not otherwise prescribed, may be specially compensated as the Commission may see fit to provide.

(Laws of Fla. 1947, Ch. 24398, § 58; Ord. No. 02-043, § 3, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Sec. 25. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 25 pertaining to when ordinances and resolutions become effective, and emergency measures. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 32, as amended by Ord. No. 74-21, § 1, 8-20-74.

Sec. 26. Reserved.

Editor's note(s)—Ord. No. 77-21, § 1, adopted Aug. 16, 1977, amended the Code by repealing provisions formerly designated as § 26, Pertaining to the recordation and publication of ordinances and resolutions and derived from Ch. 24398, § 33, Special Acts 1947.

Sec. 27. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 27 pertaining to general ordinance enactment power, enforcement and penalties. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 34.

Sec. 28. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 28 pertaining to budget of expenses, and revenue. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 35.

Sec. 29. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 29 pertaining to utility franchises. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 36, as amended by Ord. No. 75-41, § 1, 1-5-76.

Sec. 30. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 30 pertaining to maximum franchise duration and extension of utility. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 37.

Sec. 31. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 31 pertaining to the effect of annexation on franchises. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 38.

Sec. 32. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 32 pertaining to rights in the City when franchises are granted. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 39.

Sec. 33. Reserved.

Editor's note(s)—Ord. No. 91-16, § 2, adopted Apr. 21, 1991, repealed § 33 which pertained to codification of ordinances; authority and publication. Prior to repeal, such section was derived from Laws of Fla. 1947, Ch. 24398, § 40. For current provisions concerning such subject matter, the user's attention is directed to § 1.9 of the Code.

Sec. 34. Deleted.

Editor's note(s)—Section 34 hereof, which provided for judicial notice of ordinances, has been rendered obsolete by the Florida Evidence Code, particularly F.S. § 90.202(10), and has been deleted at the direction of the City.

Sec. 35. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 35 pertaining to fire limits. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 42.

Sec. 36. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 36 pertaining to health regulations and the City Board of Health. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 43.

Sec. 37. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 37 pertaining to borrowing money and the maximum issuance of notes. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 44.

ARTICLE III. MUNICIPAL COURT

Secs. 38—48. Deleted.

Editor's note(s)—The provisions of §§ 38—48 of the Charter compilation have been rendered obsolete by the abolition of the municipal court and the transfer of its jurisdiction to the county court pursuant to Fla. Const., Art. V, § 20, and have been deleted. Said compilation provisions were derived from Laws of Fla. 1947, Ch. 24398, §§ 45—55, as amended by Ord. Nos. 73-47 and 73-53.

Sec. 40. Call by City Commission, publication of proclamation; qualification of candidates, filing by candidates with City Clerk; notification of Supervisor of Elections.

All general and special elections, unless otherwise provided in this Charter, shall be called by resolution adopted by the City Commission, and in conformance with applicable state law, and notice shall be provided in accordance with Chapter 50, Florida Statutes, and the City's Code of Ordinances.

Candidates for City Commission shall file such papers and pay such fees as may be required by law with the City Clerk no sooner than noon on the second Tuesday of November nor later than noon on the fourth Tuesday in November, of the year in which the election is to be held. The City Clerk shall transmit the names of all candidates for City Commission to the Supervisor of Elections by 5:00 p.m. on the first business day after the close of qualifying.

(Laws of Fla. 1947, Ch. 24398, § 131; Ord. No. 80-41, § 3, 10-21-80; Ord. No. 80-46, § 2, 10-31-80; Ord. No. 83-51, § 2, 12-20-83; Ord. No. 01-25, § 7, 7-3-01; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 02-046, § 2, 8-20-02; Ord. No. 08-005, § 2, 4-1-08; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 17-035, § 3, 12-19-17; Ord. No. 21-024, § 2, 8-17-21; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Sec. 41. General and run-off elections.

