

CHAPTER 63-1429

HOUSE BILL NO. 1491

An act creating and chartering a municipality to be known as the Town of Horseshoe Beach, in Dixie County, Florida, and to define the territorial boundaries and to provide for its government, powers, franchises, privileges and jurisdiction, providing a referendum.

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

Section 1. There is hereby created and chartered a municipality to be known as the Town of Horseshoe Beach, in Dixie County, Florida, and hereafter in this chapter all references to "city", "town", "said city" or "said town" shall mean and be taken and held to mean and refer to the Town of Horseshoe Beach.

Section 2. Said town shall embrace and include all that territory in Dixie County, Florida, described as follows, to-wit:

Lots 1 and 2 of Section 14, township 12 South, Range 10 East - containing 162 acres, more or less:

More particularly described as follows:

Commence at the Southeast corner of Government Lot 6 (said Government Lot 6 being also described as the W $\frac{1}{4}$  of SE $\frac{1}{4}$ ) for the point of beginning of the herein described and conveyed tract of land, and from said point of beginning run thence 429 feet North on the East Boundary Line of said Government Lot 6; and from that point run thence West on a line paralleling the South Boundary Lines of said Government Lot 6 and Government Lot 5 (said Government Lot 5 being also described as the fractional SW $\frac{1}{4}$ ) to the shore line and water of the Gulf of Mexico, and from that point run thence South along the shore line and water of the Gulf of Mexico to the South Boundary Line of said Government Lot 5, and from that point run thence East on the South Boundary lines of said Government Lots 5 and 6 to the point of beginning.

Section 3. Said town shall have and exercise the usual and essential powers of municipality of Florida, including but not exclusive of the power:

(a) To acquire by gift, bequest, devise, purchase, the exercise of eminent domain, or in any other lawful manner, and hold and dispose of real and personal property for governmental purposes.

(b) To provide for protection against fire and storm.

(c) To adopt all ordinances necessary to protect the public health and welfare.

(d) To build, construct, acquire, own, hold, and operate such garbage disposal equipment or plants as may be suitable to the best interests and protection of the town and its residents, and to contract with any responsible person, firm or corporation to establish a garbage disposal service for the use of the inhabitants of the town, provided that no such control shall create any liability against the town.

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(e) To provide, erect, construct and maintain a system of sanitary and storm sewers, or either of them, and to require property owners or occupants within the area serviced by sanitary sewers to connect therewith.

(f) To regulate the selling of meats, farm produce, fish, vegetables and fruits and all other foodstuffs, and to require the same to be inspected and if found unwholesome, to be condemned, and to provide penalties for violation of such regulations.

(g) To regulate and prevent the bringing into and depositing within the town limits of any carcasses or any offensive or unwholesome matter and to require the removal or destruction thereof by any person who shall have placed upon or near his premises any offensive matter and to provide penalties for violation of such regulations.

(h) To regulate the moving of buildings into and out of and within the town; to regulate the materials and type of construction of any building erected in the town, or repairs thereto; and to provide reasonable rules regulating any such building and the repair thereof in order to protect the welfare of the town.

(i) To regulate the establishment and operation in the town of dance halls, public bath houses, public solariums, public roller skating rinks, bowling alleys, pool and billiard halls and for appropriate cause to declare the same or any of them to be nuisances and to cause such to be abated.

(j) To build, repair and improve streets, alleys, sidewalks, seawalls, storm sewers and other public improvements in the interest of the public welfare, to condemn property for streets or alleys where owners of sixty per cent (60%) of property fronting on said proposed street or alley petition in writing for the creating of said street or alley.

(k) To regulate the numbering of houses and lots, and the naming or numbering of streets and avenues in the town.

(l) To regulate and prevent the installation of gunpowder, dry pitch, resin, kerosene, oil, benzine, naphtha, turpentine, hemp, cotton, nitroglycerin or any products thereof, or other combustible or explosive materials within the town and the use thereof, and the building of bonfires, and to regulate and prevent the use of firecrackers, torpedoes, skyrockets and other fireworks.

