

# PIERSON TOWN CHARTER

## CHAPTER 14315 - (No. 751)

AN ACT to Abolish the Present Municipal Government of the Town of Pierson, in the County of Volusia, in the State of Florida, and to Create, Establish and Organize a Municipality to be Known and Designated as the Town of Pierson, and to Define its Territorial Boundaries and to Provide for its Government, Jurisdictions, Powers, Franchises and Privileges.

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

### **ARTICLE I. GENERAL PROVISIONS**

#### **Section 1: Abolishment of Present Municipality.**

That the present municipal government existing under the name of the Town of Pierson be, and the same hereby is, abolished.

#### **Section 2. Title to Property Reserved to New Municipality.**

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

#### **Section 3. Contracts Remain Binding.**

That no obligation or contract of the said Town of Pierson, including bonds heretofore issued, shall be impaired or avoided by this Act, but such debts and obligations shall pass to and be binding upon the new municipality which hereby is organized and created.

#### **Section 4. Officers Hold Until Successors Qualify.**

That all officers heretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this Act, and all existing ordinances of the said municipality, not in conflict with the provisions of this Act, shall continue in effect and unimpaired until repealed, amended or modified by the municipality which hereby is organized and created.

#### **Section 5. Establishment of New Municipality.**

The inhabitants of the Town of Pierson, Florida, as its limits hereinafter are established, shall be and continue to be a body politic and corporate, to be known and designated as the "Town of Pierson," and as such shall have perpetual succession.

### **Section 6. Boundaries.**

That the following shall be the territory, the inhabitants of which hereby are established and organized into a municipal corporation, and over which such municipality shall exercise its jurisdiction and powers, to-wit:

Commencing at the northwest (NW) corner of the northeast quarter (NE1/4) of Section twenty-eight (28), Township fourteen (14) South, Range twenty-eight (28) East; thence south to southwest (SW) corner of southeast quarter (SE1/4) of Section thirty-three (33), Township fourteen (14) South, Range twenty-eight (28) East; thence west to northwest (NW) corner of Section two (2), Township fifteen (15) South, Range twenty-eight (28) East; thence south to southwest (SW) corner of Section two (2), Township fifteen (15) South, Range twenty-eight (28) East; thence east to southeast (SE) corner of southwest quarter (SW1/4) [of] Section one (1), Township fifteen (15) South, Range twenty-eight (28) East; thence north to northeast (NE) corner of northwest quarter (NW1/4) of Section one (1), Township fifteen (15) South, Range twenty-eight (28) East; thence east to southeast (SE) corner of Section thirty-four (34), Township fourteen (14) South, Range twenty-eight (28) East; thence north to northeast (NE) corner of Section twenty-seven (27), Township fourteen (14) South, Range twenty-eight (28) East; thence west to point of beginning in the County of Volusia, in the State of Florida.

### **Section 7. Powers of the Town.**

That the Town of Pierson, hereby created, established and organized, shall have full power and authority to acquire, take, hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits, for the use, benefit, welfare and best interest of said municipality by acquisition, condemnation or otherwise; to issue and sell bonds upon its property both within and without its corporate limits, or the earnings thereof, or both; to adopt and enforce local police, sanitary and other similar regulations not in conflict with the laws of the State of Florida; to do whatever is necessary and proper for the safety, health, convenience and general welfare of its inhabitants, and to exercise all other powers of local self government; the enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, and said town shall have and may exercise, all other powers which, under the Constitution and Laws of Florida, it would be competent for this paragraph specifically to enumerate.

### **Section 8. [Officers.]**

The government of the town shall be vested in the following officers:

A mayor whose term of office shall be four (4) years.

A town council, consisting of five (5) members, whose term of office shall be four (4) years.

A town marshal, and a town treasurer, each of whose term of office shall be two (2) years [and who] shall be chosen by a majority vote of the town council. Provided, that the town council may combine any or all of the foregoing offices.

All officers shall assume the duties of their respective offices on the first Monday in October, next following their election.

Rules and regulations of holding and certifying general and special elections shall be prescribed by the ordinances of said town. No person shall be eligible for election as mayor or councilman who is not a qualified elector of said Town of Pierson, and a citizen of the State of Florida.

#### Provisions for Elections

General elections shall be held in odd numbered and even numbered years on the date that would be established by the Florida Election Code. Elections shall be held on the date established by the Florida Election Code for the November general election; provided that the mayor and each commissioner shall hold office until their respective successors are duly elected.

- (a) When two or more candidates are nominated for any elective office in the Town of Pierson, Florida then it shall be the duty of the town council of the Town of Pierson to call an election, to be participated in by the qualified electors of the Town.
- (b) Whenever a candidate in any election shall receive a majority of all of the votes cast in the November general election, then that candidate shall be declared elected to the office in which he was nominated and receive a certificate of election. The elected candidate shall take office and assume elected duties on the date of the first town council meeting following the election.

#### **Section 9. [Rules of Conduct and Procedure.]**

The council may enact rules of procedure and may prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same. The council shall elect one of their number as president, and he shall have power to enforce such rules as may be adopted by the council for their government and procedure. A majority of the members of the council shall be necessary to constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time, and under the provisions of ordinances or rules of procedure, may compel the attendance of the absent members by imposition of fines and penalties. The council shall hold at least one (1) regular meeting each month.