A special election for any purpose shall be held as provided in the Charter or by ordinance not inconsistent herewith. In every election to any office, the candidate receiving the highest percentage of the vote in excess of fifty (50%) percent plus one of the votes validly cast shall be declared elected. If, in any election, no candidate receives in excess of fifty (50%) percent plus one of the vote in the first election, a second election, limited to the

two (2) candidates receiving respectively the highest and the next highest number of votes in the first election shall be held on the fourth Tuesday in March of the calendar year, and the candidate receiving the higher number of votes in the second election shall be declared elected.

(Laws of Fla. 1947, Ch. 24398, § 132; Ord. No. 80-46, § 2, 10-31-80; Ord. No. 83-51, § 3, 12-20-83; Ord. No. 95-25, § 2, 7-18-95; Ord. No. 08-005, § 2, 4-1-08; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 13-002, § 2, 2-5-13, election of 3-12-13)

Cross reference(s)—Composition, election, terms, vacancies, see Charter § 3.

Sec. 42. Regular municipal election, date; qualification of electors for Commissioners; method of holding elections, special elections.

Regular municipal elections shall be held on the second Tuesday in March of the calendar year. In the event a run-off election is required as specified in this Charter, said election shall be held on the fourth Tuesday in March of the calendar year. The City Commission shall prescribe, by ordinance, the method and manner of holding all elections in said City, and shall provide when and how special elections shall be called and held, which are not provided by the terms of this Charter, and all elections shall be conducted substantially on the principle adopted for state election insofar as there are no conflicts with the terms of this Charter.

(Laws of Fla. 1947, Ch. 24398, § 134; Ord. No. 80-41, § 4, 10-21-80; Ord. No. 83-51, § 4, 12-20-83; Ord. No. 01-25, § 7, 7-3-01; Ord. No. 02-021, § 2, passed 6-4-02; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 08-005, § 2, 4-1-08; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 43. Registration officer and registration.

The City Clerk shall be the registration officer of the City and said clerk, or his/her duly appointed deputies, shall register all persons applying to him/her whose names are not already borne upon the registration book applicable to the City and who are qualified as electors under the Constitution and laws of the State of Florida. For this purpose, such registrations shall be received during normal business hours, or at such other times as designated by the City Commission, at the office of the City Clerk or at such other places within the City limits when duly designated by the City Commission.* Registrations shall be upon forms provided by the Supervisor of Elections of Palm Beach County, Florida.

(Laws of Fla. 1947, Ch. 24398, § 15; Laws of Fla., Ch. 63-1125, § 1; Ord. No. 74-23, § 1, 8-20-74; Ord. No. 02-043, § 3, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

***Editor's Note**—Florida Statutes, § 98.051, requires registration to be closed on the thirtieth day before an election, and the City is required to use the county's voter registration rolls.

State law reference—City required to use county registration rolls, F.S. § 98.041. It is customary for the county supervisor of elections to designate the City Clerk as a Deputy Registrar so that registration may be effected at city hall.

Sec. 44. Arrangements by City Commission; inspectors and clerks, appointment.

The City Commission shall make all necessary arrangements for holding all municipal election(s) and shall declare the result thereof. The Supervisor of Elections shall appoint inspectors and clerks.

(Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 45. Voting results, certification, canvass of returns, declaration of results; tie vote.

The result of the voting, when ascertained, shall be certified by return in duplicate, signed by the Supervisor of Elections, or their designee, one copy to be delivered to the Mayor, and the other to the City Clerk, both of whom shall transmit such returns to the City Commission at a called meeting to be held not later than fourteen (14) days after such election. Prior to such meeting the Supervisor of Elections shall canvass the returns, and in the absence of a declaration of a contest by any of the candidates in such election, shall declare the result of the election as shown by the returns made by clerks and inspectors for said election.

A tie between two (2) or more candidates shall be determined as prescribed by ordinance. The City Clerk, not later than noon the second day thereafter, shall furnish a certificate of election to each person shown to be elected.

(Laws of Fla. 1947, Ch. 24398, § 137; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

State law reference(s)—Open hours for the polls in local elections are prescribed as from 7:00 a.m. to 7:00 p.m. by F.S. § 100.011.