(m) To define, prevent or abate nuisances, to restrain and punish any person or persons found guilty of gambler or other disorderly conduct within the municipality; to prevent running at large of cattle, horses, dogs, cats, fowl, sheep, hogs and goats or other animals in the streets of the town or within the town limits; to provide for the purchase or establishment of water works, electric or other lighting plants, and all other plants or public utilities necessary or desirable for the town and to provide for the regulation thereof; and to carry out powers of municipality by eminent domain; to regulate the use of streets, avenues within the town and to prevent encroachments thereon; to regulate the speed at which horses, bicycles, automobiles or other vehicles may be driven or operated in the town, or on any street or alley therein; to regulate the height below which airplanes, dirigibles or other aircraft may be flown over the town; to license and tax privileges, businesses, occupations, and professions carried on and engaged in or enjoyed within the town limits, whether already licensed or taxed by the state or not, the respective amounts of such licenses or taxes to be fixed by the town

ordinances; to establish fire limits and to prescribe the character and mode of construction of buildings to be erected or repaired thereof; to organize and provide a fire department and to regulate the same; to fix the number of drays and rates of draying; to regulate taxis or other vehicles carrying persons or passengers for hire, and in that connection to fix the number thereof, hours of operation, the stands thereof and the charges for the transportation of passengers within, into or out of said town; to establish hospitals and to establish rules and regulations respecting the poor, indigent, infirm and insane, and to provide for their support and to fix the conditions upon which such persons coming into said town shall be allowed to benefit; to provide for the punishment of persons who may at any time disturb the peace of the town or violate any of its ordinances or any of the rules and regulations of the said board of commissioners.

(n) To exercise all powers hereinbefore or hereinafter referred to as included within the duties of any officer, or office elective or appointive of the town and also all powers now granted to cities or towns within the state of Florida by the general laws of the state of Florida; however no ad valorem tax shall be levied on real or personal property within said town.

(o) All the foregoing powers shall be exercised by the town pursuant to an ordinance duly passed by the town council or by resolution wherever appropriate, or by regulation duly authorized by ordinance aforesaid; the grant of any powers within this charter shall not be taken or treated as a mandate upon the town to exercise the same until or unless exercised, or authority to exercise shall have been included in an ordinance as aforesaid.

(p) All sales of alcoholic beverages and liquors shall be governed and controlled by state law and the town shall pass no ordinance or resolution except in conformity therewith or in pursuance thereof, however, ordinances may be passed adopting state laws relating thereto as town ordinances.

Section 4. The corporate authority of said town shall be vested in a town council to be composed of five (5) members, one of whom shall be Mayor. There shall also be appointed by the Town Council a City Clerk, a Chief of Police, a Judge, and other such officers, boards of commissions as may be provided by ordinances or resolutions of said Town Council. All appointive officials, boards and commissions shall serve at the pleasure of the Town Council of said city. Such Town Councilmen shall be qualified electors of said town, and shall have resided therein at least six (6) months. The Mayor-Councilman and Town-Councilman may receive a salary for the services as such which shall not exceed the sum of Seventy-Five (\$75.00) Dollars per month, and said salary shall be set by a regular non-emergency ordinance. In the event that the Mayor-Councilman or Town-Councilman fails to attend any regular monthly meeting, he shall receive no salary for the month in which he failed to attend said regular meeting.

Section 5. The councilmen shall be elected and hold office for the term of two (2) years (except as provided in section 19) and until their successors are fully elected and qualified.

Section 6. Election of officers shall be held in the city on the second Tuesday in July in each odd numbered year hereafter beginning in 1965, and each officer elected to office at such elections, except as provided in section 19, shall serve for (2) years beginning with the first Thursday after his election.

Section 7. Mayor. The duties of the mayor shall be to see that all ordinances of the city are faithfully executed. He shall be chairman of the town council and shall preside at all meetings, and shall have the right to vote only in the event of a tie vote. He shall have general supervision over all town officers, except the town council, and may examine into the condition of their offices and of the books, records and papers therein, and of the manner of conducting their official business. He shall report to the town council all violations or neglect of duty, or any misfeasance, malfeasance or non-feasance in office, or any other improper conduct on the part of any town official or employee that may come to his knowledge.

Section 8. Town Clerk. The town clerk shall be appointed by the town council and he shall hold office at the pleasure of said council. He shall act as clerk of the town council and also act as clerk of the municipal court. As clerk of the municipal court, he shall keep all records of the court and perform all the duties usual to his position, including a record of all the official acts of the court by warrant or otherwise and of the judgment rendered in each and every case and he shall preserve such record by regular minutes. He shall perform all the duties imposed upon him by the town council not inconsistent with the provisions of this charter, and shall receive such salary and fee therefor as may be provided by said council.

