

PART I - CHARTER

Footnotes:

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Editor's note— Printed in Part I is the Charter of the City of Jacksonville Beach as amended by the council on September 8, 1989. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derived unchanged from the original Charter. A uniform system of punctuation and capitalization has been used. Obvious misspellings have been corrected without notation and material in brackets [] has been added for clarity. Subsequently, the Charter was amended in its entirety on November 5, 1996. See the Charter Comparative Table.

State Law reference— Municipal Home Rule Powers Act, F.S. Ch. 166.

CHAPTER I. - GENERAL PROVISIONS

Section 1. - Incorporation and corporate powers.

The inhabitants of the City of Jacksonville Beach, within the boundaries as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the "City of Jacksonville Beach," and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution and Laws of the State of Florida, the City of Jacksonville Beach shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Section 2. - Enumerated powers not exclusive.

The city shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law, including but not limited to regulate and limit the number of licenses of vendors of intoxicating liquors in the proportion of the population of the city to be fixed and determined by ordinance by the city council; but the maximum number of licenses of vendors of intoxicating liquors or whiskey shall be one license for each five hundred fifty (550) or major portion thereof, of persons in the city according to the 1950 federal census.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers of this city shall be considered amendments to this Charter and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the charter.

Section 3. - Creation, salary and composition of council.

- A. Except as otherwise provided in this Charter, all powers of the city shall be vested in a council composed of a mayor and six (6) other members, three (3) of which shall be at-large members and three (3) of which shall be district members. The boundary for each of the three (3) districts is described in Appendix "A" of

this Charter. The district boundaries shall be reapportioned every ten (10) years commencing with the 1990 Official Florida State and Federal Census. Each reapportionment shall be completed by the city council by ordinance enacted within six (6) months of the date of official publication of the most recent Official Florida State and Federal Census. District boundaries shall be reapportioned to create districts of nearly equal population. Districts shall be arranged in a logical and compact geographic pattern and shall promote fair representation. The mayor and the three (3) at-large members of the council shall be qualified electors of the city and shall be nominated and elected from the city at-large and the three (3) district council members shall be qualified electors of the city and shall also be residents of the district which they represent and shall be nominated and elected from the district they represent. The mayor and all councilpersons shall be elected in the manner hereinafter provided. The term of office of the mayor and all councilpersons shall be for four (4) years next following their election or until their successors are elected and qualified. A person serving as the mayor shall be limited to serving two (2) consecutive full-terms on the Council. A person serving as councilperson shall be limited to serving two (2) consecutive full-terms as councilperson, after which they are eligible to seek qualification to run for an additional two (2) consecutive terms as mayor. The maximum number of terms a councilperson moving from a city council seat to mayor may serve is a total of four (4) consecutive terms. The maximum number of terms a mayor can serve on the Council is two (2) consecutive terms. An individual who has served two (2) consecutive terms as Mayor shall not seek a consecutive term as a councilperson. A term shall be considered a full-term if the elector has served two or more years of their four (4) year term. Members of the city council and the mayor shall be bona fide residents of the City of Jacksonville Beach and, where applicable, the districts they represent and not a resident of any other city or district. Should any council member or the mayor move from the City of Jacksonville Beach, or, where applicable, the district they represent, during the term of office for which they were elected, then, in that event that office shall automatically become vacant from the date of such removal. The mayor or any member of the council ceasing to possess any of the qualifications specified in this Charter, or convicted of a felony while in office, or removed from office by recall election, shall immediately forfeit his office.

- B. The salary of council members, together with the manner of payment, shall be established by resolution and shall be compatible with salaries as portrayed by the Florida League of Municipalities for cities and comparable size and form of government. No increase in salary shall become effective until the commencement of terms of members elected at the next regular city election. The council may provide that members shall receive an allowance for expenses incurred in the performance of their duties.

(Ord. No. 2009-7978, § 1(exh. A), 11-2-09)

Section 4. - Mayor; duties and powers.

There is hereby created the office of mayor of the City of Jacksonville Beach, who shall be nominated and elected as above provided. He shall have all the powers and functions of a councilman of the City of Jacksonville Beach, and shall also have the powers and perform the duties conferred and imposed upon him by this Charter and the ordinances of said city.

The mayor shall preside at all meetings of the council and shall have a voice and a vote in the proceedings of the council, but no veto power. He may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the City Charter or from the general laws of the state so require but this shall not be considered as conferring upon him the administrative or judicial functions of mayor under the general laws of the state, except that he shall have the power to perform marriage ceremonies. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes upon the city; by the government in the exercise of military law, and for all ceremonial purposes.

In time of public danger or emergency, the mayor may on his own authority, by proclamation take command of the police and govern the city for a period not to exceed seventy-two (72) hours. If the public danger or emergency should require that the command of the police by the mayor and his government of the city by proclamation should be extended, this may be authorized for a period not in excess of five (5) days by the affirmative vote of at least five (5) councilmen.

Section 5. - Mayor pro-tem.

At its first meeting following a regular municipal election, the council shall choose from its membership a vice-chairman who shall have the title of mayor pro-tem. If a vacancy occurs in the office of mayor, or in case of his absence or disability, the mayor pro-tem shall act as mayor for the unexpired term, or during the continuance of the absence or disability. Whenever the mayor pro-tem succeeds to the office of mayor for the remaining portion of an unexpired term, it shall create a vacancy in the council, which vacancy shall be filled in accordance with the provisions of this Charter.

Section 6. - Meetings of council.

The council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month, at regularly specified times. Special meetings shall be called by the clerk upon the written request of the mayor. A council member may request a special meeting by calling the city clerk, stating the reason for his request. The city clerk shall then poll the other members of the council and if a majority agree to the request of the council member, the meeting will be called by the clerk. At least forty-eight (48) hours' previous written notice of all special meetings shall be given to each councilperson, but such notice may be waived by any councilperson who verbally agrees to attend such meeting. Service of such notice shall be made either in person or by leaving a copy thereof at the usual place of abode of the councilperson being served. 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 council and of committees thereof shall be open to the public and conducted in accordance with state law and the rules of the council. The rules of the council shall provide that the public shall have a reasonable opportunity to be heard at any such meetings of the council or its committees in regard to any matter considered thereat.

(Ord. No. 2008-7953, § 1, 4-21-08)

Section 7. - Council rules.

The council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council in any such case shall be subject to review by the courts. The council shall determine its own rules and order of business, and require the city clerk to make up and keep a journal of its proceedings.

Section 8. - Quorum.

A majority of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn may be adopted by a majority of the members present.

Section 9. - Introduction and passage of ordinances and resolutions.

Ordinances and resolutions shall be introduced in the council only in written or printed form. All ordinances, codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. No ordinance shall be passed until it has been read by title or in full on two (2) separate days, and shall at least ten (10) days prior to final adoption, be noticed once in a newspaper of general circulation in the city. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. The enacting clause of all ordinances shall be "Be it ordained by the City of Jacksonville Beach".

