

## PART I - CHARTER [\[1\]](#)

Footnotes:

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**Editor's note**— As currently set out Part I is derived from Ordinance Number 515, adopted July 1, 1976, approved at a special election July 13, 1976. Said Ordinance Number 515 constituted a new Charter for the City of Haines City and is set out herein as enacted. Absence of a history note following a section or subsection in Part I indicates that such section or subsection derives unchanged from Ordinance Number 515; conversely, a history note enclosed in parentheses following a section or subsection indicates amendment by the legislation shown in such history note. Prior to the enactment and approval of Ordinance Number 515, Part I was derived from Ch. 12790, Sp. Acts 1927; Ch. 15232, Sp. Acts 1931; Ch. 16447, Sp. Acts 1933; Ch. 19853, Sp. Acts 1939; Ch. 21269, Sp. Acts 1941; Ch. 25849, Sp. Acts 194; Ch. 30791, Sp. Acts 1955; Ch. 30792, Sp. Act 1955; Sp. Acts, Ch. 61-2215; Ordinance Number 376, adopted May 2, 1963; Ordinance Number 377, adopted May 2, 1963; Sp. Acts, Ch. 67-1430; Sp. Acts, Ch. 67-1431; Sp. Acts, Ch. 69-1087; Sp. Acts, Ch. 69-1088; Sp. Acts, Ch. 70-698; Sp. Acts, Ch. 71-656; Sp. Acts, Ch. 71-657; and Ordinance Number 490, adopted Feb. 7, 1974.

## ARTICLE I. - EXISTENCE AND POWERS

### Sec. 1.01. - Existence and powers.

The City of Haines City, Florida, 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 the laws of the State of Florida and this Charter. The said municipality and all the inhabitants comprehended within the territorial limits hereinbefore described, shall be, and are hereby, created and constituted a body corporate and politic under and by the name of, "City of Haines City," and by that name may have perpetual succession, may hold real estate, personal or mixed property, and dispose of the same for the benefit of the city; and may purchase, lease, receive and hold property, real and personal, within or beyond the limits of the city to be used for the burial or cremation of the dead, the erection of waterworks and lighting plants, the establishment of poorhouses, pesthouses, houses of detention and correction, for public parks, golf courses and promenades, or the cremating, neutralizing or otherwise destroying sewage, garbage and refuse, to extend sewer and drainage pipes and water mains, and for any public municipal purpose that the city commission may deem proper; and may sell, lease or dispose of said property for the benefit of the city to the same intent that natural persons might do. The city shall have and use a common seal, and change the same at pleasure, and

within the limitations of this act, shall be obliged and empowered to preserve peace and maintain good order and justice within its borders, and to that end shall have the power to establish a city police force, to provide a municipal system of revenue and taxation, to maintain rules for the government of the city, and to prescribe penalties for the violation of its ordinances.

## **ARTICLE II. - CORPORATE LIMITS**

### **Sec. 2.01.- Description of corporate limits.**

Beginning at the SW corner of Section 31, Township 26 South, Range 27 East, Polk County, Florida, run North, along the West boundary of the SW  $\frac{1}{4}$  of said Section 31, a distance of 1291 feet; thence the following fourteen (14) courses: East 189 feet, North 1277 feet, East 2555 feet, South 218 feet, East 100 feet, South 108.25, East 400 feet, North 326 feet, East 246 feet, North 108 feet, East 992 feet, North 632 feet, East 660 feet; North 653 feet to the North Boundary of the NE  $\frac{1}{4}$  of said Section 31; thence East, along the North Boundary of said NE  $\frac{1}{4}$ , to the NE corner of said Section 31; continue East, along the North boundary of the NW  $\frac{1}{4}$  of Section 32, Township 26 South, Range 27 East, Polk County, Florida a distance of 1302 feet; thence the following four (4) courses: South 1337 feet, West 321 feet, South 635 feet, East 980 feet to the NE corner of "WINFIELD HEIGHTS" subdivision, as recorded in Plat Book 115, pages 1 and 2 of Public Records, Polk County, Florida; thence South, along the East boundary, to the SE corner of said subdivision; thence West along the South boundary of said subdivision, to the SW corner of said "WINFIELD HEIGHTS" subdivision; thence South approximately 2648 feet to the North Boundary of NW  $\frac{1}{4}$  of Section 05, Township 27 South, Range 27 East of Polk County, Florida, thence West, along the North boundary of said NW  $\frac{1}{4}$ , a distance of 344 feet; thence the following six (6) courses: South 1270 feet, East 1984 feet, South 1996, West 1979 feet, South 673 feet, West 634 feet to the East Right-of-Way boundary of U.S. Highway #27; thence South, along said East boundary of Highway #27, to the North boundary of the NW  $\frac{1}{4}$  of Section 08, Township 27 South, Range 27 East; thence East, along the North boundary of NW  $\frac{1}{4}$  of said Section 08, a distance of 1155 feet; thence the following four (4) courses: South 1290, East 2666, South 669, East 310 feet to the NW corner of "PARK RIDGE" subdivision as recorded in Plat Book 142, pages 34 and 35 of said Public Records; thence South, along the West boundary of said "PARK RIDGE", a distance of 1310; thence the following four (4) courses: West 987 feet, South 616, West 677 feet, North 1277 feet to the SE corner of "HIGHLANDS SQUARE, Ph. 2" subdivision as recorded in Plat Book 126, pages 27 and 28; thence West, along the South boundary of said "HIGHLANDS SQUARE, Ph. 2" a distance of 631 feet; thence the following five (5) courses: South 315, West 678, North 327, West 658, South 1320, thence West to the East Right-of-Way boundary of U.S. Highway #27; thence South, along said East boundary of Highway #27, to the North boundary of Tracts 29 and 30 of "FLORIDA DEVELOPMENT COMPANY SUBDIVISION", lying in the SW  $\frac{1}{4}$  of Section 08, Township 27 South,