Section 9. Chief of Police. The chief of police shall be appointed by the town council and shall hold office at the pleasure of said council. It shall be his duty, with advice and instruction of the town council, to preserve order and to do all in his power to prevent violation of the town ordinances. He shall also perform such other duties as may be prescribed by ordinance of the town council not inconsistent with this charter. The chief of police or any policeman

of the town may arrest without warrant any person violating any of the ordinances of said town in the presence of such officer and when knowledge the violation of any ordinance shall come to said chief of police or said policeman not committed in his or their presence, he shall at once cause affidavit to be made before the mayor against the person charged with such violation, whereupon the judge of the municipal court shall issue a warrant for the arrest of such person or persons/ The board of commissioners may appoint as many police officers as necessary. The chiefs of police and each police officer shall furnish bond in the amount of one thousand dollars (\$1,000.00) to be paid for by the city.

Section 10. Ordinances. The town council shall have the power to enact such ordinances not inconsistent with this act and constitution and laws of the State of Florida and the constitution and laws of the United States as it may deem necessary. Each ordinance must be passed on three separate readings upon each of which the yeas and nays shall be recorded in the minutes of such meeting. All action upon such ordinances shall be at a regular meeting of the council. Any two readings and the vote thereupon, excepting the first and third readings, may be had at the same regular meeting. Such ordinances shall become effective ten (10) days after final passage, provided, such ordinance shall have been published one time in a newspaper published in Dixie County, or by posting three copies ~~prominently~~ and thereof, one copy at the town hall, and each of the other copies at a prominent and public place within the said town within seven (7) days after final passage of the same. Such publication shall be done by or under authority of the clerk and record thereof made in the records of said town. Ordinances which are emergency in fact and by their nature may be passed at a single meeting either regular or called and without regard to the above requirements and placed into immediate effect.

Section 11. The town shall have the power by ordinance or otherwise to fix and regulate from time to time the salaries of all officers and employees of the town except as herein otherwise provided; to do and regulate any other matter or thing that may tend to promote the peace, health, prosperity, morale and general welfare of the public, to exercise the right of eminent domain to the same extent and in the same manner as provided by the general laws of the State of Florida for cities, counties

or the state, for any lawful municipal purpose including public park and playground purposes; to appoint a town attorney who need not reside in the town; to appoint a board of park commissioners, a board of health commissioners, and such other boards as they may see fit to create, and to name the members of said boards; to remove the same at pleasure; and to provide the powers and duties of said boards and to abolish the same at pleasure.

Section 12. A municipal court.

(a) A municipal court is hereby created and shall be held in the town in such place and time as may be determined by the municipal judge for the trial of all persons charged with the violation of any ordinance of said town. Such trials shall be without jury, and upon conviction of such person or persons, there shall be imposed such penalty as may be provided by ordinance not to exceed one hundred dollars (\$100.00) or fine or forty-five (45) days imprisonment in the city jail, or both.

(b) The judge of said court shall be appointed by the town council to perform these duties and need not be a resident of the town. He shall have jurisdiction for the trial of all offenders against the town ordinances. He shall have the power by his warrant issued in the name of the town to have brought before him any person or persons charged with the violation of the town ordinances and to require the attendance of witnesses for the town or the accused. He shall have the authority to administer the oaths, to take affidavits, to determine the guilt or innocence of the accused, and to fix and enforce as a penalty the sentence prescribed by the law and the ordinances of the town; to pardon and release or suspend sentence of persons convicted by him in term time or otherwise; to issue his mandate in writing to the police; to have and exercise all power incident and usual to the due enforcement of his jurisdiction and of the power herein given. Appeals from his judgment and sentence may be taken in time and manner prescribed by law for appeals from municipal courts of the State of Florida as far as the content of such law permits. All appeal bonds shall operate as a supersedeas upon said appeals;

He shall have the power to punish for contempt of court by a fine not exceeding fifty dollars (\$50.00) or by imprisonment not exceeding ten (10) days, or both such fine and imprisonment.

(c) The town council shall have also the power to appoint an alternate judge, who shall perform the duties and exercise all the jurisdiction and powers of the municipal judge in case of his absence or his inability to act in case of illness or disqualification, and such alternate judge shall receive such compensation as shall be fixed by the ordinance of the town. The mayor or any councilman may be appointed city judge or alternate judge.

(d) The town council shall also have the power to appoint such other officers as may be necessary to insure the peace and order of the town and the observance of the law within the town limits.