Section 10. - When ordinances and resolutions take effect; emergency measures.

All ordinances and resolutions passed by the council shall take effect at the time indicated therein. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency is claimed is set forth and defined in a preamble thereto. The affirmative vote of at least five (5) members of the council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege or which enacts or amends a land use plan or which rezones private real property shall ever be passed as an emergency measure. No situation shall be declared an emergency by the council except as defined in this section, and it is the intention of this Charter that such definition shall be strictly construed by the courts.

Section 11. - Authentication and publication of ordinances and resolutions.

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and city clerk, and shall be placed in a book for that purpose. All ordinances or resolutions shall also be published or posted in accordance with any applicable state statutes.

CHAPTER II. - CITY CLERK

Section 12. - City clerk.

There shall be one office of city clerk. Commencing at the expiration of the existing term of the city clerk in November 2000, the city clerk shall be appointed by the city manager, subject to the approval of the city council. The city clerk may be removed by the city manager, but said removal shall not become effective without the approval of the city council.

(Ord. No. 98-7743, § 1, 6-29-98)

Section 12(a). - Duties and powers of clerk.

The city clerk shall be clerk of the city council, and attend all its meetings and proceedings, record and keep the minutes and records and perform the functions and duties required thereof, as may now or hereafter as prescribed by law or ordinance. The city clerk shall issue all warrants for offenses against the city ordinances and shall be the custodian of the seal of the city. The city clerk shall have power and authority to administer an oath to, and take affidavit of, any and all persons required by the Charter or ordinances of the city to make oath in connection with dealings and transactions with the city, including but not limited to the swearing in of city officials and witnesses in inquisitorial proceedings. The jurat, or certificate of proof of acknowledgment, shall be authenticated by the signature and official seal of the city. The city clerk shall keep the official files of all the city's legal documents, contracts, deeds, etc., and shall direct and supervise the Municipal Code, coordinate all municipal elections, including the registration of voters; publication of all legal notices, publications and advertisements.

Section 13. - Reserved.

Editor's note— Ord. No. 2010-7994, § 1, adopted July 19, 2010, repealed § 13, which pertained to assistant city clerk and derived from the Charter of Sept. 8, 1989.

Section 14. - City finance officer.

There shall be a city finance officer appointed by the city manager but whose appointment must be approved by the city council before it becomes effective. The city finance officer shall be removed by the city manager but said removal shall not become effective without the approval of the city council. The city finance officer shall administer and be responsible for the financial affairs of the city in accordance with the provisions of this Charter and applicable ordinances. The finance officer shall be the head of the finance department of the city which shall include accounting, treasury, and collections. The finance officer shall receive such compensation as provided for in the city's pay plan. The city finance officer shall have graduated with a degree from an accredited four-year college; have proven administrative ability and a minimum of five (5) years experience in governmental accounting or auditing.

Section 14(a). - Custody of city money, etc.

The city finance officer shall collect, receive, have custody of and disburse all taxes, licenses, fees, and other moneys belonging to the city government, subject to the provisions of the Charter and ordinances enacted thereunder; all moneys received by any department or agency of the city for, or in connection with the business of the city government, shall be promptly delivered over to the city finance officer and placed into the city treasury and be deposited with responsible banking institutions to be designated by the city finance officer, with the approval of

the council, in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance or state statute. All interest on moneys belonging to the city shall accrue to the benefit of the various fund accounts of the city government the city finance officer shall have custody of all sinking funds, investments and invested funds of the city, or in possession of the city in a fiduciary capacity and keep a record of such investments and maintain a record of all bonds and certificates of city indebtedness.

The city finance officer shall have authority and shall be required to maintain accounting control over the finances of the city government; to examine all contracts, orders, and other documents by which the city incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the city government and to determine the regularity, legality, and correctness of such claims, demands or charges; to make monthly reports of all receipts and expenditures of the city government to the manager and the council and to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments, to the manager and the council; and to perform such other duties pertaining to the financial records of the city government as the council may require by ordinance.

CHAPTER III. - ELECTIONS

Section 15. - Municipal elections.

Beginning with the year 2010:

- (a) *Primary election.* When more than two candidates are running for the same elective office a primary election shall be held:

When more than two candidates are running for the same elective office, the primary election shall be held only for the municipal offices that have more than two candidates running for the same seat. Such primary election date shall be set according to Florida Statutes Chapters 99.061(2) and 100.061.

If at the primary election, a candidate receives a majority of the votes cast, he or she shall be declared elected to office and his or her name shall not be placed on the ballot in the general election.

- (b) *General election.* When two candidates are running for the same elective office, the general election date shall be set according to Florida Statutes Chapters 99.061(2) and 100.061 on each even numbered year. In the event that a candidate does not receive a majority of the votes cast in the primary election then, the names of the candidates placing first and second shall be placed on the ballot in the general election.

The council may, by resolution, order a special election, fix the time for holding same, and provide all means for holding same. The polls shall open at 7:00 a.m. on the day of the election and shall be kept open until 7:00 p.m. on the same day.

- (c) All elections for the office of mayor or city council shall be conducted on a non-partisan basis without any designation of political party affiliation.

(Ord. No. 2007-7946, § 1, 12-17-07; Ord. No. 2009-7977, § 1, 11-2-09; Ord. No. 2011-8006, § 1, 10-17-11; Ord. No. 2012-8010, § 1, 3-19-12)

Section 16. - Regulation of elections.

The council shall make all needful rules and regulations, not inconsistent with this Charter, for the conduct of elections, for the prevention of fraud in elections, and for the recount of the ballots in case of doubt or fraud. The canvassing board responsibilities for all city elections are delegated to the Duval County Canvassing Board. After all municipal elections, the Duval County Canvassing Board, following all applicable state laws, shall issue an official Certification of Election to the City of Jacksonville Beach for adoption by the city council. The mayor and newly elected council members shall be sworn in and assume the duties of office at the regular council meeting held on the third Monday of November, unless the election results have not been certified by the Duval County Canvassing Board, in which case the mayor and council will be sworn in and assume the duties of office at the next regular council meeting following certification. Except as otherwise provided in this Charter the municipal elections shall be conducted as nearly as practicable in conformity with the general laws governing state elections.

(Ord. No. 2007-7946, § 1, 12-17-07; Ord. No. 2014-8059, § 1, 8-18-14)

Section 17. - Voting equipment.

It shall be permissible for the city council to adopt and place in use at any municipal election approved/certified voting equipment as certified by the State of Florida.

(Ord. No. 2007-7946, § 1, 12-17-07)

Section 18. - Officers to be elected.