Range 27 East and in Plat Book 03, pages 60-63; thence East along the North boundary of said Tracts 29 and 30, a distance of 582 feet; thence the following four (4) courses: South 645 feet, West 39 feet, South 427 feet, West 364 to the East Right-of-Way boundary of U.S. Highway #27; thence South, along said East boundary of Highway #27, to the North boundary of Tract 14 of "FLORIDA DEVELOPMENT COMPANY SUBDIVISION", lying in the NW  $\frac{1}{4}$  of Section 17, Township 27 South, Range 27 East and in Plat Book 03, pages 60-63; thence West along the North boundary of said Tract 14, crossing the West Right-of-Way boundary of U.S. Highway #27, to the NW corner of said Tract 14; thence South, along the West boundary of said Tract 14, to the West Right-of-Way boundary of U.S. Highway #27; thence South, along said West Right-of-Way, to the North boundary of Tract 19 of said "FLORIDA DEVELOPMENT COMPANY SUBDIVISION", thence East, along the North boundary of said Tract 19, crossing the said Right-of-Way of Highway 27 and continue along the South boundary of "WESTVIEW RIDGE RESORTS INC." subdivision as recorded in Plat Book 82, pages 14-16 of said Public Records, a distance of 1516; thence Southerly 760 feet, Southwesterly 367 feet to the centerline of Bates Road (described in Official Records Book 7246, paged 289); thence Northwesterly along Bates Road, to the East Right-of-Way boundary of U.S. Highway 27; thence Southwesterly, along said East boundary of Highway #27, to the West boundary of Tract 30 of said "FLORIDA DEVELOPMENT COMPANY SUBDIVISION", lying in the SW  $\frac{1}{4}$  of Section 17; thence South, along said West boundary, to the SW corner of said Tract 30; thence East, along the South boundary of Tracts 30, 29 and 28 of said "FLORIDA DEVELOPMENT COMPANY SUBDIVISION", to the said centerline of Bates Road; thence continue Easterly, along said centerline, a distance of 875 feet; thence the following four (4) courses: South 269 feet, East 184 feet, North 269 feet, East 146 feet; thence North, crossing said Bates Road and along the West boundary of "VILLA SORRENTO" subdivision as recorded in Plat Book 133, pages 40 and 41 of said Public Records, to the SE corner of "PATTERSON HEIGHTS" subdivision as recorded in Plat Book 135, pages 13 and 14; thence West, following the South boundary, to the SW corner of said "PATTERSON HEIGHTS" subdivision, thence North along the West boundary, a distance of 1983 feet; thence the following five (5) courses: East 640 feet, North 651 feet, East 344 feet, South 1297, West 299 feet to the NW corner of said "PATTERSON HEIGHTS" subdivision; thence South returning to said SE corner of "PATTERSON HEIGHTS" subdivision; thence East to the NE corner of said "VILLA SORRENTO" subdivision; thence South 654 feet; thence East 2983 feet to the West boundary of "PATTERSON GROVES" subdivision as recorded in Plat Book 138, pages 4-10 of Public Records ; thence North, following the boundary of said "PATTERSON GROVES" to the NW subdivision corner; thence East, along the North boundary of "PATTERSON GROVES" subdivision, a distance of 2334 feet to the West Right-of-Way boundary of CSX Railroad; thence Southerly, along said West Right-of-Way boundary, a distance of 1979 feet; thence West 860 feet; thence South 874 feet to the centerline of previously said Bates Road; thence East, along said centerline to

the centerline U.S. Highway 17-92N.; thence Southerly, along said centerline, a distance of 970 feet; thence the following eight (8) courses: East 664 feet, South 309 feet, West 689 feet, Southerly 322 feet, Easterly 181 feet; South 198 feet, East 165 feet, South 447 feet, thence West returning to the centerline of U.S. Highway 17-92N.; thence Southerly, along said centerline, to the North boundary of Tract 1 of said "FLORIDA DEVELOPMENT COMPANY SUBDIVISION", lying in the NE  $\frac{1}{4}$  of Section 21, Township 27 South, Range 27 East, Polk County, Florida; Thence West, along said North boundary Tract 1 to the East Right-of-Way boundary of CSX Railroad; thence Southerly, along said Right-of-Way boundary, to the North Boundary of "2nd REPLAT of NORTHGATE" subdivision as recorded in Plat Book 11, page 24 of said Public Records; thence East, along said North boundary, a distance of 1359 feet; thence the following nine (9) courses: North 548 feet, East 281, North 770 feet, East 77 feet, South 772 feet, East 275 feet, North 250 feet, East 652 feet, South 792 feet, thence East to the East boundary said Section 21; thence South, along said East boundary, to the SE corner of Section 21, also being the NE corner of Section 28, Township 27 South, Range 27 East, Polk County, Florida; continue South along the East boundary of said Section 28, a distance of 3960 feet; thence East 670 feet, South 651 feet, East 689 feet; thence South to the SE corner of said Section 28, also being the SW corner of Section 27, Township 27 South, Range 27 East, Polk County, Florida; thence East, along the South Boundary of said Section 27 a distance of 3308 feet; thence North 1328 feet, West 664 feet, North 1322 to the NE corner of "SAND OAK" subdivision as recorded in Plat Book 86, page 11 of Public Records; thence West, along the North boundary of said "SAND OAK" subdivision, a distance of 1326 feet; thence the following twelve (12) courses: North 1324, East 2984, North 1990 feet, West 1645 feet, North 991 feet, East 648 feet, South 331 feet, East 663 feet, North 1964 feet, West 327 feet, North 663 feet, thence East 1664 to the East boundary of the NE  $\frac{1}{4}$  of Section 22, Township 27 South, Range 27 East, Polk County, Florida; thence North, along said boundary, a distance of 631 feet; thence the following five (5) courses: North 631 feet, East 419 feet, North 167 feet, East 189 feet, North 485 feet; thence West to the NW corner of the NW  $\frac{1}{4}$  of Section 23, Township 27 South, Range 27 East, Polk County, Florida; thence the following seven (7) courses: North 653 feet, East 307 feet, North 663 feet, East 654 feet, North 641 feet, East 998 feet, South 1987 feet to the North boundary of said NW  $\frac{1}{4}$  of Section 23, thence East, along said North boundary, a distance of 683 feet, thence the following ten (10) courses: South 1312 feet, East 1330 feet, North 665 feet, East 657 feet, South 665 feet, East 1307 feet, South 1038 feet, West 396 feet, South 255 feet, East 2376 feet to the NE corner of the SW  $\frac{1}{4}$  of Section 24, Township 27 South, Range 27 East, Polk County, Florida; thence the following six (6) courses: South 1298 feet, West 1318 feet, South 1305 feet, West 673 feet, North 1316 feet, West 652 feet, thence South to the SW corner of said Section 24; continue South 1310 feet; thence the following six (6) courses: West 1346 feet, North 1283 feet, East 657 feet, North 1354 feet, West 1325 feet, South 1324 feet to the North boundary of Section 26, Township 27 South, Range 27 East, Polk County, Florida; thence West, along the North

