

Town  
CHARTER

A BILL TO BE ENTITLED

2098

AN ACT to abolish the present municipality, of the Town of Marineland, in Flagler and St. Johns Counties, Florida: to create and establish a new municipality to be known as the Town of Marineland, in Flagler and St. Johns Counties, Florida: to provide that the Town hereby created shall assume the obligations and indebtedness of said former town and its officials; to legalize and validate all assessments levied by said former Town of Marineland; to organize and establish a Town Commission form of government for the Town of Marineland; to prescribe its territorial boundaries, its jurisdictions and its powers; to legalize and validate all ordinances of the former Town of Marineland and to legalize and validate the official acts of said former Town of Marineland, and its officials; to authorize the assessment of taxes, provision for licenses and imposition of penalties for violation of the ordinances of the said Town of Marineland.

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

Section 1. ABOLISHMENT OF PRESENT MUNICIPALITY AND ESTABLISHMENT OF NEW MUNICIPALITY.

That the municipal organization now existing and known as the Town of Marineland, in Flagler and St. Johns Counties, Florida, be and the same is hereby abolished, and a new municipality to be known as the Town of Marineland, in Flagler and St. Johns Counties, Florida, is hereby created and established to succeed such former municipality of the Town of Marineland, Florida; that the municipality hereby created and known as the Town of Marineland, Florida, shall assume and be liable for all the obligations and indebtedness of said former Town.

Section 2. PRIOR ACTS, PROPERTY, UNPAID TAXES, ETC. AND OFFICIALS OF ABOLISHED MUNICIPALITY.

2098

All existing ordinances and resolutions of the prior municipality of Town of Marineland, Florida, regularly passed, promulgated and enrolled on the date of the passage of this Act shall remain in effect and unimpaired until repealed, amended or modified by the new municipality, which is hereby organized and created, provided such ordinances and resolutions be not inconsistent with the provisions of this Act.

That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by Town of Marineland, shall pass to and be vested in the municipal corporation organized under this Act to succeed the municipality abolished.

That all officers heretofore elected or appointed and holding office under the said former municipality shall continue to hold their respective office under the said new municipality and to discharge the duties thereof and receive the emoluments thereof until their successors are elected and/or appointed and qualified under the provisions of this Act.

### Section 3. BOUNDARIES OF MUNICIPALITY CREATED.

The Territorial Boundaries of Town of Marineland shall encompass and include all of the following described lands, to-wit:

Beginning at the point where the North line of Township Ten (10) South, Range Thirty-one (31) East, intersects the margin of the Atlantic Ocean; thence continuing Southeasterly along the shore of the Atlantic Ocean, and including all of the waters over which the State of Florida has jurisdiction, to a point where the said margin of Atlantic Ocean intersects the South line of Lot Twenty-seven (27) of "DuPont Estates" Subdivision as per plat recorded in Plat Book Three (3), at page Seventeen (17) of the Public Records of Flagler County, Florida; thence continuing Westerly, along the South line of said Lots Twenty-seven (27) and Twelve (12), to an intersection with the Easterly boundary of the Five Hundred (500) foot Right of Way of the Florida Intracoastal Waterway; thence continuing along a Westerly production of the said South line of Lot Twelve (12), to an intersection with the Westerly boundary of the said Five Hundred (500) foot Right of Way; thence Northerly along the Westerly boundary of the said Five Hundred (500) foot Right of Way of the Florida Intracoastal Waterway to the point where said boundary intersects the North line of the said Township Ten (10) South, Range Thirty-one (31) East; thence Easterly along the said North line of Township Ten (10), to the margin of Atlantic Ocean and the point of beginning of this description, in Flagler County, Florida,