The city council shall be divided into six (6) groups or seats as follows:

Seat 1 - At-Large

Seat 2 - At-Large

Seat 3 - At-Large

Seat 4 - District 1

Seat 5 - District 2

Seat 6 - District 3

In qualifying for election to city council each candidate shall designate the seat for which he or she intends to run on the council. One city councilperson shall be elected for each seat. Any number of candidates may qualify for any one seat, but no person shall qualify at the same time for more than one seat. Any candidate qualifying for a district seat shall be a qualified elector and a bona fide resident of that district at the time the candidate qualifies. Candidates for mayor shall also designate and qualify for their particular office.

If a candidate receives a majority of the votes cast for any particular seat or office at the primary election, he or she shall be declared elected to said seat or office. However, if no candidate receives a majority of the votes cast for any particular seat or office at the primary election, the two (2) candidates for each seat of the council as well as candidates for mayor receiving the two (2) highest number of votes for that seat or for the office of mayor shall have their names placed on the ballot for that seat or office at the general election.

Each unopposed candidate shall be declared elected to office and his or her name shall not be placed on the ballot.

At the general election, the candidate receiving the highest number of votes for each council seat and for the office of mayor, respectively, shall be declared elected to such representative seat of the council or the office of the mayor. In both the primary and general elections, all electors shall be instructed to vote for each separate seat or office.

(Ord. No. 2007-7946, § 1, 12-17-07)

Section 19. - Nominations.

Any qualified elector of the city may be nominated to be a candidate for mayor and an at-large council seat in the city by petition of any ten (10) electors of the city. Any qualified elector of the city and any resident of the district may be nominated for a district council seat from the district within which the nominee resides by petition of any ten (10) electors residing in the district in which the candidate intends to run. Any candidate qualifying for mayor or an at-large council seat must be a bona fide resident of the city for at least six (6) months prior to qualifying. Any candidate qualifying for a district seat must be a bona fide resident of the city and the district the candidate is running in for at least six (6) months prior to qualifying. A candidate seeking to qualify for nomination of an election shall file his qualification papers with, and pay the qualifying fees to the city clerk at any time after noon of the first day for qualifying and no later than noon on the last day of qualifying. The dates for qualifying are set pursuant to Section 99.061, Florida Statutes. Any person nominated but not qualified, as provided for in this Charter shall not have their name printed on the ballot. The petitions shall be in the following form:

"We, the undersigned ten (10) electors and residents of District _____ of the City of Jacksonville Beach, hereby nominate _____(name)_____, __ (seat number of Councilperson)___ to be voted for at the election to be held on the ____ day of __ (month) __, A.D. __ (year) __ and we individually certify that we are qualified to vote at such election.

Name	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

ACCEPTANCE OF NOMINATION

I HEREBY ACCEPT the nomination for the office of (seat number of Councilperson) and state that I am qualified to be a candidate for the office and agree to serve if elected.

(Signature of Candidate)

I HEREBY CERTIFY that the above petition was filed with me on the ____ day of _____, A.D. 20__.

City Clerk"

Simultaneously with the filing of the nomination petition and acceptance with the city clerk, the nominated candidate shall pay over to the city clerk the required filing fee. The amount of the filing fee for each elected office shall be as follows:

Office of Mayor\$400.00

Office of councilperson200.00

Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the city clerk. Any candidate who has not withdrawn his nomination by the last day for filing nomination papers cannot have his name removed from the official ballot.

Appendix "A"

City of Jacksonville Beach Voting Districts

District 1

Commencing at the intersection of the easterly projection of the centerline of Beach Boulevard with the low tide line of the Atlantic Ocean; thence south along the low tide line of the Atlantic Ocean to its intersection with the easterly projection of the centerline of 13th Avenue South; thence west along the centerline of 13th Avenue South to its intersection with the centerline of South 1st Street; thence south along the centerline of South 1st Street to its intersection with the centerline of 14th Avenue South; thence west along the centerline of 14th Avenue South to its intersection with the centerline of South 2nd Street; thence south along the centerline of South 2nd Street to its intersection with the centerline of 15th Avenue South; thence west along the centerline of 15th Avenue South to its intersection with the centerline of South 9th Street; thence south along the centerline of South 9th Street to its intersection with the centerline of 16th Avenue South; thence west along the centerline of 16th Avenue South to its intersection with the centerline of Roberts Drive; thence south along the centerline of Roberts Drive to its intersection with the centerline of Seabreeze Avenue; thence west along the centerline of Seabreeze Avenue to its intersection with the centerline of America Avenue; thence south along the centerline of America Avenue to its intersection with the centerline of Osceola Avenue; thence west along the centerline of Osceola Avenue to its intersection with the centerline of the Constitution Cove-Sanctuary drainage ditch; thence north along the centerline of the Constitution Cove-Sanctuary drainage ditch to its intersection with the easterly projection of the southern boundary of the Oakbreeze Cove subdivision; thence west along the easterly

projection of the southern boundary of the Oakbreeze Cove subdivision and the westerly projection of the southern boundary of the Oakbreeze Cove subdivision to its intersection with the western Jacksonville Beach City Limit line (the Atlantic Intracoastal Waterway (ICW)); thence north along the western Jacksonville Beach City Limit line to its intersection with the centerline of Beach Boulevard (U.S. Highway 90); thence east along the centerline of Beach Boulevard (U.S. Highway 90) to its intersection with the centerline of Penman Road; thence north along the centerline of Penman Road to its intersection with the centerline of 2nd Avenue North; thence east along the centerline of 2nd Avenue North to its intersection with the centerline of Palm Tree Road, thence north along the centerline of Palm Tree Road to its intersection with the centerline of 5th Avenue North; thence east along the centerline of 5th Avenue North to its intersection with the centerline of North 11th Street; thence north along the centerline of North 11th Street to its intersection with the centerline of 6th Avenue North; thence east along the centerline of 6th Avenue North and the centerline of 6th Avenue North extended to its intersection with the point of beginning at the low tide line of the Atlantic Ocean.

District 2

Commencing at the intersection of the easterly projection of the centerline of 13th Avenue South with the low tide line of the Atlantic Ocean; thence south along the low tide line of the Atlantic Ocean to its intersection with the Duval County-St. Johns County boundary line; thence west along the Duval County-St. Johns County boundary line to its intersection with the western Jacksonville Beach City Limit line (the Atlantic Intracoastal Waterway (ICW)); thence north along the western Jacksonville Beach City Limit line (the Atlantic Intracoastal Waterway (ICW)) to its intersection with the western projection of the southern boundary of the Oakbreeze Cove subdivision; thence east along the western projection of the southern boundary of the Oakbreeze Cove subdivision and continuing along the southern boundary of the Oakbreeze Cove subdivision to its intersection with the centerline of the Constitution Cove-Sanctuary drainage ditch; thence south along the centerline of the Constitution Cove-Sanctuary drainage ditch to its intersection with the centerline of Osceola Avenue; thence east along the centerline of Osceola Avenue to its intersection with the centerline of American Avenue; thence north along the centerline of American Avenue to its intersection with the centerline of Seabreeze Avenue; thence east along the centerline of Seabreeze Avenue to its intersection with the centerline of Roberts Drive; thence north along the centerline of Roberts Drive to its intersection with the centerline of 16th Avenue South; thence east along the centerline of 16th Avenue South to its intersection with the centerline of South 9th Street; thence north along the centerline of South 9th Street to its intersection with the centerline of 15th Avenue South; thence east along the centerline of 15th Avenue South to its intersection with the centerline of South 2nd Street; thence north along the centerline of South 2nd Street to its intersection with the centerline of 14th Avenue South; thence east along the centerline of 14th Avenue South to its intersection with the centerline of South 1st Street; thence north along the centerline of South 1st Street to its intersection with the centerline of 13th Avenue South; thence east along the centerline of 13th Avenue South and the easterly projection of the centerline of 13th Avenue South.