boundary of said Section 26, a distance of 1327 feet; thence the following eleven (11) courses: South 1288 feet, West 662 feet; South 1804 feet, East 884 feet, South 841 feet, East 457 feet, North 1311 feet, East 633 feet, South 1313 feet, East 332 feet, South 1317 feet to the North boundary of the NE  $\frac{1}{4}$  of Section 35, Township 27 South, Range 27 East, Polk County, Florida; thence West, along the North boundary of said NE  $\frac{1}{4}$  of Section 35, a distance of 1005 feet to the NW corner of said NE  $\frac{1}{4}$ ; thence the following fourteen (14) courses: South 2664 feet, East 1327 feet, South 1344 feet, East 1344 feet, North 1016 feet, East 1325 feet, North 333 feet, West 333 feet, North 437 feet, West 610 feet, North 902 feet, West 1735 feet, North 1300 feet, East 1330 feet to the NW corner Section 36, Township 27 South, Range 27 East, Polk County, Florida; thence the following ten (10) courses: North 1352 feet, East 825 feet, South 1325 feet, East 501 feet, South 1983 feet, East 1328 feet, North 330 feet, East 1322 feet, South 660 feet, East 1330 feet to the East boundary of said Section 36; thence the following four (4) courses: South 954 feet, West 2669 feet, South 1000 feet, East 2671 feet returning to said East boundary of Section 36; thence South 641 feet to the water's edge of Lake Marion; thence Southeasterly, along said water's edge, to the North boundary of Section 06, Township 28 South, Range 28 East, Polk County, Florida; thence East, along said North boundary of Section 06, a distance of 1417 feet; thence South 2597 feet, East 3844 feet to the NW corner of the SW  $\frac{1}{4}$  of said Section 06; thence South to the SW corner of Section 06, also being the SE corner Section 01, Township 28 South, Range 27 East, Polk County, Florida; thence continue South 1320 feet, West 1320 feet, North 320 feet, West 3949 to the SW corner of said Section 01; thence continue West 3308 feet; North 3027 feet to the South Right-of-Way boundary of Bannon Island Road; thence, Easterly along Bannon Island Road, a distance of 1980 feet; thence South 386 feet East 1485 feet to the West boundary of said Section 01; thence the following ten (10) courses: North 1352 feet, East 825 feet, South 1325 North, along said West boundary Section 01, to the South Right-of-Way boundary of State Road #544E.; thence East, along said South Right-of-Way boundary, a distance of 1340 feet; thence the following five (5) courses: North 626 feet, East 660 feet, South 346, West 720 feet, South 240 feet to the centerline boundary of said State Road #544E; thence Westerly, along said centerline, to the NE corner of Section 03, Township 28 South, Range 27 East, Polk County, Florida; thence West, along said North boundary of Section 03, a distance of 640 feet; thence the following nine (9) courses: North 1327 feet, East 333 feet, North 843 feet, East 660 feet, North 1218 feet, West 628 feet, South 645 feet, West 716 feet, South 2846 crossing to the South Right-of-Way boundary of said State Road #544E.; thence East along said South Right-of-Way boundary, to the East boundary of said Section 03; thence South 2583 feet; thence West, through the NE corner of the SW  $\frac{1}{4}$  of Section 03, to the NW corner of said SW  $\frac{1}{4}$  of Section 03; thence the following six (6) courses: South 1412 feet, East 652 feet, South 453 feet, East 231 feet, South 728 feet, West 870 feet to the SW corner of said SW  $\frac{1}{4}$  Section 03; also being the SE corner of Section 04, Township 28 South, Range 27 East, Polk County, Florida; thence the following seven (7) courses: South 700 feet, West 2564 feet,

North 2651 feet, West 674 feet, South 659 feet, West 1329 feet, North 667 feet, West to the West boundary of the SW  $\frac{1}{4}$  of said Section 04; thence the following six (6) courses: South 338 feet, West 664 feet, North 2322 feet, West 1098 feet, South 606 feet, West 906 feet to the East boundary of the NW  $\frac{1}{4}$  of Section 05, Township 28 South, Range 27 East, Polk County, Florida; thence North to the North boundary of said Section 05; thence West to the SE corner Section 31, Township 27 South, Range 27 East, Polk County, Florida; thence North, along the East boundary of said Section 31, to the NE corner of Section 31; thence West 1068 feet, North 817 feet, West 821 feet to the West Right-of-Way boundary of U.S. Highway #27; thence Southwesterly, along said West Right-of-Way boundary, to the North boundary of said Section 31; thence West, along the North boundary of Section 31, to the SE corner of "LAKE HENRY HILLS" subdivision as recorded in Plat Book 14, page 42 of said Public Records; thence the following six (6) courses: North 1742 feet, West 296 feet, South 421 feet, West 520 feet, North 221 feet, West 727 feet to the West boundary of the SW  $\frac{1}{4}$  of Section 30, Township 27 South, Range 27 East, Polk County, Florida; thence North, along said SW  $\frac{1}{4}$  of Section 30, to the South Right-of-Way boundary of U.S. Highway 17-92W,; thence East, along said Right-of-Way boundary, a distance of 2124 feet; thence the following seven (7) courses: South 188 feet, East 790 feet, North 353 feet, West 434 feet, North 228 feet, East 428 feet, North 1400 feet to the North Right-of-Way boundary of Old Haines City/Lake Alfred Road (Lee Jackson Highway); thence Northwesterly, along said Right-of-Way boundary, a distance of 727 feet; thence South 605 feet, West 671 feet, South 1300 feet to the North Right-of-Way boundary of said U.S. Highway 17-92W,; thence West, along said Right-of-Way boundary, to the SW corner of "CHANLER RIDGE" subdivision as recorded in Plat Book 133, pages 2-7 of said Public Records; thence North, along the West boundary of said "CHANLER RIDGE", to the South Right-of-Way boundary of Old Haines City/Lake Alfred Road (Lee Jackson Highway); thence Northwesterly, along said Right-of-Way boundary, to the West boundary of the NW  $\frac{1}{4}$  of said Section 30; thence South, along said NW  $\frac{1}{4}$  Section 30, a distance of 1746 feet; thence the following four (4) courses: West 402 feet, South 329 feet, West 263 feet, South 590 feet to the North Right-of-Way boundary of said U.S. Highway 17-92W,; thence Northwesterly, along said Right-of-Way boundary, a distance of 1562 feet; thence North 307 feet; thence East to the SE corner of "LAKE DRANE PARK" subdivision as recorded in Plat Book 41, page 6 of said Public Records; thence North, along the East boundary of the subdivision, to the NE corner; thence West to the NW corner of said "LAKE DRANE PARK"; thence North 2412 feet, East 2652, North 1347 feet to the SE corner of "RANDA RIDGE, Phase 1" subdivision as recorded in Plat Book 126, pages 26-29 of said Public Records; thence West, along the South boundary of said "RANDA RIDGE", to the SW corner of the subdivision; thence North, following the boundary of said "RANDA RIDGE", to the South boundary of the SE  $\frac{1}{4}$  of Section 13, Township 27 South, Range 26 East, Polk County, Florida; thence the following five (5) courses: West 1332 feet, North 1287 feet, West 1314 feet, North 1314 feet, East 2639 feet to the West Right-of-Way boundary of Polk City

Road; thence Southeasterly, along said Right-of-Way boundary, a distance of 1292 feet; thence the following seven (7) courses: East 2829 feet, South 1312 feet, East 1320 feet, North 1316 feet, East 1340 feet, North 1979 feet, East 1329 feet to the East boundary of the NE  $\frac{1}{4}$  of Section 18, Township 27 South, Range 27 East, Polk County, Florida; thence North, along the East boundary of the NE  $\frac{1}{4}$  Section, to the NE corner of said Section 18; thence West, along the North boundary of said NE  $\frac{1}{4}$  Section 18, a distance of 1324 feet; thence the following eight (8) courses: North 1313 feet, West 1324 feet, North 669 feet, East 579 feet, South 250 feet, East 413 feet, North 921 feet, West 660 feet; thence North, along the West boundary of Tracts 31 and 18 of "FLORIDA DEVELOPMENT COMPANY SUBDIVISION", lying in the NE  $\frac{1}{4}$  of Section 07, Township 27 South, Range 27 East, Polk County, Florida and in Plat Book 03, pages 60-63 of said Public Records, to the NW corner of said Tract 18; thence East, along the North boundary of Tract 18, a distance of 327 feet; thence the following six (6) courses: North 673 feet, East 657 feet, South 648 feet, East 650 feet, North 636 feet, East 591 feet to West Right-of-Way boundary of U.S. Highway #27; thence North, along said West Right-of-Way boundary, to the South Right-of-Way boundary of Sanders Road; thence West, along said South Right-of-Way boundary, 1905 feet; thence North to the SW corner of "HEATHER HILL, Phase 1" subdivision as recorded in Plat Book 119, pages 34 and 35 of said Public Records; thence continue North, following along the West boundary of said subdivision, to the NW corner of "HEATHER HILL, Phase 2" subdivision as recorded in Plat Book 125, pages 21 and 22 of said Public Records; thence East to the SW corner of "ESTATES OF LAKE ST. CHARLES" subdivision as recorded in Plat Book 124, pages 5 and 6 of said Public Records; thence North, along the West boundary of said subdivision, to the NW corner of "ESTATES OF LAKE ST. CHARLES"; thence West 336 feet, thence North 1320 feet to the North boundary of Section 06, Township 27 South, Range 27 East, Polk County, Florida; thence West 2886 feet to the NW corner of said Section 06, also being the SW corner of Section 31, Township 26 South, Range 27 East and the Point of Beginning.