2098

AND, Commence at the point where the South line of Township Nine South, Range Thirty-one East intersects the high water line of the Atlantic Ocean for the Point of Beginning; thence Easterly into the Atlantic Ocean along the South line of Township Nine South extending Easterly to the Easterly limit of the jurisdiction which the State of Florida has in the Atlantic Ocean; thence Northerly along the Easterly limits of the jurisdiction which the State of Florida has in the Atlantic Ocean to its intersection with the Northerly boundary of the South 22.55 feet of Lot or Block 68, extended Easterly according to plat or survey of Fractional Sections 30 and 31, Township 9 South, Range 31 East as recorded in Map Book 1, Page 155 of the Public Records of St. Johns County, Florida; thence Westerly along the Northerly boundary, extended Easterly, of the South 22.55 feet of said Lot or Block 68 to the high water line of the Atlantic Ocean; thence continue Westerly along the Northerly boundary of the South 22.55 feet of said Lot or Block 68 to the Westerly boundary of said Lot or Block 68; thence Westerly along the Northerly boundary, extended Westerly, of the South 22.55 feet of said Lot or Block 68 to its intersection with the Westerly Right-of-Way line of the Florida Intracoastal Waterway; thence Southerly along the Westerly Right-of-Way line of the Florida Intracoastal Waterway to its intersection with the South line of Township Nine South; thence Easterly along the South line of Township Nine South to its intersection with the high water line of the Atlantic Ocean and the Point of Beginning, in St. Johns County, Florida.

#### Section 4. POWERS OF MUNICIPALITY.

That said municipality in addition to the specific powers granted herein, is also hereby granted all the powers given to such municipal corporations under the General Laws of the State of Florida, unless otherwise provided herein.

#### Section 5. GOVERNING BODY OF THE TOWN.

All corporate authority of the Town of Marineland shall be vested in a Town Commission hereby created by this Act. Said Commission shall be composed of six Commissioners, each of whom shall be a qualified voter and tax payer of the Town of Marineland and who shall be elected on a general ticket to hold office for a term of two years beginning on the first Monday of the month following their election. If a vacancy occur in the Commission, it shall be filled by a majority vote of the remaining members of the Commission until the next general Town election, at which time the new Commission shall be elected for the unexpired term.

1. The Commission shall be elected by groups and each candidate shall

at the time of qualifying, designate the group in which such candidate will run. To effectuate the provisions of this Act, the seats of the present members of the Town Commission prior to passage of this Act are designated as follows:

1. Richard W. Edgerton
2. Mildred Baskin
3. Harry F. Stuckey
4. Martin L. Green, Jr.
5. Howard Wilson
6. Thomas U. Baskin

The Commissioners of each even numbered group shall be elected at the annual Town election on the first Tuesday in the month of September, 1969 for a term of two years and Commissioners of odd numbered groups shall be elected at the annual Town election held on the First Tuesday of September, 1970, for a term of two years. Regular municipal elections shall be annual and each candidate shall run for office as an individual, not as representative of a party.

The members of the Commission prior to passage of this Act shall remain in and hold office until their successors shall have been duly elected and qualified under the Election Provisions hereinafter provided.

## 2. POWERS OF THE TOWN COMMISSION.

The Town Commission, acting for the municipality created under this Act, in addition to the powers herein, shall have the powers granted to such municipal corporations under the General Laws of the State of Florida, unless otherwise provided herein.

### A. TOWN EMPLOYEES TO BE APPOINTED BY COMMISSIONERS.

The Town Commission shall provide for the offices of Town Manager, Town Clerk, Town Tax Assessor, Town Tax Collector, Town Judge, Chief of Police and Fire Chief, but shall not be restricted in such a manner as to prevent creation of other offices as deemed necessary. Any of these offices may be combined under one or more employees by the Commissioners, at their discretion, unless otherwise provided by this charter or by General Law of the State of Florida.

(1) Town Manager:

The Town Commission shall appoint a Town Manager who shall function as the administrative head of all Town departments except the Town Judge, the Police Department and the Fire Department. The Town Manager shall be responsible to the Town Commission for the carrying out of his duties as assigned. The Town Manager's duties shall be specified by the Town Commission and may, solely at their discretion, include the offices of Town Clerk, Town Tax Assessor, Town Tax Collector and any other duties not specifically provided for otherwise in this Act.

(2) Town Judge:

The Town Judge shall be appointed by the Town Commission and may be an elected official of the City. He shall in no wise be one of the appointive officials otherwise provided for in this section. The Town Judge shall be responsible to the Town Commission for the proper conduct of his office in accordance with the directions of the Town Commission, but not the exercise of Judicial discretion.

(3) Fire Chief:

The Fire Chief shall be appointed by the Town Commission and shall function under the direction of the Town Commission. The Town Commission may authorize its fire department to operate outside the Town limits.