(e) The said town council shall also have the power to remit in whole or in part fines and imprisonment imposed for violation of town ordinances, and to pardon or parole any person or persons upon whom any sentence of such municipal court may have been imposed, and this independent

of, and notwithstanding the power hereinbefore granted to the judge of such court relative to pardons and paroles.

Section 13.

(a) The said town council shall have the power, subject to final approval by majority vote of electors of the town and subject to such valid reservations as may exist under various plats and grants of record, to grant franchises, exclusive or non-exclusive, to public utility corporations or for operation as such, of every kind and character in and about the town and through or along the public thoroughfares of said town, even though such thoroughfare may be a state road, for such a length of time and under such terms and conditions as may be prescribed by the said town council; provided, however, that no such franchise shall run for a period of greater than twenty-five (25) years from the date of same shall have been acted upon by the said town council and shall be cancelable if not in actual operation rendering agreed services to the agreed area, within two (2) years from date of granting, at the option of the town council.

Section 14. Electors. All electors shall be qualified according to the laws of the State of Florida with six months residence in the town as a prerequisite to voting in a town election.

Section 15. The town council shall judge the qualifications, election and return of its own members, and determine disputed elections and pass necessary ordinances for conduct thereof. All vacancies in term of an elected official shall be filled by the town council and any successor so appointed shall serve out the unexpired term. If the town council fails to agree in ten (10) days, it shall meet within thirty-six (36) hours thereafter and call an election to be held within twenty (20) days thereafter to fill the vacancy for the unexpired term and candidates shall have ten (10) days within which to qualify. All officers of the town shall, before entering upon their duties, take and subscribe an oath to faithfully perform the duties of their offices, and appointive officers shall, at the expense of said city, furnish such fidelity bond as the town council may fix and determine.

Section 16. In addition to the powers hereinbefore enumerated, the town council shall have and exercise all powers vested in towns and in town councils under the general laws of the State of Florida, and the mayor, chief of police, clerk and other officials shall have all the powers and perform all duties conferred and imposed upon them by general laws of this state not inconsistent with the provisions of this act.

Section 17. The time for candidates for office to qualify shall be provided by ordinance unless otherwise herein provided. There shall be a qualifying fee of ten dollars (\$10.00) paid by each candidate upon his notifying the city clerk of his candidacy, but no other qualifications other than provided by this charter shall be required. Women shall have equal rights with men. Candidates shall either qualify for office of mayor-councilman or for the office of councilman.

Section 18. At allelections the candidate receiving the highest number of votes for the office of mayor-councilman shall be declared elected and in the race for membership on the town council, if there is only one vacancy to be filled, the candidate for the office of town council receiving the highest number of votes cast for that office shall be declared elected and if there are two vacancies in the office of town council to be filled, the two candidates for that office receiving the two highest number of votes cast for that office ~~xx~~ shall be declared elected. There shall be no primaries.

Section 19. There shall be a special election of town officials held at the ~~xx~~ same time as the referendum election called to approve or disapprove the creation of a town. Any resident of said area ~~xx~~ wishing to qualify as a candidate for office of town council or the office of mayor-councilman shall, not later than ten ~~xx~~ (10) days prior to election date, file his name with the board of county commissioners of Dixie County and pay a qualifying fee of ten dollars (\$10.00) which shall be used to help defray the cost ~~xx~~ of such election. All such candidates qualifying shall have their names placed on the ballot ~~xx~~ at said election as such candidates. The candidate for the office of mayor-councilman receiving the greatest number of votes for that office shall be declared elected and shall serve until the first Thursday after the second Tuesday in July of 1965. There shall be no primary. Within five (5) days after said election the said board of county commissioners shall meet and canvas votes and certify the results of said election to the secretary of state, whereupon those persons elected shall immediately assume the duties of their offices. Said election shall be



held in substantially the same manner as county elections.

Section 20. The board of county commissioners of Dixie County, Florida, shall, within three (3) months after the effective date of this act, call and hold a referendum election in the territory described in section 2, at which time there shall be submitted to the qualified electors as determined from a list of the electors living in the area to be secured from the ~~Supervisor~~ Supervisor of Registration, the question of whether or not this act shall become effective. Notice of said election shall be published one (1) time at least twenty (20) days prior to said election in some local newspaper having a general circulation in the said area affected. If a majority of those electors voting in the election vote in favor of this act it shall take effect immediately.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 28, 1963.