ARTICLE IV. ADMINISTRATION

Sec. 49. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 49 to § 20 of this Charter.

Sec. 50, 51. Deleted.

Editor's note(s)—Ord. No. 02-043, § 4, 8-20-02, election of 11-5-02, deleted §§ 50-51 and added text of both to Article II as §§ 19, 20.

Sec. 50. Initiative petition of proposed ordinances—Required signatures, etc.

Any proposed ordinance, including ordinances for repeal of ordinances then in effect or which have been enacted but not yet effective, may be submitted to the City Commission by a petition, signed by at least twenty-five percent of the total number of registered voters in the City. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written thereon the names of five electors who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for purposes hereinafter named. Each signer of the petition shall sign their name in ink or indelible pencil and shall place on the petition opposite their name the date of their signature. The signatures of any such petition need not be appended to one paper, but to each such paper shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant on the date indicated.

(Laws of Fla. 1947, Ch. 24398, § 140; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Sec. 51. Initiative Petition—Filing with City Clerk, submission to City Commission.

All papers comprising an initiative petition shall be assembled and filed with the City Clerk as one instrument within thirty days of the first signature thereon, and when so filed the City Clerk shall submit the same to the City Commission at its next regular meeting and provisions shall be made by the City Clerk for public hearings upon the proposed ordinance.

(Laws of Fla. 1947, Ch. 24398, § 141; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 52. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 52 pertaining to qualifications, duties and oath of elective officers. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 17; as amended by Ord. No. 75-14, § 1, 5-6-75.

Sec. 52. Initiative Petition—Action of City Commission; referendum.

The City Commission shall at once proceed to consider such petition and shall take final action thereon within thirty days after the date of submission. If the City Commission rejects any of the provisions of the proposed ordinance, as set forth in the petition, the City Clerk shall at once cause notice of the filing of such petition and the refusal of the City Commission to pass said ordinance to be provided in accordance with Chapter 50, Florida Statutes, and the City's Code of Ordinances, and the City Commission shall at once proceed to submit the passage of the ordinance to the majority vote of the qualified electors of the City voting in such election. If a regular or special election is to be held in the City not earlier than thirty days, nor later than sixty days, the ordinance shall be submitted to the voters at such election; otherwise, an election shall be called for such submission. At least ten days before such election, the City Clerk shall cause the text of the ordinance to be provided in accordance with Chapter 50, Florida Statutes, and the City's Code of Ordinances.

(Laws of Fla. 1947, Ch. 24398, § 142; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Secs. 53, 54. Deleted.

Editor's note(s)—Ord. No. 02-043, § 4, 8-20-02, election of 11-5-02, deleted 53-54 and added text of both to Article II as §§ 23, 24.

Sec. 53. Initiative Petition—Offending ordinance suspended.

When the initiative petition is for an ordinance repealing or amending an ordinance which has been enacted, but is not yet effective, the offending ordinance shall not go into effect until after the demands of the petition shall have been carried out.

(Laws of Fla. 1947, Ch. 24398, § 143; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 54. Initiative Petition—Form of referendum ballot.

Referendum elections shall be provided for in the same manner as other elections of the City. The ballot shall be a piece of plain white paper which shall have printed upon it the title of the ordinance to be referred, below which shall be two lines in the following form:

FOR THE ORDINANCE

AGAINST THE ORDINANCE

The voter shall express themselves by placing a cross X mark to the right of the line indicating their desire in the matter.

(Laws of Fla. 1947, Ch. 24398, § 144; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Sec. 55. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 55 to § 21 of this Charter.

Sec. 55. Initiative Petition—Vote required to amend or repeal.

Ordinances adopted by referendum vote can be amended or repealed only by a referendum vote, but the proposition to amend or repeal such ordinances may be submitted to the voters in any regular election of the City, provided that no later than thirty days before such election the City Commission shall cause notice of such referendum to be in accordance with Chapter 50, Florida Statutes, and the City's Code of Ordinances, using only the title of such ordinance in the notice if it is to be repealed, but the amendment in full if it is to be amended.