District 3

Commencing at the intersection of the City of Jacksonville Beach-Town of Neptune Beach boundary line with the low tide line of the Atlantic Ocean; thence south along the low tide line of the Atlantic Ocean to its intersection with the easterly projection of the centerline of 6th Avenue North; thence west along the centerline of 6th Avenue North to its intersection with the centerline of North 11th Street; thence south along the centerline of North 11th Street to its intersection with the centerline of 5th Avenue North; thence west along the centerline

of 5th Avenue North to its intersection with Palm Tree Road; thence south along the centerline of Palm Tree Road to its intersection with the centerline of 2nd Avenue North; thence along the centerline of 2nd Avenue North to its intersection with the centerline of Penman Road; thence south along the centerline of Penman Road to its intersection with the centerline of Beach Boulevard; thence west along the centerline of Beach Boulevard to its intersection with the western Jacksonville Beach City Limit line (the Atlantic Intracoastal Waterway (ICW)); thence north along the western Jacksonville Beach City Limit line (the Atlantic Intracoastal Waterway (ICW)) to its intersection with the City of Jacksonville Beach-Town of Neptune Beach boundary line; thence east along the City of Jacksonville Beach-Town of Neptune Beach boundary line to the point of beginning.

(Ord. No. 2007-7946, § 1, 12-17-07; Ord. No. 2011-8006, § 1, 10-17-11; Ord. No. 2011-8013, § 1(Exh. A), 12-19-11)

Section 20. - Qualification of electors and election duties.

- (a) *Qualification of electors.* All electors who qualify to vote in the state and county elections of Duval County, or who may become qualified thereafter and have their place of residence within the city limits of Jacksonville Beach, Florida are eligible to participate in all special or general elections held by the City of Jacksonville Beach, except as otherwise provided herein, and will be qualified to vote in all special or general elections held by the City of Jacksonville Beach as long as they remain qualified voters in Duval County.
- (b) *Who to be supervisor of elections.* The person holding the office of supervisor of elections of the County of Duval is hereby constituted supervisor of elections of the City of Jacksonville Beach.
- (c) *Duties of supervisor of elections.* The Supervisor of Elections for the City of Jacksonville Beach shall have free access to and use the registration books and lists of Duval County bearing the signatures of all those who registered within the city limits of Jacksonville Beach. The said supervisor of elections shall cause the registration books to be open at all times and remain open at all times until twenty-nine (29) days prior to the date of the primary election, or any special election, during which time no registration or change shall be accepted for such election.
- (d) *Compensation of the supervisor of elections.* The Supervisor of Elections of the City of Jacksonville Beach shall receive such reasonable compensation as may be agreed upon between said city and the supervisor of elections.
- (e) The supervisor of elections shall have the official ballots prepared and printed in substantial conformity with the general laws of the state applicable to general elections and shall have printed thereon the names of all candidates for whom nominating petitions have been filed as herein provided, and no others.
- (f) At least twenty (20) days prior to the election, the supervisor of elections shall appoint a sufficient number of clerks and inspectors of election as may be deemed necessary to conduct the election, and at said time fix the compensation to be paid them. Such clerks and inspectors shall be qualified electors of the city, but shall not be an officer or employee of said city.

(Ord. No. 2007-7946, § 1, 12-17-07)

Section 21. - Reserved.

Editor's note— Ord. No. 2007-7946, § 1, adopted Dec. 17, 2007, repealed Ch. III, § 21, which pertained to ballots.

Section 22. - Reserved.

Editor's note— Ord. No. 2007-7946, § 1, adopted Dec. 17, 2007, repealed Ch. III, § 22, which pertained to clerk and inspectors of election.

Section 23. - Vacancies.

Should any vacancy occur in the council or in the office of mayor other than by the recall provisions of the City Charter, the city council shall elect a person to fill the vacant office until the next regular municipal election.

(Ord. No. 2007-7946, § 1, 12-17-07)

Section 24. - Oath of office.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I, _____ solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Florida; City of Jacksonville Beach, and will faithfully discharge the duties of the office of _____."

(Ord. No. 2007-7946, § 1, 12-17-07)

CHAPTER IV. - THE RECALL

Section 25. - Recall provisions.

The qualified voters of the city shall have the power to recall and to remove from office any elected official of the city as provided by general law.

CHAPTER V. - CITY MANAGER

Section 26. - Qualifications; appointment; term of office.

The council shall appoint an officer whose title shall be city manager, and who shall be the chief administrative officer for the execution of the executive and administrative functions of the council under the direction and supervision of the council. The city manager shall at the time of his or her appointment, have graduated with a college degree from an accredited four-year college and in addition shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined, without regard to his political belief he need not be a resident of the city or state at the time of his appointment, but he shall be required

to reside within the city during his tenure of office. No person elected to membership on the council shall, subsequent to such election, be eligible for an appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

Section 27. - Term of appointment; procedure for removal.

The City Manager shall receive a salary for services as set by City Council and shall be appointed by affirmative vote of four (4) members of the Council for an indefinite term, but may only be removed by supermajority vote of five (5) members of said Council. At least thirty (30) days before such removal may become effective, the Manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of four (4) members of the Council, stating the Council's intention to remove the Manager and reasons therefor. The Manager may reply in writing to such resolution. If so requested by the Manager, the Council shall fix a time for a public hearing upon the question of the Manager's removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the Manager, the Council may suspend the Manager from duty, but the Manager's pay shall continue until the Manager's removal shall become effective as herein described. The action of the Council in removing the Manager shall be final. In case of the absence or disability of the Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such disability or absence.

(Ord. No. 2020-8141, § 3(Exh. 1), 5-18-20)

Section 28. - Responsibility of manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge under this Charter, and to that end, and except as otherwise provided herein, he shall have the power to appoint and, subject to the limitations of the budget, fix the compensation of and remove all officers and employees in the administrative services of the city, provided that such action in respect to the heads of such departments of the city as may be designated by ordinance, shall be approved by vote of a majority of the members of the council before becoming effective. 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 by or under the authority of the city manager shall be on the basis of executive and administrative ability, merit, fitness and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for provisional, temporary or emergency service.