**Editor's note**— The city boundaries have been further expanded by the following ordinances:

Ordinance Number	Adopted
520	8-3-76
530	7-21-77
590	6-24-82
591	7-1-82
602	10-7-82
616	8-4-83
617	8-4-83
618	8- -83

Ordinance Number	Adopted
619	8-18-83
620	9-15-83
632	3-15-84
638	5-3-84
640	8-16-84
651	12-6-84
686	11-20-86
696	8-20-87
703	11-5-87
712	4-7-88
735	4-6-89
738	6-15-89
783	6-20-91
791	9-5-91
838	10-7-93
866	7-21-94
909	3-20-97
951	2-4-99
980	11-2-00
998	8-2-01
02-1020	4-18-02
02-1021	4-18-02
02-1029	6-20-02
02-1032	8-15-02
02-1050	12-19-02
02-1051	12-19-02
02-1052	4-3-03
03-1068	6-5-03
03-1069	7-24-03
03-1070	8-21-03
03-1084	9-18-03
03-1088	10-16-03

Ordinance Number	Adopted
03-1089	10-16-03
03-1090	10-16-03
03-1094	12-4-03
03-1095	12-4-03
03-1102	1-15-04
04-1104	2-19-04
04-1105	3-11-04
04-1111	4-29-04
04-1113	4-23-04
04-1117	6-3-04
04-1118	6-3-04
04-1119	6-3-04
04-1120	6-17-04
04-1127	8-5-04
04-1128	8-5-04
04-1129	9-2-04
04-1136	3-3-05
04-1137	3-3-05
04-1138	3-3-05
04-1147	12-6-04
04-1148	12-6-04
04-1149	12-6-04
05-1152	2-3-05
05-1153	2-3-05
05-1154	2-3-05
05-1162	4-18-05
05-1163	4-18-05
05-1166	5-19-05
05-1167	5-19-05
05-1168	5-19-05
05-1169	5-19-05
05-1170	5-19-05

Ordinance Number	Adopted
05-1171	5-19-05
05-1172	5-19-05
05-1173	5-19-05
05-1174	5-19-05
05-1175	5-19-05
05-1176	5-19-05
05-1177	5-19-05
05-1178	5-19-05
05-1179	6-16-05
05-1180	6-16-05
05-1181	6-16-05
05-1189	7-21-05
05-1195	8-12-05
05-1202	10-6-05
05-1204	10-20-05
05-1205	10-20-05
05-1206	10-20-05
05-1207	10-20-05
05-1208	10-20-05
05-1217	12-15-05
05-1218	12-15-05
05-1219	12-15-05
06-1224	3-16-06
06-1225	3-16-06
06-1226	3-16-06
06-1227	4-20-06
06-1228	4-20-06
06-1229	3-16-06
06-1230	3-16-06
06-1231	4-20-06
06-1232	4-20-06
06-1233	4-20-06

Ordinance Number	Adopted
06-1235	3-16-06
06-1236	3-16-06
06-1237	3-16-06
06-1238	3-16-06
06-1239	3-16-06
06-1240	3-16-06
06-1249	10-5-06
06-1253	10-19-06
06-1254	10-19-06
06-1255	11-16-06
06-1262	11-16-06
06-1266	1-4-07
07-1279	2-15-07
07-1300	7-19-07
08-1316	2-21-08
08-1317	2-21-08
08-1318	2-7-08
08-1319	3-20-08
08-1335	12-4-08
10-1359	2-4-10
10-1361	4-15-10
10-1363	4-15-10
10-1364	4-15-10
10-1365	4-15-10
12-1419	3-15-12
12-1421	5-17-12
12-1437	12-20-12
13-1447	7-2-13
14-1471	6-5-14
14-1479	1-8-15
Amendment of 14-1479	2-5-15
16-1523	1-21-16

Ordinance Number	Adopted
16-1528	4-21-16
16-1533	6-16-16
16-1534	7-21-16
16-1535	8-4-16
16-1536	8-4-16
17-1556	4-6-17
17-1562	5-4-17
17-1569	9-7-17
17-1570	8-15-17

## ARTICLE III. - FORM OF GOVERNMENT

### Sec. 3.01. - Form of government.

The form of government of the City of Haines City, provided for under this Charter, shall be that known as the "commission-manager plan" and the city commission shall consist of five (5) citizens who shall be elected at large in the manner hereinafter provided. The city commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer, to be known as the "city manager," and to exercise all other powers hereinafter provided.

## ARTICLE IV. - LEGISLATIVE BRANCH

### Sec. 4.01. - City commission; composition.

There shall be a city commission with all legislative powers of the city vested therein, except as hereinafter provided.

### Sec. 4.02. - Qualifications.

Members of the city commission shall have been residents of the city for one year immediately prior to the date of such election. All members shall remain residents of the city throughout his or her term and have the qualifications of electors of the city. The city commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office.

(Ordinance Number 17-1589 , § 2, 12-7-17)

#### **Sec. 4.03. - Election and terms.**

All elections shall be established by Ordinance. The City Commission shall be elected for four (4) year terms, and alternated so at least one (1) City Commission seat is vacated yearly in the manner provided in Article IX of the Charter.

(Ordinance Number 668, § 1, 3-20-86; Ordinance Number 03-1074, § 1, 7-3-03; Ordinance Number 16-1520 , 1-21-16)

#### **Sec. 4.04. - Compensation.**

The commission may determine the annual salary of commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of commissioners elected at the next regular city election, provided that such election follows the adoption of such ordinance by at least six (6) months. Provided, however, that each commissioner shall be entitled to reimbursement for allowable expenses in accordance with the general law of the State of Florida.

#### **Sec. 4.05. - Mayor and vice-mayor.**

The city commission shall elect from among its members a mayor and vice-mayor. The seating of the newly elected city commissioners and the election of the mayor and vice-mayor shall be done annually at the first regular city commission meeting in the month following the regular election, to be known as the "organization meeting." The mayor shall preside at meetings of the city commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for services of process, execution of contracts, deeds and other documents, and as the city official designated to represent the city in all agreements with other governmental entities of certifications to other governmental entities, but shall have no administrative duties nor administrative authority except as required to carry out the responsibilities herein, nor shall individual city commissioners have any administrative duties or authority. This shall not be considered as conferring upon the mayor the administrative or judicial functions of a mayor under the general laws of the state. The vice-mayor shall act as mayor during the absence or disability of the mayor.