(Laws of Fla. 1947, Ch. 24398, § 145; Ord. No. 02-043, § 5, 8-20-02, election of 11-5-02; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13; Ord. No. 25-041, § 2(Exh. A), 11-18-2025)

Sec. 56. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 56 pertaining to Council meetings, rules of procedure, and minutes. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 23; as amended by Ord. No. 75-11, § 1, 4-1-75.

Sec. 56. Initiative Petition—Duty of City Attorney to draft ordinance and advise upon.

It shall be the duty of the City Attorney to draft initiative ordinances or to pass upon the legality of the same when requested to do so by the referendum committee of five.

(Laws of Fla. 1947, Ch. 24398, § 146; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Sec. 57. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 57 to § 22 of this Charter.

Sec. 58. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 58 to § 23 of this Charter.

Sec. 59. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 59 to § 24 of this Charter.

Sec. 60. Officers hold until successors qualify; ordinances continued.

All officers theretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the respective duties thereof until their successors are elected and qualified under the provisions of this Charter; and all existing ordinances shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby incorporated.

(Laws of Fla. 1947, Ch. 24398, § 149; Ord. No. 12-023, § 2, 1-15-13, election of 3-12-13)

Secs. 60, 61. Reserved.

Editor's note(s)—Ord. No. 79-30, § 1, adopted Oct. 16, 1979, repealed §§ 60 and 61, pertaining to the appointment and duties of the Chief of Police. Section 60 was derived from Laws of Fla. 1947, Ch. 24398, § 59. Section 61 was derived from § 60 of said act, as amended by Ord. No. 74-35, § 1.

Sec. 62. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 62 pertaining to power and authority of police. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 61.

Sec. 63. Reserved.

Editor's note(s)—Ord. No. 73-45, § 1, adopted Nov. 6, 1973, repealed § 63 pertaining to the appointment and duties of the superintendent of public works and utilities. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 62.

Secs. 64, 64.1. Reserved.

Editor's note(s)—Ord. No. 90-54, § 1, adopted Nov. 20, 1990, provided for the deletion of §§ 64 and 64.1 which pertained to the purchasing agent, competitive bidding and exceptions to competitive bidding procedures. Such sections were derived from Laws of Fla. 1947, Ch. 24398, § 63; Laws of Fla., Ch. 63-1124, § 1 and Ch. 69-846, § 1; and the following local legislation:

Ord. No.	Date	Sec.			
74-6	2-5-74	1			
74-8	2-19-74	1			
74-1	3-19-74	1			

74-24	8-20-74	1, 2			
75-42	1-5-76	1			
80-25	7-1-80	1			
87-5	2-17-87	1			

The user's attention is directed to § 2-56 et seq., of the Code for current provisions concerning similar subject matter.

Sec. 65. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 65 pertaining to City Clerk and Tax Collector. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 64.

Sec. 66. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 66 pertaining to duties of City Clerk. Said section was derived from Ord. No. 77-3, § 1, 2-1-77.

Sec. 66.1. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 66.1 defining public records. Said section was derived from Ord. No. 77-3, § 2, 2-1-77.

Sec. 66.2. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 66.2 pertaining to delivery of public records to City Clerk. Said section was derived from Ord. No. 77-3, § 3, 2-1-77.

Sec. 67. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 67 pertaining to duties of tax collector; the City depository; and report of funds. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 66.

Sec. 68. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 68 pertaining to duties of City Treasurer. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 67.

Sec. 69. Reserved.

Editor's note(s)—Ord. No. 79-30, § 1, adopted Oct. 16, 1979, repealed § 69, pertaining to the appointment and duties of the Fire Chief. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 169.

Sec. 70. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, deleted § 70, pertaining to bond for tax collector, treasurer, Police Chief and depositories. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 18.

Sec. 71. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 71 prohibiting relatives of mayor and councilmen from holding city positions. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 147.

ARTICLE IV-A. MERIT SYSTEM FOR PERSONNEL²

Sec. 72. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 72 pertaining to the establishment of a merit system for city personnel and the scope of its provisions. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(1); as amended by Ord. No. 97-52, § 2, 1-20-98, election of 3-10-98.