Section 29. - Discharge, suspension, etc., of officers and employees.

Any officer or employee of the city may be removed, discharged, suspended, demoted, reduced in pay, or fined, by the city manager or his designee. Any fulltime regular employee working a minimum of 40 hours per week on a consistent basis (except, department directors, city attorney, city clerk or contract, temporary, probationary employees) may appeal a termination or suspension decision of the city manager or his designee by following the grievance/appeal policies as outlined in the Personnel Policies or appropriate collective bargaining contract covering the appellant's position. Terminations due to layoffs are not subject to appeal.

(Ord. No. 2010-7994, § 2, 7-19-10)

Editor's note— Ord. No. 2010-7994, § 2, adopted July 19, 2010, repealed the former § 29 and enacted a new § 29 as set out herein. The former § 29 pertained to discharge, suspension, etc., of officers and employees; board of appeal and derived from the Charter of Sept. 8, 1989.

Section 30. - Council and appointees not to interfere in performance of city employee duties, appointments or removals.

Except for the purposes of inquiry and information, neither the City Council and its members nor any of its appointed boards and committees and their members shall interfere with the performance of any city employee's duties who is under the direct or indirect supervision of the City Manager. This prohibition extends to any directive or request for the appointment or promotion of any person to, or removal or demotion from, any office or employment in the service of the city, except where otherwise provided for in this Charter or the city code. The City Council and its members shall deal with the administrative service solely through the City Manager, and neither the council nor any members thereof shall give orders to any subordinate of the City Manager either publicly or privately. This section shall not preclude the City Council from making known to the City Manager its views concerning personnel actions and the internal administration of city government, including advising and consulting with the City Manager and other officers and employees of the city whenever in the judgment of the City Council it may be necessary, or from making suggestions to the City Manager. Any violation of the provisions of this section by a member of council shall constitute malfeasance and subject said member or members to municipal recall under the procedures set forth in Fla. Stat. § 100.361. Additionally, a violation of the provisions of this section by a member of the City's appointed boards or committees shall be punishable by removal from said position(s) by a majority vote of City Council.

(Ord. No. 2020-8141, § 3(Exh. 1), 5-18-20)

Section 31. - Duties of the manager.

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required by him by ordinance or resolution of the council, not inconsistent with this Charter. Nothing herein shall be construed to confer or impose upon the city manager any of the powers, duties, or functions herein provided to be exercised or performed by any other elective or appointive officer of the city.

Section 32. - Right of manager and other officers in council.

The city manager and other officers designated by vote of the council shall be entitled to sit on the dais where the council sits. The manager shall have the right to take part in the discussion of all matters coming before the council, and the heads of all departments and other officers shall be entitled to take part in all discussions of the council relating to their respective departments and offices.

(Ord. No. 2012-8017, § 1, 3-19-12)

Section 33. - Investigations by council or manager.

A committee authorized by the council and/or the manager shall have the power to inquire into the conduct of any department, office or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days or both. Any officer, person, or committee conducting the investigation shall report to the city council all violations or neglect of duty, or any misfeasance, malfeasance or nonfeasance in office, or improper conduct on the part of any city official that may come to his or its knowledge. No member of any investigative committee shall be an employee of the city, an elected official, or a relative of an employee or an elected official, or have any personal interest in the subject being investigated.

CHAPTER VI. - CITY ATTORNEY

Section 34. - City attorney; appointment by council; removal.

There is hereby created the office of City Attorney, which said City Attorney shall be appointed by the affirmative vote of four (4) members of the City Council, but may only be removed by supermajority vote of five (5) members of said Council. At least thirty (30) days before such removal may become effective, the City Attorney shall be furnished with a formal statement in the form of a resolution passed by a majority vote of four (4) members of the Council, stating the Council's intention to remove the City Attorney and reasons therefor. The City Attorney may reply in writing to such resolution. If so requested by the City Attorney, the Council shall fix a time for a public hearing upon the question of the City Attorney's removal and the final resolution removing the City Attorney shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the City Attorney, the Council may suspend the City Attorney from duty, but the City Attorney's pay shall continue until the City Attorney's removal shall become effective as herein described. The action of the Council in removing the City Attorney shall be final. In case of the absence or disability of the City Attorney, the Council may hire a qualified attorney to perform the duties of the City Attorney during such disability or absence.

(Ord. No. 2020-8141, § 3(Exh. 1), 5-18-20)

Section 35. - Qualifications.

The city attorney must be a lawyer legally admitted to practice in the several courts of the State of Florida.

Section 36. - Compensation.

The city attorney shall receive an annual retainer to be fixed by the city council and such fees for special or extraordinary services rendered to or on behalf of the city as may be specifically authorized by the city council.

Section 37. - Duties of city attorney.

The city attorney shall act as the legal advisor and counselor for the municipality and all of its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in which the municipality is concerned and shall endorse on each his approval of the form and correctness thereof. When required so to do by the city council, he shall prosecute and defend, for and in behalf of the city, all complaints suits, controversies and proceedings in which the city is a party. He shall furnish the officers or the heads of any departments of the city his opinion on any question of law relating to their respective powers and duties.

CHAPTER VII. - BUDGET AND FINANCE

Section 38. - Transfer of appropriations.

The council may, upon the recommendation of either the manager or finance director, transfer any unencumbered appropriation balance of the city government from one department or agency to another.

Section 39. - Money to be drawn from treasury in accordance with appropriation.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation resolution or of such resolution when change as authorized. The city shall be prohibited from employing or appropriating the taxes and revenues of said city in any other manner than for purposes strictly municipal and local, according to the provisions of this Charter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriation may be made by the council, to be paid out of the income of the current year, in furtherance of improvements or other object or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 40. - Purchase procedure.

Before making any purchases or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations and with such exceptions, as the council may prescribe by ordinance.

Section 41. - Issuance of bonds, borrowing.

The city may borrow money, contract loans and issue bonds as authorized by the general state laws.

Section 42. - Independent audit.

As soon as practicable after each fiscal year, an independent audit shall be made of all accounts of the city government by qualified public accountants, selected by the council, who have no personal interest directly or indirectly in the financial affairs of the city government or of any of its officers.

Section 43. - Contract prohibited.

The city government shall not employ or contract with any elective official of the city.

Section 44. - Execution of contracts.

All contracts, bonds or other documents to be executed for or on behalf of the City of Jacksonville Beach, shall be signed by the mayor and city manager and attested by the city clerk with the seal of the city.

Section 45. - Checks, vouchers or warrants.