(4) Chief of Police:

The Chief of Police shall be appointed by the Town Commission and shall enforce the ordinances and promulgations of said Town Commission. He shall be under the direction of the Town Mayor-Commissioner and directly responsible to the Town Commission of the Town of Marineland for all his activities in the carrying out of the intent of all ordinances and rules promulgated by said

Town Commission and for his conduct in office.

The Chief of Police shall attend the meetings of the Town Commission during its sessions; execute the commands of the Commission from time to time directed to him; to attend Municipal Court during its sessions; to execute the commands of said Court from time to time, and aid in the enforcement of order therein and perform such other duties as required by Ordinance.

(5) OTHER EMPLOYEES OF THE TOWN:

All other employees who are employed by the various departments of the Town of Marineland shall be subject to the powers of the Town Commission to determine the employees needed, and the provision for securing said employees. The Town Commission shall have power to provide for said employees at its discretion by Ordinance or orders to the Appointed Officials. This power shall in requirements to be met and salaries to be paid.

B. BONDING OF EMPLOYEES:

The Town Commission of the Town of Marineland shall provide by ordinance for all officials and employees who handle funds of said Town of Marineland to give bonds as shall be provided by the Commission. The Town Commission may require bonds of any employee where deemed necessary, and the Commission shall designate the place of deposit of all public moneys of the Town providing for the manner in which same shall be disbursed and paid.

C. GENERAL POWERS:

(1) The Town Commission shall have all of the powers set forth in Chapters 165, 167 and 168 of Florida Statutes annotated, including and under any other General Law of the State of Florida, except as otherwise provided in this Act of Incorporation.

(2) In order that Section 167.05 of the Florida Statutes be implemented,

the Town Commission of the Town of Marineland shall have the power to provide service to property owners for abating nuisances and preserving public health at a rate to be set by the Town Commission. The Town Commission may also make provisions by Ordinance for the mandatory carrying out of this section and shall have the power to do such cleaning of vacant lots as is required and assess the costs to the owner thereof, where the owner fails to comply with the Ordinances. Said costs shall become a lien against said property, and if not paid, a tax certificate shall issue therefor at the time of sale for unpaid ad valorem taxes by the Town, and such certificate shall have the same force, effect and validity as certificates for ad valorem taxes.

(3) The Town Commission shall have the power to levy taxes as provided for in Chapter 167 of the Florida Statutes, 1967, and shall make its own valuations for the purpose of municipal taxation as provided by the Town Commission, insofar as said valuations are not in conflict with the Constitution and Statutes of the State of Florida. Any assessment of taxes shall be a lien upon the property assessed from the first day of January of the year in which such assessment shall be made. The Town of Marineland shall have the right to raise by taxation such amount as may be necessary for carrying on the general government of said Town, not however, to exceed a tax rate of fifteen mills on the dollar, on the assessed value of the property in said Town, both real and personal.

In addition thereto, the Town of Marineland shall have the right to levy such additional taxes as may be necessary to pay interest on outstanding bonds or on such bonds as the Town may from time to time issue in accordance with law, and also to provide a sinking fund for the redemption of said bonds, and shall further have the right to levy such additional taxes as may be necessary to pay for lighting said Town or maintaining said Town's waterworks, lighting plant or other revenue producing plants or systems.

(4) The Town of Marineland shall have power to Borrow Money as provided for in Chapter 169, Chapter 170 and Chapter 180 of the Florida Statutes, 1967, or any other lawful municipal purpose, with the following restrictions.

The Town is empowered to borrow money for any lawful corporate purpose and to issue bonds to any amount, which, with the existing indebtedness of the Town, will not cause its total indebtedness to exceed 20% of the assessed value of the taxable property, real and personal, in said Town as shown by the last prior assessment roll of said Town.

Provisions imposing a limitation on the indebtedness and requiring approval at an election shall not apply to issuance of bonds payable exclusively from earnings of a revenue producing undertaking of the said Town, nor to refunding bonds to refund other bonds of said Town; and further, said Town, subject to approval at an election as provided by Statute, may issue its bonds which shall not be included in the foregoing limitation on the indebtedness, for the purpose of supplementing revenue producing funds, in the acquiring, extending or improving a revenue undertaking, including, but not limited to, a waterworks, gas works, electric plant or system, or sewage plant or system; and the Town may pledge for the payment of such bonds and interest thereon the net revenues or income from the operation of one or more of the said undertakings.