(Ordinance Number 03-1087, § 1, 10-3-03; Ordinance Number 16-1520 , 1-21-16)

## Sec. 4.06. - Restrictions and vacancies.

- a) *Holding other office.* No former elected city official shall hold any compensated appointive city office or employment until one year after he leaves the office for which he was elected. No elected official currently holding office shall hold any appointive position in the city nor any other elective office. Members of the city commission shall have been residents of the city for one year and have the qualifications of electors of the city.
- b) *Vacancies.* The office of a city commissioner shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office, such forfeiture to be declared by the remaining members of the city commission.
- c) *Forfeiture of office.* A city commissioner shall forfeit his office if he:
  - 1. Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, or
  - 2. Violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by the remaining members of the city commission, or
  - 3. Is absent from four (4) consecutive regular meetings of the city commission without an excuse acceptable to the city commissioners. Absence from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of the members, unless such absence is excused by the city commission by resolution setting forth the facts of each excuse, duly entered upon the journal.
- d) A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.
- e) *Filling of vacancies.* If any vacancy occurs in the membership of the commission except as a result of a recall election, said city commission shall elect an eligible person to fill the same until the next general municipal election. The city commission can appoint someone until the next election at which time that seat will be elected to fill the unexpired term for that vacancy. In the event that the city commission does not elect an eligible person to fill the vacancy, the vacancy shall be filled by special election.
- f) *Extraordinary vacancies.* In the event that all members of the city commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in (d) above and such election shall be done in the same manner as the first election under this Charter.

#### Sec. 4.07. - Meetings.

The city commission shall meet regularly at least twice in every month at such times and places [as] the commission may prescribe. Special meetings may be held on the call of the mayor, the city manager, or of a majority of the members upon no less than three (3) days' notice to each member and the public. Such notices shall be served personally, electronically, or left at each member's usual place of residence, and shall be posted on a prominent place in the city hall. The intent of this is to give adequate notice to the public of such meeting. A majority of all members elected to the city commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance.

(Ordinance Number 1469, § 2, 2-20-14 ; Ordinance Number 17-1589 , § 2, 12-7-17)

### ARTICLE V. - ORDINANCES

#### Sec. 5.01. - Ordinances—General.

- a) *Ordinance enactment.* Every proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which subject shall be clearly stated in the title, but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances shall be "Be it Enacted by the City Commission of the City of Haines City, Florida." No ordinance, unless it shall be an emergency measure shall be passed until it shall have been read at two (2) regular meetings, not less than one week apart, or unless the requirement of such reading has been dispensed with by unanimous vote of the commission. An emergency ordinance is one necessary for preservation of peace, health, prosperity or safety. The affirmative vote of three (3) members shall be necessary to adopt any ordinance or resolution, and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.
- b) *Effective date of ordinances.* Each ordinance or resolution shall take effect when passed and certified as to passage, unless otherwise provided in said ordinance or resolution.
- c) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
  - 1) Establish a rule or regulation the violation of which carries a penalty;
  - 2) Levy taxes authorized by general law;
  - 3) Grant, renew or extend a franchise;
  - 4) Set service or user charges for municipal services or grant administrative authority for such charges;
  - 5) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article X, with respect to repeal of ordinances reconsidered under the referendum power.

## Sec. 5.02. - Ordinances—Emergency.

To meet a public emergency affecting life, health, property or the public peace, the city commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money except as provided under the emergency appropriations provision of Article VI of this Charter.

- a) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- b) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of all the city commission shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances.
- c) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- d) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

# ARTICLE VI. - BUDGET AND FINANCE

## Sec. 6.01. - Budget.

The fiscal year shall begin October 1st of each year and shall end September 30th of the following year. The city commission shall by ordinance adopt the budget on or before the 30th day of September of each year. If it fails to adopt the budget by this date, the city commission by resolution may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days with all items in it prorated accordingly, until such time as the city commission adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

Sec. 6.02. - Appropriation amendments during the fiscal year.

- a) *Supplemental appropriations.* If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the city commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- b) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the city commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any steps to be taken. The city commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- c) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- d) *Emergency appropriations.* The city commission shall have the right to borrow money to pay debts, or for any proper or authorized city purpose, and shall give a note or notes evidencing same which shall be executed by the mayor-commissioner and city clerk, under the seal of the city, after resolution by the city commission authorizing same; provided, however, that at no time shall the notes so given aggregate more than ten (10) per cent of the current annual combined funds budget, excluding federal revenue sharing funds. The city commission in the succeeding assessment shall provide for the liquidation of all amounts borrowed and not repaid. Provided, however, that the limitation herein contained shall in nowise apply to or limit the issuance of revenue certificates as now or hereafter authorized by general law.

Sec. 6.03. - Taxation.

- a) *Ad valorem taxes.* Ad valorem taxes shall be assessed and collected as provided by general law. Taxes and assessments, together with the interest imposed for delinquency and cost of collection, shall be and continue a lien upon the property assessed, superior to all other liens or claims until the same shall be paid. Every tax on personal property shall also be a lien upon the real property of the owner thereof. All such liens shall be enforced as are other liens.

- b) *Special tax.* Said municipal corporation may annually levy and collect a special tax for permanent improvements, libraries, and the adornment, paving and improvement of the streets and public grounds of the city, and the property of the municipality beyond the limits of the city, which levy shall not exceed one-quarter of one per cent of the assessed value of the taxable property of the city. Said corporation shall also levy and collect annually upon its taxable property aforesaid, such as may be necessary to pay interest upon the indebtedness of the city, and for the repairs of its property and public works; to create a sinking fund for the payment of such indebtedness as may be incurred; and to pay the bonds of the city already issued or any bonds which may be issued in accordance with law; to pay any judgment against the city, and any such sums as may be commended to be levied by any mandamus legally issued against the city.
- c) *City's proportion of cost.* The city shall pay such part of the cost and expense of improvements for which special assessments are levied as the city commission shall deem just. The commission may provide for the payment of the city's portion of all such improvements by the issuance of bonds therefor, any may levy taxes, in addition to all other taxes, authorized by law, to pay such bonds and the interest thereon.

#### Sec. 6.04. - Official bonds.

- a) *Official bonds.* The city commission shall fix the bond of any officer, clerk or employee, and shall determine the amount thereof, which bond shall be procured from a regular accredited surety company authorized to do business under the laws of Florida, the premiums on such bonds to be paid by the city. All such bonds shall be filed in the office of the city clerk.
- b) *Audit.* Upon the death, resignation, removal or expiration of the term of any officer, the city treasurer shall audit his accounts, and if such officer shall be found to be indebted to the municipality, the city treasurer shall at once give notice thereof through the city manager to the city commission, and to the city attorney, and the latter shall forthwith proceed to collect the sum of such indebtedness.