All checks, vouchers or warrants drawn against ends of the city must be duly audited before issuing same and must be signed by the city finance officer and city manager, provided that the city council may by resolution designate alternates who shall be authorized to sign checks, vouchers, or warrants above referred to in the place of and stead of any one of the foregoing who may be absent or disabled. Provided that the only exception to the above required two (2) signatures is that all individual salaried payroll checks need only be signed by the city finance officer in all other events, checks, vouchers, and warrants must be signed by two (2) persons.

CHAPTER VIII. - TAXATION

Section 46. - General powers of taxation.

The city shall have the power and authority to raise by tax, assessment, or any lawfully authorized means, all sums of money necessary, convenient or required to conduct municipal government, perform all municipal functions, to render all municipal sums, and to exercise any power for municipal purposes.

Section 47. - Remedies for enforcing obligations due city.

The City of Jacksonville Beach, shall, in addition to the power and authority to collect and enforce its liens, also have the power and authority to institute suit at law in any court having jurisdiction of the amount involved, in the name of the City of Jacksonville Beach for the collection of any taxes, liens, assessments, debts, or obligations due by any person, firm or corporation to the City of Jacksonville Beach.

Section 48. - Power to grade and fix license and occupation taxes.

The City of Jacksonville Beach is hereby authorized to levy and enforce license or occupational taxes upon any and all occupations, businesses or professions, and to grade and fix the amounts in the same manner that the Legislature of the State of Florida could impose such licenses or taxes for state purposes.

Section 49. - Liens are negotiable.

All liens held by the City of Jacksonville Beach against land and property, entered in the improvement lien book in accordance with the Charter and ordinances, shall be negotiable and assignable and may be transferred and sold by the city council by ordinance, as and for security and for the redemption and payment of serial improvement bonds, or other obligations incurred by the city in making municipal improvements authorized to be made by Charter; the city council may provide by ordinance for the acceptance of payment of all such liens in partial payments and

installments of not less than an annual payment of one-twentieth (1/20) of the whole amount of lien, together with the interest due and accruing which shall be the same rate as is specified in the issue of serial improvement bonds which such liens shall secure; or that the negotiation and sale of such liens may be absolute if so provided by the ordinance negotiating any sale thereof; that any ordinance authorizing payment of such liens in partial payment or installments shall provide that if default is made in the payment of any installment when due, the whole amount of such lien remaining due and unpaid, together with the interest thereon, shall be and become due forthwith, and payment demanded, enforced, and collected by the City of Jacksonville Beach, or if assigned in the name of such city by the assignee of any such lien or the holder of any serial improvement bond; collection shall be made in the same manner as is provided by Charter and by law for the collection of delinquent taxes, liens, and assessments due the city; all cost of collection, including reasonable fees for the services of the attorney or solicitor enforcing such lien, shall be included.

This section shall not be construed to be restrictive and the City of Jacksonville Beach shall also have the power and authority to apply any and all provisions of its Charter, the Constitution of the State of Florida, and the general laws governing the powers of cities and towns, in making assessments for public improvements and negotiating, securing and collecting such liens and assessments, and the issuance of certificates of indebtedness or improvement bonds.

CHAPTER IX. - ENUMERATION OF PARTICULAR POWERS

Section 50. - Specific powers.

The city shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law, including but not limited to regulate and limit the number of licenses of vendors of intoxicating liquors in the proportion of the population of the city to be fixed and determined by ordinance by the city council; but the maximum number of licenses of vendors of intoxicating liquors or whiskey shall be one license for each five hundred fifty (550) or major portion thereof, of persons in the city according to the 1950 Federal census.

Section 51. - Additional powers.

The city shall have power, and it is hereby authorized:

- (a) To acquire, construct, own and operate in its sole capacity, or jointly with other governmental agency or agencies, electric transmission and distribution lines within or beyond limits of the city; transportation lines or systems for the transportation of persons and property within and beyond the limits of the city; automobile parking areas, docks, wharves, boat basins, promenades, airports, athletic and recreational playgrounds and stadiums, golf course and related club house and facilities, radio and television station or broadcasting system, hotels, motels, or area for the parking of trailers and movable devices fitted for inhabitation or dwelling purposes and amusement piers, and all such building, equipment and improvements as the city, council may deem necessary or desirable for use in connection therewith, either within or outside the limits of said city; and the city is hereby

authorized and empowered to levy and collect taxes for acquiring, constructing or operating any of the aforesaid improvements, facilities, or things, and to acquire same by purchase, lease, eminent domain or any other lawful manner, and shall have the power in its sole capacity, or jointly with other governmental agency or agencies, to operate, rent, lease or sell same with the full and lawful right in the city, or its lessees, successors, or co-owners, to receive, charge, collect and assess charges, tolls, fees, dues or rents for the uses, privileges or facilities thereof and to pledge or hypothecate the revenue derived thereby, or which may be anticipated to be produced therefrom to finance the cost of constructing, acquiring or establishing any of such improvements or any part thereof, or any combination thereof.

- (b) To condemn and order to be put in a state of sound repair any and all broken, damaged or unsafe sidewalks, curbs, streets, or other public structures, and to provide and enforce penalties for failure to do so, and after giving twenty (20) days' written notice to the owner of the property adjacent to and abutting such sidewalk, curb, street, or other public structures, by posting such notice in a conspicuous place about the premises, to repair or take such steps as may be set forth in such notices to eliminate the broken, damaged or unsafe condition of such sidewalks, curbs, streets, or other public structures at the expense of the said abutting and adjacent owner, and said adjacent owner fails or refuses to comply with the requirements of said notice, then at the expiration of the time set forth in said notice the city may thereafter cause the repairs or other work set forth in the notice to be accomplished, assessing the cost thereof against said abutting property, the city to have and hold a lien thereon therefor until the cost and expenses thus incurred are discharged by payment.
- (c) To prohibit the uncontrolled growth of palmetto shrubs, weeds, vines, bushes, grass, thistles or other rank or noxious vegetable growth, the placing, keeping or maintaining of encroachments or obstructions of any nature or kind upon, in or over any public street, alley, walkway or public property of every nature and description, the accumulation of stagnant water upon the surface of the ground or within any receptacle or structure deposited or erected above or below the ground without exercising necessary precaution to prevent the propagation of mosquitoes therein; to prohibit buildings, sidewalks, footways or structures which by act of God, fire, decay or other cause may become structurally dangerous, unsafe, dilapidated or unsanitary to remain in such dangerous, unsafe, dilapidated or unsanitary condition and to provide and enforce penalties for allowing, suffering or permitting any such prohibited act, occurrence or conditions and to condemn, suppress and order to be removed, demolished, abated or otherwise eliminated or corrected such prohibited acts, occurrences or conditions, and after giving twenty (20) days' written notice to the person, firm or corporation owning, occupying or having the care or custody of any lot or parcel of land upon or in connection with such prohibited act, occurrence or condition exists or is maintained by posting such notice in a conspicuous place about the premises, to order the same forthwith removed, suppressed or abated in such manner as the city council may in its discretion determine appropriate, and assess the cost of so doing, or such proportion thereof as shall not be borne by the city, against the owner or occupant of the premises involved to the end that such assessments shall be and remain liens upon the lands against which assessed until paid.
- (d) To license, control, tax and regulate traffic and sales upon the streets, sidewalks, promenades, ocean