(5) It shall be the duty of the Tax Assessor of the Town of Marineland, between the first day of January and the first day of August of each year to ascertain by diligent inquiry of all the taxable property, both real and personal, in said Town and the names of the owners thereof, and to make assessments thereof for the purpose of taxation; all property shall be assessed at its true cash value, and valuations shall be independent of and not controlled by the valuations fixed by the State and County authorities. In case the owners refuse or fail to return their property for taxation, the Assessor shall assess said property and fix the valuation thereof. The said Assessment Roll shall be completed by the first day of August each year and the Town Commission and the Tax Assessor shall, before the first day of September of each year, meet, after ten days public notice, and proceed to equalize said assessments.

The Tax Assessor shall deliver the assessment rolls to the Town Commission with his affidavit that said valuations as made by him were just, true and



correct. The Town Commission shall, if the Assessment Roll be found in proper order, attach a Certificate signed by the Mayor-Commissioner stating that the Assessment Roll has been examined and found correct, and directing the Tax Collector for said Town to collect the taxes as assessed.

(6) All taxes shall be due on the first day of November of each year, or as soon thereafter as said Roll is completed and delivered to the Tax Collector for collection, and all taxes that remain due and unpaid by April first thereafter shall be delinquent. Collections by the Tax Collector shall be made and had as provided for in Chapter 167, Florida Statutes, 1967. Tax Certificates issued by the Tax Collector shall bear interest at the rate of 12% per annum for the first year and 8% per annum thereafter, unless a lesser rate be bid at the time of sale. If a lesser rate be bid then the Certificate shall bear interest from date of Certificate at the rate bid.

(7) The Town Commission may, by resolution, from time to time, fix the compensation of any of the officers or employees of the said Town.

(8) The Town Commission shall have the power to hold, secure and develop property for Town purposes and for the promotion of the general welfare of the community, including developments for cultural, educational and recreational welfare of the Town.

(9) The Town Commission is authorized and empowered to, by ordinance, regulate and control, building, plumbing, electrical, wiring, health or sanitation, fire prevention, inflammable liquids or any other matter that is a proper municipal legislative matter, and for such purpose or purposes may adopt an independent ordinance or ordinances, or adopt the provisions of Section 165.191, or any other Section or Sections of Florida Statutes annotated.

#### D. POLICE POWERS:

The Town Commission shall have the general police powers set out in

Chapter 168 of Florida Statutes, 1967, except as otherwise set out in this Act.

(1) The said Town Commission shall have the power to regulate the operation and speed of all cars and vehicles moving within the Town limits of said Town, including all regulations necessary for the welfare of the community as to all vehicles traveling on the public streets, crossing public thoroughfares and any vehicles operating in the air where they affect the safety and the welfare of the residents of said Town. The Town Commission shall have the power to set necessary penalties for violation of said ordinances so passed by Town Commission.

(2) The Town shall have the power to license privileges, businesses, occupations, employments and professions carried on or engaged in within the Town limits, and the amounts of any license tax imposed shall not be dependent upon the general revenue laws of the State, but may be fixed by the Ordinances of the Town of Marineland.

(3) No penalty for the violations of any of the penal Ordinances of the Town shall exceed a fine of \$300 or imprisonment to exceed 60 days, or both.

(4) The Town Commission shall have authority to cause to be prepared a code or digest of Town Ordinances, which may be adopted by the Commission by a single Ordinance.

(5) The Chief of Police and every member of the Police force shall have the power and authority to immediately arrest, with or without warrant, and take into custody, any person who shall commit, threaten or attempt to commit, in his presence or within his view, any offense prohibited by the ordinances of the Town, and he shall without unnecessary delay, upon making such arrest bring the offender or offenders, before the Town Judge to be dealt with according to law. It shall be lawful for the Chief of Police or

any policemen of the Town to make lawful arrests and execute warrants issued by the proper authority of the Town on Sunday.

3. MAYOR-COMMISSIONER.

The Town Commission shall, at the time of annual organization elect one of its members as Mayor-Commissioner of the Town. In case the members of the Commission are unable to agree as to the new Mayor-Commissioner at the annual organizational meeting of the Town Commission, the immediate prior Mayor-Commissioner shall continue as Mayor-Commissioner until his successor in office shall have been elected and qualified, whether he be a member of the new Town Commission or not.