#### Sec. 6.05. - Depository bonds.

In making deposits of such city funds, the city treasurer may select for that purpose any reputable national, state or savings bank or trust company, and shall take from such institution or institutions as surety for such deposits, a surety company bond from an accredited surety company authorized to do business under the laws of the State of Florida, in an amount not less than the amount of such deposits exceeding Federal Deposit Insurance Corporation insurance.

### Sec. 6.06. - Correction of assessments.

If the tax assessor, in making his assessments, shall discover that any land in the city was omitted in the assessment roll for either or all of the three (3) previous years, or that any land was illegally sold for taxation, and is then liable to taxation, he shall assess such land for the next fiscal year, and shall assess the same separately for each year or years as may have been omitted or was illegally sold for taxes, at the cash value thereof at the time, noting distinctly the year or years when such omission occurred, and such assessment shall have the same effect as if made in the year or years when assessments were omitted, and taxes shall be levied and collected thereon in like manner, together with the taxes for the year in which assessment is being made; but no land shall be assessed for more than three (3) years arrears of taxes, and all lands shall be subject to be assessed into whomsoever's hands they may come.

### Sec. 6.07. - Expenditures.

Guidelines for expenditures, other than the compensation of persons employed by the city, shall be established by ordinance.

(Ordinance Number 859, § 1, 6-16-94; Ordinance Number 1469, § 2, 2-20-14 )

## ARTICLE VII. - LEGISLATIVE ACTIONS AND RECORDS

### Sec. 7.01. - Authentication, recording and disposition of charter amendments, ordinances and resolutions.

- a) *Authentication.* The presiding officer of the city commission and the person charged with keeping the minutes shall authenticate by their signatures all ordinances and resolutions adopted by the city commission. In addition, when Charter amendments have been approved by the electors, the presiding officer of the city commission and the person charged with keeping the minutes shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- b) *Recording.* The person charged with keeping the minutes shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the city commission. Ordinances shall, at the direction of the city commission, be periodically codified. The person charged with keeping the minutes shall also maintain the City Charter in current form and shall enter all Charter amendments and send a copy of the revised Charter incorporating amendments to the secretary of state's office.
- c) *Printing.* The city commission shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available to the people of the city for public inspection and available for purchase at a reasonable price.
- d) *Rules and order of business.* The city commission shall determine its own rules and order of business.

## ARTICLE VIII. - ADMINISTRATIVE BRANCH

### Sec. 8.01. - City manager.

The city commission shall appoint a city manager, who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and he shall hold office at the pleasure of the city commission. He shall be chosen solely on the basis of his executive and administrative qualifications. During the absence or disability of the city manager, the city commission may designate some properly qualified person to temporarily execute the functions of the office. The removal or resignation of the city manager shall be entered on the minutes of the city commission as a matter of public record.

### Sec. 8.02. - Powers and duties of the city manager.

The city manager shall:

- a) Appoint and, when he deems it necessary for the good of the city, suspend, or remove, or discipline all subordinate city employees and department heads provided for by or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted by the city commission. He may authorize any person who is subject to his direction and supervision to exercise these powers with respect to subordinates in that person's department, office or agency.
- b) Except as otherwise provided in this Charter or by general law, the city manager will be responsible for the supervision and direction of all subordinate departments, agencies or offices of the city. All subordinate departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of the city commission, the city manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two (2) or more of them.
- c) Attend all of the city commission meetings and have the right to take part in the discussion but he may not vote.
- d) To see that all the laws, ordinances, resolutions and acts of the city commission are enforced.
- e) Prepare and submit the annual budget for consideration and approval of the city commission.
- f) Submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year, and at such other times as may be necessary.
- g) Make such other reports as the city commission may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

- h) Keep the city commission fully advised as to the financial condition and future needs of the city and make such recommendations to the city commission concerning the affairs of the city as he deems necessary.
- i) Sign contracts on behalf of the city pursuant to the provisions of appropriations or as otherwise directed by the city commission.
- j) Perform such other duties as are specified in this Charter or as may be directed by the city commission.

**Sec. 8.03. - City attorney.**

The city commission shall appoint a city attorney who shall not be an elective officer of the city, who shall hold office at the pleasure of the city commission, and who shall act as the legal adviser to, and attorney and counselor for the municipality and all its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval or disapproval of the form and correctness thereof. When required to do so by resolution of the city commission he shall prosecute and defend, for and in behalf of the city, all complaints, suits and controversies in which the city is a party. He shall furnish the city commission, the city manager, the head of any department, or any officer or board not included in any department, his opinion on any question of law relating to their respective powers and duties. The city attorney may appoint an assistant or assistants subject to confirmation by the city commission.

In addition to the duties especially imposed under the preceding section [paragraph], he shall perform such other professional duties as may be required of him by ordinance or resolution of the city commission or as are prescribed for the city attorneys under the general laws of the state, which are not inconsistent with this Charter, or with any ordinance or resolution which may be passed by the city commission.

**Sec. 8.04. - City clerk.**

The City Commission shall appoint a city clerk who shall be the custodian of the seal of the city, and of all records and papers of a general character pertaining to the affairs of the municipality. The city clerk shall attend all meetings of the city commission, and shall keep a journal of its proceedings, the correctness of which proceedings, as entered in such journal, shall be certified to after each meeting by the clerk's signature, and by the signature of the presiding officer of the city commission. The city clerk shall have power to administer oaths and to certify, under seal of the city, true copies of all minutes, journal entries and other records of the city. In addition to the powers and duties especially imposed under this Charter, the city clerk shall perform such other duties as may be required by the general laws of the State of Florida, by ordinance or resolution of the city commission, or by direction of the city manager not inconsistent with the Charter or with any ordinance or resolution passed by the city commission.

(Ordinance Number 16-1520 , 1-21-16)

**Sec. 8.05. - Restrictions on employment of relatives.**

The employment practice of the City of Haines City, Florida, of any individual who is a relative of an existing city employee, supervisor or department head, city manager, city attorney, or city commissioner shall be governed by the restrictions of employment of relatives as contained in Florida Statutes 116.111, the employment, promotion or advancement of all city employees shall be consistent with the restrictions and practices set forth therein for agencies of the State of Florida and counties and cities throughout the state. It being the intent that the City of Haines City shall conduct its employment practices in a manner which is no more restrictive and no less restrictive than is imposed upon the governmental agencies with which the city must compete for its employees.

(Ordinance Number 613, § 1, 7-21-83)

**Sec. 8.06. - Residency.**

To the extent not inconsistent with other relevant legal provisions of law, the city manager and all city department heads shall reside within the corporate limits of the city unless exempted by the city commission. All such persons shall be granted a period of one year from date of appointment to comply with this provision. All such persons employed by the City of Haines City upon the adoption of this provision of the City Charter shall be exempted. All employees other than department heads shall be encouraged to reside in Haines City, and first preference in employment shall be given to those applicants who reside within the city limits.

## ARTICLE IX. - ELECTIONS

### Sec. 9.01. - Electors.

Any person who is a resident of the city, who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law and ordinance of the city, shall be an elector of the city.