beach and public places within the city and the use of space in such places and to regulate, suppress and prohibit hawkers, peddlers and beggars upon such streets, sidewalks, promenades, ocean beach and public places; and to license and cause to be registered and control, tax, regulate or to prohibit in designated streets, roads, ocean beaches, or parts thereof, carriages, omnibuses, motorbuses, automobiles, cars, wagons, drays, trucks, jitney buses and other vehicles, and to license, tax and cause to be registered and control the drivers thereof; to fix just, reasonable compensatory and adequate rates and schedules to be charged and maintained for the carriage of persons and property for hire within the city; to make and promulgate regulations for traffic on the streets, roads, ocean beaches, or parts thereof during such hours and at such times as may be necessary or convenient, and to provide for parking spaces on the streets, roads, ocean beaches or on other property of the city and to at any time discontinue the right to the use of such parking spaces and to regulate, assess, and collect charges for, vacate or discontinue, the use of same; and to require all vehicles for the carriage of persons for hire to be insured as required by ordinance for the protection of passengers, property and of the public and to make such insurance inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicles for hire; and to require such insurance to be furnished by all persons, firms or corporations owning or operating for hire vehicles upon the streets, roads, ocean beaches and public places of the City of Jacksonville Beach, whether such operation be wholly within the limits of said city or between said city and other cities or towns or places outside of the City of Jacksonville Beach.

Section 52. - Zoning authority.

- (1) The City of Jacksonville Beach may, in the interest of public health, safety, order, convenience, comfort, prosperity or general welfare, adopt by ordinance a plan or plans for the districting or zoning of the city for the purpose of regulating the location of trades, industries, apartment houses, dwelling or other uses of property as authorized and provided by general state law.
- (2)
 - (a) In order to further protect the public health, safety, general welfare, and aesthetics, no new building height shall exceed thirty-five (35) feet, nor shall any existing building be altered to cause it to exceed a building height of thirty-five (35) feet.
 - (b) Building height means the vertical distance from the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for hip, gable and gambrel roofs.
 - (c) The height limits do not apply to spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, elevator hoistways, not intended for human occupancy.
 - (d) Buildings in existence or with approved construction permits or adopted Planned Unit Developments on or before the effective date of this amendment, may be completed, repaired, or rebuilt to a height not to exceed the previously existing height, within the same building footprint, subject to any other applicable state, federal or local laws. The height limits are not intended to restrict or otherwise adversely affect a property owner's vested rights under constitutional,

statutory or common law. If it is determined by a court of competent jurisdiction that a landowner has vested rights, the landowner can elect to proceed with development under the Land Development Code in effect on the date of the adoption of this amendment.

- (e) Those parts of any ordinances in conflict with this section are hereby repealed. This section becomes effective upon adoption.

(Amend. of 11-2-04)

Section 53. - Improvements; assessment of cost against property benefited.

The city council is hereby authorized and empowered to regulate, provide for and require the opening, widening, extending, laying, constructing, paving, repairing or improving of any street, avenue, alley, ramp, sidewalk, bulkhead, seawall, breakwater, promenade or public improvement, the drainage and filling of low places, public or private, dangerous to public health or required to promote public welfare and the construction and maintenance of water and sewer systems, and drains, and may provide for the payment of the cost of any such improvements by general taxation, or by the imposition of special assessments against the property specially benefited for the entire cost of such work, or for such portion thereof as shall not be borne by the city, such assessments to be and remain liens upon the lands against which assessed until paid, provided that in no event shall the amount of such special assessments exceed the special benefit accruing to the property assessed by reason of such improvement work. In the case of streets, alleys, ramps, sidewalks, seawalls, bulkheads, breakwaters, and promenades the unit or basis for distributing the special assessment to pay the cost of such improvement shall be according to the front footage of the property fronting or abutting upon such improvement in the proportion that the particular parcel of land to be assessed bears to the total front footage of all property fronting or abutting thereon; in the case of the drainage or filling in of low places or the construction and maintenance of water and sewer systems and drains, the unit for the assessment of the share and amount of the cost to be distributed and assessed against any particular parcel of land shall be the platted lot according to the last plat thereof recorded amongst the public records at the time of commencing such work and it shall not be necessary for the city to break the assessment down as a result of any division of such lots which is not revealed by such recorded plat and each such platted lot shall bear such fair and just proportion of the cost of such work as was necessarily expended in connection with the improvement or benefit accruing thereto. The city shall have a lien superior to all other claims, except taxes, against and upon the property for the amounts of the special assessment together with interest and all costs of collection.

Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall be accompanied by plans and specifications therefor and shall state the estimated total cost which will in the opinion of the city council cover the total cost of the work and the proportion to be borne by the city, if any, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the platted lot to be benefited as the case may be, and shall be published once a week for four (4) consecutive weeks in some newspaper published in Duval County, Florida, or posted for thirty (30) days at the city hall and two (2) other public places in the said city and the city council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of, or other persons interested in, any property against which it is proposed to levy such special assessment, to present to the city council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem just or right, to revise, repeal, or amend said ordinance in such manner as it may

deem necessary to correct or equalize the assessment in proportion to the benefits to be bestowed upon the property assessed, but no such amendment shall increase the amount to be specially assessed against the property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work. Any person owning or interested in any property to be specially assessed, or generally taxed for said work, who shall not at such meeting present in writing to the city council his objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereon shall have the right within thirty (30) days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunction and any person not presenting his bill for injunction within thirty (30) days, or failing to push to a successful conclusion with due diligence his application for an injunction shall be deemed to have consented to the enforcement of the ordinance, and levy and collection of the special assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The city council is hereby authorized to provide by ordinance for the issuance of special assessment certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the city to pay the cost of such work pending the collection of special assessments and taxes and to provide for the payment thereof with interest; and the city council shall, as soon as practicable and within thirty (30) days after the completion of any such work, by resolution, fix a special assessment, per front foot upon the abutting property or the special assessment against the platted lot to be benefited, as the case may be, at an amount not exceeding either the actual cost of the work, or the estimated special assessment stated in the ordinance providing for the work, which said resolution shall specify the amount of the cost of such work so assessed against the abutting or benefiting property and the fact that a lien has been assessed against such property with a breakdown of the specific amount which has been assessed against each particular parcel of property to be particularly described therein and shall provide that the city clerk shall forthwith have prepared and entered in a book, which shall be prepared and kept for that purpose, and kept open to the public for inspection during reasonable office hours, labeled "IMPROVEMENT LIEN BOOK", the amount of such lien assessed against each lot, the date of the completion of the work and such other information as may be deemed advisable. The city council shall cause said resolution to be published in a newspaper published in Duval County once each week for four (4) consecutive weeks, or by posting same at the city hall and two (2) other public places in said city for a period of thirty (30) days. Any person desiring to contest in any manner the validity of any such special assessment or lien shall within thirty (30) days after the publication or posting at the city hall and two (2) other public places in said city of the resolution fixing the special assessments, institute suit to have the enforcement thereof enjoined, or its validity legally declared, and any person not instituting such suit shall not thereafter be heard to question the validity thereof, or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty (30) days after the publication or posting of such resolution shall be accepted without interest and such assessment not paid within said time shall bear interest from the date of publication or posting of such resolution at a rate not to exceed eight (8) percent per year. The city council may, by ordinance, provide for the payment of such special assessments in installments and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amount of such special assessments may be enforced, and any number of liens arising under the provisions of one ordinance

may be enforced in and by one proceeding in equity. The city shall have and collect a lien upon any properties affected by such special assessment for reasonable attorneys fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the city council.