#### **Section 10. [Vacancies in Office.]**

In case of a vacancy in any town office, the mayor, by and with the consent of a majority of the council, may appoint someone to fill the unexpired term.

**Section 11. [Voters' Qualifications.]**

That any person who shall possess the qualifications of an elector under the general laws of the State of Florida, and shall reside within the territorial limits of the said town, and shall have registered in accordance with the ordinances of said town, shall be entitled to vote at any municipal election, except as hereinafter provided.

**ARTICLE II. MUNICIPAL POWERS**

**Section 1. [Enumerated.]**

The town council, within the limitations of this Act, shall have the power:

- 1st.* To make regulations to prevent the introduction and spread of infectious and contagious diseases into the town and to make quarantine laws for that purpose, and to enforce the same within five (5) miles of the town limits when the same are not in conflict with the quarantine laws and regulations of this state or of the United States; provided that this jurisdiction shall not extend over the territory of any other municipality.
  
- 2nd.* To have and exercise jurisdiction over the commission of all offenses against the public health, decency or morals, within said town, and within one (1) mile of the corporate limits of said town

**ARTICLE III. MUNICIPAL ORGANIZATION AND OFFICERS**

**Section 1. Mayor - [Generally.]**

The mayor shall have jurisdiction for the trial of all offenses against the town ordinances, and he or she shall see that all of the ordinances are faithfully executed. He or she shall have power by his or her warrant to have brought before him or her, any person or persons charged with the violation of any of the town ordinances, and to require the attendance of witnesses for the town and for the accused; to administer oaths; to take affidavits and inquire into the truth and falsity of all charges preferred; to decide upon the guilt or innocence of the accused and to fix the penalty and to enforce the same by sentence according to law; to pardon and release persons convicted by him or her, in term time or otherwise, by mandate in writing, to the marshal or other policeman; to have and exercise all the powers incident and usual to the due enforcement of his or her jurisdiction; he or she may appoint and discharge special policemen and detectives subject to the approval of the town council at their next regular meeting; for special purposes when in his or her opinion the public good demands.

**Section 2. [Same - Additional Powers.]**

The mayor shall have power to suspend any officer or employee of the town, except councilmen, for misconduct in office, or neglect of duty' reporting his or her action in writing, with the reasons therefor, to the next regular meeting of the town council for its approval or disapproval, at which meeting the town council shall remove such officer or reinstate him, as to the council may seem proper. The mayor shall have general supervision over all town affairs, except the actions of the town council, and shall report to the town council on all violations or neglect of duty on the part of the employees of the town that come to his or her knowledge.

### **Section 3. [Town Council.]**

The town council shall have the right and authority to appoint or employ a town marshal and policemen, to prescribe their duties and fix their salaries, by ordinance.

### **Section 4. [Town Clerk.]**

The town council shall designate some person as town clerk, who shall keep a record of the proceedings of the town council, and do and perform such other and further duties as may be prescribed by the town council.

### **Section 5. [Salaries.]**

The salaries of all officers of the town shall be fixed by ordinances.

### **Section 6. [Town Depository.]**

The town council may select a bank or banks as a depository for the funds of the town, and may change same at will.

### **Section 7. [Powers of Council.]**

The council shall have the power to create such other office or offices, and to provide by ordinance or resolution for the appointment of all such officers and employees as may, in its judgment, be necessary for the good government of the town. The council shall have power at any time to abolish any office created by it. The council shall have the power to prescribe the powers and duties of all officers and employees of the town except those powers and duties prescribed by this Act. Employees of the town may be required to give such bond as the council may prescribe, and the town council may combine such offices as it may deem practical.

## **ARTICLE IV. MISCELLANEOUS**

### **Section 1. [Special Meetings; How Called.]**

The mayor or any two (2) members of the town council may call special meetings of the council upon at least three (3) hours' written notice to each member, served upon such member personally, or left at his usual place of residence.

**Section 2. [General laws to Apply]**

All general laws of the state applicable to municipal corporations, now or which hereafter may be enacted, and which are not in conflict with the provisions of this Charter, or with the ordinances and resolutions hereafter enacted by the town council, shall be applicable to this town; provided, however, that nothing contained in this Charter shall be construed as limiting the power of the town council to enact any ordinances or resolutions not in conflict with the Constitution of the state, or With the express provisions of this Charter.

**Section 3. [Conflicting Laws.]**

All laws and parts of laws in conflict with the provisions of this Act hereby are repealed.

**Section 4. [Repealer.]**

Chapter 13264, Laws of Florida, Acts of 1927, be, and the same hereby is, repealed.

**Section 5. [Effective Date.]**

This Act shall become effective immediately upon its becoming a law, and upon its ratification by a majority vote of the qualified electors of the Town of Pierson, Florida, at an election called for that purpose, which election shall be arranged for by the town council, and shall be held on the first Tuesday after the first Monday in October, A. D. 1929.

Approved June 8, A.D. 1929.