### Sec. 9.02. - Nonpartisan elections.

All nominations and elections for the office of city commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

### Sec. 9.03. - Qualifying for place on ballot.

Candidates for office of city commissioner shall qualify to become such candidate by filing with the city clerk, not less than forty-six (46) days previous to the day of election, their application to have their name printed upon the ballot as a candidate for election to the office for which they aspire. Such applications shall be sworn to, shall state the name and place of residence of such candidate, and that they are a qualified elector of Haines City, Florida, and has been a resident of said city for one (1) year immediately prior to the date of such election. With each such application there shall be posted and paid a qualifying fee of twenty-five dollars (\$25.00) and the applicable municipal candidate's election assessment to the city clerk by such candidate; otherwise, their name shall not be printed upon the ballot.

(Ordinance Number 942, §1, 4-16-98; Ordinance Number 958, § 1, 4-15-99; Ordinance Number 973, § 1, 6-15-00; Ordinance Number 03-1074, § 2, 7-3-03)

### Sec. 9.04. - Form of ballots.

(a) *Commission seats.* The whole number of ballots to be printed for any regular municipal election for the election of candidates for the office of city commissioner, shall contain the names of candidates, arranged in alphabetical order, according to seat number. Each commission seat shall be assigned a permanent number. The ballot shall list the seat number or numbers, and each candidate shall file for a specific seat number. No candidate may file for more than one seat number during any one election. The ballots shall in all other respects, conform as nearly as possible to the form of ballots prescribed by General Election Law of the state.

(b) *Ballot titles and questions.* A Charter amendment or ordinance to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be

adopted?" Immediately below such question shall appear, in the following order, the word "Yes" and also the word "No" with a sufficient blank space to indicate the voter's choice or with a lever opposite "Yes" or "No" if voting machines are used.

(Ordinance Number 17-1589 , § 2, 12-7-17)

**Sec. 9.05. - Elections.**

The city commission shall make all necessary arrangements for the holding of municipal elections, and shall declare the results thereof. The person who shall receive a majority of the votes cast for the seat for which filed shall be elected to such seat. In the event that no person shall receive a majority of the votes cast for such seat, another election therefor shall be called and held upon the order of the city commission as a special or run-off election within thirty (30) days from the date of such regular election, at which election the two (2) candidates who received the highest number of votes for such seat at the regular election shall be the candidates for such seat at said special or run-off election shall be elected to such seat.

(Ordinance Number 16-1520 , 1-21-16)

**ARTICLE X. - INITIATIVE, REFERENDUM, RECALL**

**Sec. 10.01. - Initiative.**

The qualified voters of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election.

**Sec. 10.02. - Referendum.**

The qualified voters of the city shall have power to require reconsideration by the city commission of any adopted ordinance, and if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election.

**Sec. 10.03. - Recall.**

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.

**Sec. 10.04. - Commencement of proceedings.**

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the city commission an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating

their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioner's committee is filed the city clerk or other official designated by the city commission shall, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

#### Sec. 10.05. - Petitions.

- a) *Number of signatures.* Initiative or referendum petitions must be signed by qualified voters of the city equal in number to at least twenty (20) per cent of the total number of qualified voters registered to vote at the last regular city election.
- b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing and the date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, and that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the city commission of the ordinance sought to be reconsidered.

#### Sec. 10.06. - Procedure for filing.

- a) *Certificate of clerk; amendment.* Within twenty (20) days after the initiative petition is filed (five (5) days for a referendum), the city clerk or other official designated by the city commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. Grounds for insufficiency are only those specified in Section 10.05. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioner's committee files a notice of intention to amend it with the city clerk or other official designated by the city commission within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 10.05, and within five (5) days after it is filed the city clerk or other official designated by the city commission shall complete

a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request city commission review under subsection (b) of this section within the time required, the city clerk or other official designated by the city commission shall promptly present his certificate to the city commission and the certificate shall then be a final determination as to the sufficiency of the petition.

- b) *City commission review.* If a petition has been certified insufficient and the petitioner's committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the city commission's determination shall then be a final determination as to the sufficiency of the petition.

#### Sec. 10.07. - Action on petitions.

- a) *Duty of city attorney.* Before any ordinance so proposed shall be submitted to the city commission, it shall first be approved as to its form by the city attorney, whose duty it shall be to draft such proposed ordinance in proper legal language, if called upon to do so, and to render such other service to persons desiring to propose such ordinances as shall be necessary to make the same proper for consideration by the city commission.
- b) *Action by the city commission.* When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance in the manner provided in Article V or reconsider the referred ordinance by voting its repeal. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed referred ordinance to the voters of the city.
- c) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the city commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the city commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

d) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the petitioner's committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**Sec. 10.08. - Results of election.**

- a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
- c) *Amendment or repeal of ordinances adopted by election.* No ordinance adopted by an electoral vote can be repealed or amended except by an electoral vote; but an ordinance to repeal or amend any such ordinance may, by resolution of the city commission, be submitted to an electoral vote at any regular election, or at any special municipal election called for that or some other purpose, provided notice of the intention to do so be published by the city commission not more than sixty (60) days nor less than thirty (30) days prior to such election in the manner required for the publication of (an) ordinance. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the vote shall have the same effect, as in cases of ordinances submitted to an electoral vote by popular petition.

**ARTICLE XI. - GENERAL**

**Sec. 11.01. - Charter amendment.**

This Charter may be amended as described in subsections (a) and (b):

- a) *Initiation by ordinance.* The city commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendments of Article II resulting from annexation done in accordance with general law shall be by ordinance of the city commission and shall not be subject to a vote of the electors except as provided by general law.

b) *Initiation by petition.* The electors of the city may propose amendments to this Charter by petition signed by at least twenty (20) per cent of the total number of qualified voters registered to vote in the last regular city election.

- 1) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing and date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment.
- 2) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.
- 3) *Certification of petition.* Upon certification of the sufficiency of the petition by the designated official, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the city commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

#### Sec. 11.02. - Standards of ethics.

All elected officials and employees of the city shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the city commission may by ordinance, establish a code of ethics for officials and employees of the city which may be supplemental to general law but in no case may an ordinance diminish the provisions of general law.

#### Sec. 11.03. - Penalties.

Violations of ordinances shall be punishable in accordance with the uniform fines and penalties set by general law unless otherwise provided by ordinance.

#### Sec. 11.04. - Powers.

- a) *Sanitation and safety.* To provide for and regulate the screening of cisterns and tanks, and any and all receptacles or vessels where water may stand and become stagnant, and the cleaning up and disinfecting of vacant lots and premises, stables and any and all foul places, where mosquitoes, flies or other pests may propagate or harbor; to provide for the enclosing, improving and regulating of all public grounds belonging to the city within or beyond its corporate limits; to compel owners of buildings to erect fire escapes when necessary for public safety or for the safety of the occupants of such buildings. The city

commission shall have power to provide by ordinance for assessing against the abutting property the cost of removing from sidewalks all accumulations of weeds or rubbish, and for assessing against property the cost of cutting and removing therefrom obnoxious weeds or rubbish, including debris resulting from fires, or the demolition of buildings or other structures.