Section 54. - Water, sewer, gas, electric, garbage collection and disposal or incineration services and facilities.

The city shall have the power to acquire, purchase, lease, sell, erect, establish, install, operate, maintain, extend, or improve, water, sewer, sewage treatment, gas, electricity, garbage collection and disposal or incineration plants or systems or either thereof, and may engage in the business of furnishing, supplying, transmitting or selling water, gas, electricity, garbage collection and disposal or incineration, sewer, or sewage treatment and disposal services and facilities to any person or corporation either within or outside of the city limits, and the city council shall be authorized to fix rates, fees and charges to be assessed, imposed upon and collected from the users of such services and facilities for making connections thereto and for the services and facilities furnished and provided by said plants or systems, or either thereof, and prescribe reasonable rules and regulations in connection therewith, and provide that upon nonpayment of such charges, fees, or rates, or noncompliance with such rules and regulations for, or as to any of such municipally owned or operated public utilities, services or facilities, all municipally owned or operated utilities' services and facilities may be disconnected or discontinued; and to pledge or hypothecate the revenues derived thereby, or which may be anticipated to be produced therefrom, to finance the cost of acquiring, constructing, establishing, operating, maintaining, extending or improving any such utilities' services or facilities, or any part thereof, or any combination thereof. The city may also issue bonds in the manner now provided by law and use the funds derived from the sale thereof for any of the aforesaid purposes.

The city council shall have power by ordinance to require the owner, tenant or occupant of each lot or parcel of land within the city which abuts a street, alley, or other public way containing a city water or sewer service, or which is located within one hundred (100) feet thereof, and upon which lot or parcel a building or other inhabitable structure has been or shall be erected for residential, commercial or industrial use, to connect the said building or structure to the said water and sewer systems, or to such of said several and respective systems as may from time to time be or become available within the aforesaid distance, and to enjoin and prohibit said owner, tenant or occupant from using any other method for the several and respective water or sewer utility services after the same become available as aforesaid.

Section 55. - Amusement or recreation pier.

The city is hereby given the power and authority to erect, construct, or grant franchise or franchises to any person or persons for the erection or construction of amusement or recreation piers extending easterly from the bulkhead line of the city into the Atlantic Ocean, a distance not more than one mile; the city, or its grantee under a franchise, shall have the right to operate, maintain, receive, charge, collect and assess charges, tolls, fees, or rents for the uses, privileges or facilities thereof; the city shall be authorized to pledge or hypothecate the revenues derived, or which may be anticipated to be produced from the operation or leasing thereof to finance the cost of erecting, constructing, maintaining, or operating such pier or piers. Any franchise granted by the city for the erection or operation of such pier shall be approved by the affirmative vote of a majority of the qualified electors of said city participating in a special election held for that purpose.

Section 56. - Franchises.

The city council shall have power to grant franchises for furnishing the inhabitants of the city with water, gas and electricity, and other services.

Section 57. - Ocean beach.

The City of Jacksonville Beach shall have full power and authority to exercise police powers with reference to the bathing and driving beach adjacent to and easterly of said city and the waters of the Atlantic Ocean on and easterly thereof as far as the jurisdiction of the State of Florida extends. The city may establish and set aside safety zones or areas upon said ocean beach and prohibit any and all vehicles from using the area embraced therein. Any control, regulation or exercise of its police power by such city in regard to such beach and water shall be deemed and held to be solely a governmental function and no cause of action shall exist in favor of any person, nor shall the city be liable in damages, for any injury resulting to persons or property by reason of the use of such beach as a public highway, bathing beach, or otherwise, or by reason of any acts of omission or commission by the officers or employees of such city in reference thereto. Nothing herein shall be construed to require the city to maintain or keep in a safe condition for use as a public highway or bathing beach the said ocean beach or waters on and easterly thereof.

Section 57(a). - Preservation of ocean accesses.

The city shall not close, vacate, abandon, or relocate any public street between the Atlantic Ocean and the first public street westerly thereof which provides vehicular access to the Atlantic Ocean without first obtaining the approval of a majority of the qualified electors voting on such closing, vacating, abandoning, or relocating of the public right-of-way at a special or general election.

(Ord. No. 98-7742, § 1, 6-29-98)

Section 58. - County and state roads.

The city shall not be responsible for the neglect of Duval County or the state road department to properly maintain and keep in repair any state or county road touching or extending through the corporate limits of said city, nor shall the city be liable, in damages for any injury resulting to persons or property by reason of the use of such state or county roads; or by reason of any acts of omission or commission by the officers or employees of such city in reference thereto.

Section 59. - Damage suits.

No suit shall be maintained against the city for damages unless written notice of such claim is delivered to the city as provided by state statute.

CHAPTER X. - MISCELLANEOUS PROVISIONS

Section 60. - Elimination of city departments.

The elimination of any City Department, with the exception of the Police Department and Beaches Energy Services, shall be accomplished by simple majority vote of four (4) members of the City Council. The elimination of the Police Department or Beaches Energy Services shall be accomplished only with a simple majority vote of four (4) members of the City Council and a majority vote of the qualified electors of the City of Jacksonville Beach by referendum. Any referendum vote will take place following the simple majority vote of the City Council at the next available general election of the City or in a special election called by the City for the conduct of such referendum.

(Ord. No. 2020-8141, § 3(Exh. 1), 5-18-20)

Section 61. - Continuance of contracts.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

Section 62. - Title to property.

Whenever the city council determines that it possesses real or personal property in excess of the needs of the public, it may sell same.

CHAPTER XI. - TRANSITION SCHEDULE

Section 63. - Continuation of former charter provisions.

All provisions of Chapter 18623, Laws of Florida (the former Charter) as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city.

Section 64. - Ordinances preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, still remain in force until repealed or changed as provided herein.

Section 65. - Rights of officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

Section 66. - Pending matters.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this Charter.