Sec. 72.1. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 72 pertaining to classified and unclassified service. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(2).

Sec. 72.2. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, deleted § 72.2, pertaining to status of present employees. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(3) and Ord. No. 83-56, § 5, passed 1-3-84.

Sec. 72.3. Deleted.

Editor's note(s)—Ord. No. 02-042, § 2, 8-20-02, election of 11-5-02, deleted § 72.3 pertaining to the powers and duties of the Personnel Director. Said section was derived from Laws of Fla. 1947, Ch. 61-1889, § 2(4); as amended by Ord. 83-56, § 1, 1-3-84.

Sec. 72.4-72.8. Reserved.

Editor's note(s)—Ord. No. 97-53, adopted Jan. 20, 1998, repealed Secs. 72.4—72.8, which pertained to the Civil Service Board. Prior to repeal, such codification was derived from Laws of Fla., Ch. 61-1989, § 2(5)—2(9).

Sec. 72.9. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 72.9 pertaining to personnel rules. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(10); as amended by Ord. No. 80-24, § 1, 6-3-80; Ord. No. 80-40, § 1, 10-8-80; Ord. No. 83-56, § 3, 1-3-84.

²Editor's note(s)—Laws of Fla., Ch. 61-1889, from which this article is derived, was ratified by the electorate Dec. 5, 1961, Laws of Fla. 1953, Ch. 28910, authorizing a civil service system and providing for its regulation by ordinance, is superseded by said 1961 act, and has been deleted from this Charter.

Sec. 72.10. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 72.10 pertaining to rules incorporating principles of merit and fitness. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(11); as amended by Ord. No. 80-40, § 1, 10-8-80.

Sec. 72.11. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 72.11 pertaining to causes for suspension and dismissal. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(12); as amended by Ord. No. 80-40, § 1, 10-8-80.

Sec. 72.12. Reserved.

Editor's note(s)—Ord. No. 97-53, § 2, adopted 3-10-98, repealed § 72.12 pertaining to removals and appeals. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(13), as amended by Ord. No. 80-40, § 1, 10-8-80; Ord. No. 83-56, § 4, 1-3-84.

Sec. 72.13. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 72.13 pertaining to absence of City Manager. Said section was derived from Laws of Fla., Ch. 61-1889, § 2(14); as amended by Ord. No. 80-40, § 1, 10-8-80.

ARTICLE V. REVENUE AND TAXATION³

Sec. 73. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 73, which defined the fiscal year. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 167; Laws of Fla., Ch. 69-847, § 1.

Sec. 74. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 74 pertaining to property subject to taxation. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 68.

Sec. 75. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 75 pertaining to authority to levy and purposes of taxation. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 69.

³State law reference(s)—Municipal finance and taxation generally, F.S. §§ 166.211 et seq.; local financial management and reporting, F.S. §§ 218.30 et seq.; investment of local government surplus funds, F.S. §§ 218.40 et seq.

Sec. 76. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 76 pertaining to authority to levy excise and license taxes. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 70.

Sec. 77. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 77 pertaining to authority to annually levy a special tax for publicity and advertising purposes. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 71.

Secs. 78-83. Deleted.

Editor's note(s)—Provisions formerly codified as §§ 78-83, derived from Laws of Fla. 1947, Ch. 24398, §§ 72-77, have been rendered obsolete by the assumption of the tax assessing and collecting functions by the county, pursuant to F.S. § 193.116.

Sec. 84. Deleted.

Editor's note(s)—Ord. No. 02-043, § 2, 8-20-02, election of 11-5-02, deleted § 84 pertaining to determination of necessary revenue and certification of a tax levy. Said section was derived from Laws of Fla. 1947, Ch. 24398, § 78; as amended by Ord. No. 74-22, § 1, 8-20-74; Ord. No. 76-34, § 1, 9-7-76.

Secs. 85-111. Deleted.