4. POWERS OF MAYOR-COMMISSIONER.

The Mayor-Commissioner shall preside at all meetings of the Commission and perform such other duties consistent with the office as may be imposed by it; he shall have a vote in the proceedings of the Commission but no veto power.

It shall be the duty of the Mayor-Commissioner to see that all ordinances of the Town Commission are executed. He shall use the title Mayor-Commissioner in the execution of all instruments and documents first authorized by the Commission to be executed, in fulfilling his duty as the administrative head of the Town Commission; he shall further represent the Town in all matters of its relations with other governmental bodies; for purposes of service of civil processes by the Courts; and for all administrative functions required in carrying out the ordinances and directions of the Town Commission.

The Mayor-Commissioner shall have the power and responsibility of directing the officers and employees appointed by the Commission as to the execution of their duties; the power to suspend any officer or employee, except Commissioners, at any time for gross neglect or dereliction of duty, at the same time notifying such officer or employee in writing of the cause of suspension

and giving him notice to appear at the next regular meeting of the Town Commission. At said meeting, the Mayor-Commissioner shall report the suspension and the reason for said suspension. If the Commission deems the cause sufficient for removal, it shall remove the suspended officer or employee, and the vacancy shall be filled by the Commission. If the Commission does not deem the cause sufficient, they shall reinstate the officer or employee, with pay.

The Mayor-Commissioner shall have the power to appoint persons to perform temporarily, the duties of any disabled or suspended officer or employee of the Town of Marineland.

The Commissioners shall appoint a Vice-Mayor-Commissioner to serve in all manners as the Mayor-Commissioner when the Mayor-Commissioner is not present at a meeting, or is prevented from functioning in his usual capacity.

#### Section 6. ELECTIONS.

(1) The first election of municipal officers under this Act shall be held on the first Tuesday in September of 1969, and shall be to elect Commissioners for terms as set forth in Section 5, Paragraph 1 of this Act. The annual election shall be held on the first Tuesday of September of each and every year thereafter.

(2) The Commissioners shall appoint a Clerk and two Inspectors to conduct the annual election and regulate the said election in a manner consistent with all State laws governing elections. The candidate in each group who has a majority of the votes cast in his group shall be the elected Commissioner for the group. In cases where there is no majority, the Town Commission shall provide for a runoff between the candidates having the two highest votes cast in the group, and this runoff shall be set for the third Tuesday in September. The candidate receiving the majority of the votes cast in the group in this election shall be the Commissioner for the group.

(3) Candidates for the Commissioner Groups to become vacant at the

next general Town election shall qualify for said election with the officer designated by the Commission; said qualification shall be within a period to precede the general election by not more than ninety (90) days nor less than fourteen (14) days prior to the general Town election. All candidates for the office of Town Commissioner shall be registered qualified voters of the Town of Marineland.

Section 7. QUALIFICATION AND REGISTRATION OF VOTERS.

(1) The Clerk provided in Section 5 of this Act shall, except for the period of ten days immediately prior to said election, keep open a Registration Book in a convenient place in said Town, to be designated by the Commissioners, and keep the same open during regular office hours in each day for registering of electors. Said Clerk shall have the power to administer oaths to all persons applying to register. At all elections, only those persons who are duly registered therein, as may be provided by Ordinance, and who are qualified electors under the Laws of the State of Florida, shall be entitled to vote at Town elections. The Town Commission shall provide by Ordinance the mode of conducting the elections and the registering of voters and for certifying the returns of all elections.

(2) In order that the Registration Records of Qualified Voters may be kept current, the Town Commission shall have the power to purge the registration books in manner provided by General Election Laws of the State, or to close the books and direct that a new registration of qualified voters be made. Such reregistration shall be made at the discretion of the Town Commissioners. Public notice of the reregistration shall run in a local newspaper published in Flagler and St. Johns Counties, Florida, for four consecutive weeks during the period of reregistration beginning not more than ten (10) days prior to the beginning of the reregistration. The Town Commission shall not designate a period for reregistration to begin in a period shorter than six months

2098

prior to the annual General Election of the Town of Marineland, Florida.

Section 8.

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.

Section 9. ACT EFFECTIVE.

This Act shall take effect upon its passage and approval by the Governor, or upon its becoming a law without his approval.

2098

Became a law without the Governor's approval.

Filed in Office Secretary of State JUN 22 1969