

PIERSON TOWN CHARTER

ARTICLE I. GENERAL PROVISIONS

Section 1. 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 2. Boundaries.

The corporate boundaries of the town shall remain as they exist on the date this amended charter provision takes effect, provided that the town shall have the power to change such boundaries in the manner prescribed by law. A description of the corporate boundaries shall be maintained on file by the Town Clerk and made available to the public.

Section 3. 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 4. [Officers.]

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

A mayor whose term of office shall be four (4) years, and who shall be a voting member of the town council.

A town council, consisting of the mayor and four (4) additional council 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 has not resided in the Town for a period of one year immediately preceding the qualifying date, and 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 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 councilman 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 plurality 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.

Transition for Merger of Officers of Mayor and Council Chairman

The charter amendment implementing the merger of the offices of mayor and council chairman, and creating the office of vice mayor, shall become effective for the November 2020 municipal election, at which the office of mayor shall be filled for a four year term. Effective for the November 2020 municipal election, Town council Seat 3 shall be eliminated.

Section 5. [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 mayor shall chair the council, and he shall have power to enforce such rules as may be adopted by the council for their government and procedure. The council shall elect one of their number as vice mayor, who shall serve as mayor in the absence or disability of the mayor, and who shall serve as mayor upon a vacancy in the office of mayor until the next town general election, whereupon such vacancy shall be thereafter filled by election for the unexpired term, if any. 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 6. [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 7. [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. [Charter Review.]

The Charter shall be reviewed by a Charter Review Committee at least every 10 years after the effective date of this provision. The Charter Review Committee shall be an advisory committee appointed and funded by the Pierson Town Council. The Charter Review Committee shall be appointed at least 18 months prior to the next scheduled general election and shall complete its work and present any recommendations for revisions to the Town Charter to the Town Council no later than 180 days before the general election.

Approved June 8, 1929

Amended by Ord. No. 2016-01, Ord. No. 2016-02 – November 8, 2016

Amended by Ord. No. 2020-03 – May 19, 2020