Editor's note(s)—Provisions formerly codified as §§ 85-111, derived from Laws of Fla. 1947, Ch. 24398, §§ 79-105, have been rendered obsolete by the assumption of the tax assessing and collecting functions by the county, pursuant to F.S. § 193.116.

Secs. 112-128. Deleted.

Editor's note(s)—Provisions formerly codified as §§ 112-128, derived from Laws of Fla. 1947, Ch. 24398, §§ 106-122, have been rendered obsolete by the assumption of the tax assessing and collecting functions by the county, pursuant to F.S. § 193.116.

Sec. 129. Report of taxes collected by Tax Collector; final report to City Commission.

Editor's note(s)—Section 129, derived from Laws of Fla. 1947, Ch. 24398, § 123, has been converted to ordinance status by the Home Rule Act, F.S. § 166.021, and has been moved to the Code of Ordinances at the direction of the city.

ARTICLE VI. RESERVED**Secs. 130-137. Reserved.**

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed §§ 130—137 pertaining to bonds. Said sections were derived from Laws of Fla. 1947, Ch. 24398, §§ 124.24—124.30 and § 124.66.

ARTICLE VII. ELECTIONS

Sec. 138. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 138 to § 40 of this Charter.

Sec. 139. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 139 to § 41 of this Charter.

Sec. 140. Reserved.

Editor's note(s)—Ord. No. 82-20, § 1, enacted July 20, 1982, repealed § 140 which prohibited persons connected with the city government from soliciting votes or support for the nomination or election of a candidate for councilman. Said Section was derived from Laws of Fla. 1947, Ch. 24398, § 133.

Sec. 141. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 141 to § 42 of this Charter.

Sec. 142. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 142 to § 43 of this Charter.

Sec. 143. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 143 to § 44 of this Charter.

Sec. 144. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 144 to § 45 of this Charter.

Secs. 145, 146. Repealed.

Editor's note(s)—Ord. No. 75-44, adopted Jan. 20, 1976, repealed §§ 145 and 146, pertaining to the recall of elected officers. Said sections were derived from Laws of Fla. 1947, Ch. 24398, §§ 138, 139.

Sec. 147. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 147 to § 50 of this Charter.

Sec. 148. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 148 to § 51 of this Charter.

Sec. 149. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 149 to § 52 of this Charter.

Sec. 150. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 150 to § 53 of this Charter.

Sec. 151. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 151 to § 54 of this Charter.

Sec. 152. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 152 to § 55 of this Charter.

Sec. 153. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 153 to § 56 of this Charter.

Sec. 154. Reserved.

Editor's note(s)—Ord. No. 83-51, § 6, adopted Dec. 20, 1983, repealed § 154, "Primary elections, authority to provide; filing fee," which section derived from Laws of Fla. 1947, Ch. 24398, § 150, and Ord. No. 77-78, § 1, adopted Feb. 20, 1977.

Sec. 155. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, renumbered § 155 to § 60 of this Charter.

ARTICLE VIII. RESERVED

Secs. 156—169. Reserved.

Editor's note(s)—Ord. No. 97-43, § 2, adopted 8-19-97, repealed § 156—169 pertaining to public improvements and assessments. Said sections were derived from Laws of Fla. 1947, Ch. 24398, §§ 151—154 and 156—165.

ARTICLE IX. CONTRACTS AND LEASES OF BEACH PROPERTY⁴

⁴Editor's note(s)—Article IX is derived from Laws of Fla. 1953, Ch. 28909, which did not expressly amend the Charter. The lease set out herein is no longer in effect, but the city has directed the inclusion of the 1953 act, since it contains a description of the beach property.

Sec. 170. Deleted.

Editor's note(s)—Ord. No. 12-023, § 2, adopted 1-15-13, deleted § 170, pertaining to authorized contracts and leases of beach property. Said section was derived from Laws of Fla. 1953, Ch. 28909, § 1.

Sec. 171. Deleted.

Editor's note(s)—The city has directed the deletion of § 171, which was derived from Laws of Fla. 1953, Ch. 28909, § 2. Said Section ratified a 1952 lease between the city and Boynton Beach Development Corp.