- b) *Health, safety and conveniences.* The city commission shall have the power to pass ordinances and make regulations to secure the general health of the inhabitants of the city; to establish and maintain hospitals for the indigent, sick and afflicted; to define, abate, prevent and remove nuisances, whether affecting the health or morals of the community; to prescribe fire limits within the city; to condemn old, unsightly and dilapidated buildings within the city and to remove or have same removed; to regulate the inspection of milk, butter and other dairy products in the city and the premises where such products may be produced; to regulate the inspection of all groceries, vegetables, fruits and food products of whatever kind, nature or class that may be sold within the city, and to regulate weights and measures; to regulate the vending of meats, poultry, fish and oysters, and other articles of like nature sold within the city, and to require the premises upon which the same may be sold or kept, to be screened in such manner as to exclude flies therefrom, and to regulate fishing and prohibit seining and bathing in lakes or parts of lakes within the city limits of Haines City; to establish and regulate markets; to provide the city with a system of waterworks and electric and gas lighting, and to operate, extend or modify the same within or beyond the territorial limits of the city, and to acquire and hold by grant, lease, purchase or conveyance or otherwise all such rights or privileges, corpor[e]al or incorpor[e]al, as may be necessary and incident to the execution of this power; to provide for the prevention and extinguishment of fires, and to organize, establish and maintain fire departments for the city; to establish, operate and maintain any system of public utility necessary for health, comfort or convenience of the inhabitants of the city, including electric or other street railway lines; to regulate the rates of public utility companies or corporations operated for profit within the city; to require the erection and operation of gates by railroad and street companies across the streets and sidewalks of the city at dangerous approaches to lines operated by such companies and to require such companies to lay materials and build crossings over or under their lines, roadbeds, embankments and ditches, suitable for the passage of the public over or under such lines along any streets the city commission may deem necessary for public use; the power to acquire, erect, maintain and operate ice plants, provided, however, that all powers in this section granted shall be expressly subject, with respect to the borrowing of money, to the provisions and limitations contained and referred to in section 6.01(d).
- c) *Subdivisions.* Before any street is opened, or any existing street is extended, and before any new subdivision for residence, business or industrial uses is made, the person or persons opening such street, or proposing such new subdivision shall submit a detailed plan with blueprints and other necessary data

to such planning board. It shall be the duty of such planning board to carefully examine said plans and specifications as regards their nature and purpose; with the principal width, character and location of such streets and alleys, and such subdivisions, and size, material and manner of laying water mains and sewer lines, and then transmit such application, with all plans and data, to the city commission, with its recommendations thereon in writing, and the jurisdiction of such planning board and of the city commission of the City of Haines City, Florida, concerning the regulations and restrictions of subdivisions shall extend one mile beyond the corporate limits of said city. In case any building or structure is erected, constructed, reconstructed, altered or repaired, converted or maintained; or any building[,] structure or land is used in violation of this act [Charter], or any ordinance or other regulation made under the authority conferred hereby or in case this act [Charter] is violated in any respect, the city commission, in addition to other remedies now provided by its charter or by law, may institute any proper action or proceedings deemed necessary to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the use and occupancy of any such building, structure, land or street, or to prevent any illegal act, conduct, business or use in or about the same.

- d) *Streets.* The city commission in vacating any street or part of street, or changing the name of any street may include in the ordinance the change of name or narrowing of more than one street, avenue or alley, but before vacating any street, or part thereof, or narrowing any street, the commission shall first pass a resolution declaring its intention to do so. A copy of said resolution shall be served by the chief of police or his deputy in the same manner as summons is served in civil actions upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing, but service may be had by publication once in one daily newspaper of general circulation in the city as to all persons who cannot be personally served. Said notice shall state the time and place at which objections can be heard before the city commission, and the commission may thereafter by ordinance declare such vacation or narrowing of a street, avenue or alley, of which notice was previously given as hereinbefore provided for, and such order of the commission vacating or narrowing a street which has been dedicated to public use by the proprietor shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the commission.
- e) *Appropriation of land.* Property within the corporate limits of the city may be appropriated for any public or municipal purpose, and to the extent of the authority granted by the constitution of the state, such appropriation to be made as herein provided. By such appropriation, the city may acquire a fee simple title, or any less estate, easement or use. Appropriation of property located outside the corporate limits of the city shall be made according to the requirements of, and as provided, by the general state law.

- f) *Annexation—General.* All or any part of such territory not within the corporate limits of the City of Haines City, Polk County, as it now exists or may hereafter exist, lying contiguous or adjacent to any of the boundaries of the city as they now exist or may hereafter exist, may be integrated into and made a part of the city as hereinafter set forth. When so integrated into and made a part of the city, such territory shall be subject to the jurisdiction, obligations, debts, benefits, and privileges of the city, except as herein otherwise provided, the same as the area now constituting the City of Haines City.
- g) *Annexation—By ordinance.* All or any part of such territory may be integrated into and made a part of the City of Haines City upon the petition to the city of not less than one hundred (100) per cent of the landowners of said territory; if such incorporation is deemed practical and expedient and in conformity with the overall plan for extending the boundaries of the city, the city commission shall upon receipt of the petition hold a public hearing on the petition after due public notice of not less than fifteen (15) days. After the public hearing, the city commission may by ordinance annex all or any part of such territory lying contiguous or adjacent to any of the boundaries of the city.
- h) *Annexation—Taxation.* Upon the adoption of the ordinance and certified copy thereof being recorded in the public records of Polk County the area shall forthwith become a part of the City of Haines City, except that not until January 1st following the date of the adoption of the ordinance shall the property within the annexed territory be subject to ad valorem taxation.
- i) *Annexation—Rights of citizens.* After the adoption of the ordinance all residents in the newly annexed territory shall have the same right to vote in the city elections and to hold public office within the city as though the newly annexed territory had been a part of the City of Haines City for at least six (6) months prior to the date of the ordinance, provided that the residents shall meet all other requirements of the City Charter for qualified electors of the City of Haines City. All persons, firms and corporations lawfully engaged in any profession, occupation, trade or business within the annexed territory on the effective date of its annexation and holding valid state and county licenses therefrom may upon paying the license taxes required by Haines City thereupon be entitled to carry on their profession, occupation, trade or business in the City of Haines City without the necessity of a permit or certificate granted by any examining board of the city, but such right may be terminated for cause after a hearing by the appropriate examining board of the city.

### **Sec. 11.05. - Construction.**

The powers of the city shall be construed [construed] liberally in favor of the city, limited only by the constitution, general law, and specific limitations contained herein. Special acts pertaining to jurisdiction and exercise of powers by 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.

## **ARTICLE XII. - PRESERVATION OF POWERS AND RIGHTS**

### **Sec. 12.01. - Continuation of former charter provisions.**

All provisions of Chapter 12790, Special Acts 1927, 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.

### **Sec. 12.02. - Ordinances preserved.**

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

### **Sec. 12.03. - 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 the end of their current terms.

### **Sec. 12.04. - 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.

### **Sec. 12.05. - Effective date of charter amendment.**

Charter amendments shall be in full effect for all purposes on and after the date and time of the first meeting of the city commission following a successful Charter amendment referendum.

### **Sec. 12.06. - Deletion of obsolete schedule items.**

The city commission shall have power, by resolution, to delete from this Article XII any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.