

Winter Park Charter 1915

REVISED ORDINANCES OF WINTER PARK, FLA.

7

Rule 17. It shall not be in order at any special meeting to proceed to any other business than that for which the meeting was convened, if two members present shall object.

Rule 18. In all cases of entrance of ordinances, resolutions and motions in the clerk's minutes the name of the mover shall accompany the same.

Rule 19. No member shall absent himself from the council before adjournment without leave of the presiding officer.

Rule 20. In all cases involving points of parliamentary law the latest edition of "Cushing's Manual" shall be the book of reference, and its rules, so far as applicable, shall be the rules of this council.

Rule 21. Unless otherwise specially ordered, all committees of the council shall consist of three members, and shall be appointed by the presiding officer and ratified by the council.

Rule 22. It shall be the duty of each committee to report on every subject referred to them within two weeks from the time of reference, unless the time shall have been extended by the council. All reports adopted by the council shall be entered by the clerk in a journal to be kept for that purpose.

Rule 23. No account, bill or claim of any nature shall be ordered paid at the same meeting of the council at which such bill or claim shall have been presented, nor until having been referred to the finance committee.

Rule 24. It shall be the duty of the president of the council to see that the proceedings of every meeting are properly and promptly recorded by the clerk; and the record of every meeting shall be signed by the president of the council and attested by the clerk after their approval.

Rule 25. Any rule of the council may be at any time temporarily suspended, for special reasons, by a two-thirds vote of all the members present; but no permanent alteration shall be made without notice, specifying the object of the change, having been made at a previous meeting.

Rule 26. Every officer whose duty it is made by ordinance, order or resolution of council to report at the regular meetings of the council, shall punctually perform his duty or be fined, at the discretion of the council.

Rule 27. Every ordinance shall receive two readings in council previous to its final passage—once upon the night of its introduction and once at the succeeding regular meeting, when it

Winter Park Charter 1915

8

REVISED ORDINANCES OF WINTER PARK, FLA.

shall be acted upon. Provided, that, by the unanimous consent of the council, the ordinance may be ordered to the second reading on the night of its introduction and may be passed.

Rule 28. No ordinance shall be introduced except at a regular meeting of council.

Rule 29. In all matters coming before the council, not otherwise provided for, a majority shall govern. In all cases of a tie the president of the council shall have a casting vote.

Rule 30. Whenever the president of the council shall desire to speak or address the council upon any matter, he shall designate some member of the council to take the chair, and he shall leave the same.

Rule 31. No person other than a member shall be allowed to address the council, unless by a unanimous vote of the council, and when such vote is taken the person so permitted to speak shall take his place within the bar of the council.

Rule 32. No communication to the council shall be entertained unless the same be in writing.

Rule 33. Any additional rule or rules may from time to time be made by council.

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Winter Park Charter 1949

to day. The affirmative vote of three members shall be necessary to adopt any ordinance or resolution, and the passage of all ordinances and resolutions shall be taken by roll call and entered upon the minutes.

Section 3. Absence from four consecutive regular meetings of the Commission shall operate to vacate the seat of the member absent, unless such absence shall be excused by the Commission by resolution setting forth the fact of such excuse duly entered upon the minutes.

Section 4. Members of the City Commission, including the Mayor-Commissioner, as such, shall receive a per diem of Five Dollars (\$5.00) for each regular or special meeting attended; provided, however, the per diem paid to any Commissioner during any one year shall not exceed the sum of Two Hundred Dollars (\$200.00).

Section 5. No Commissioner or other officer or employee of the City shall accept a frank, free ticket, pass or service, either directly or indirectly from any person, firm or corporation, upon terms more favorable than are granted to the public generally; provided that such prohibition of free service shall not apply to policemen or firemen in uniform or wearing officers' badges, when in the performance of their duty.

Section 6. Every officer of the City, before entering the duties of his office, shall take and subscribe to an oath or affirmation to be filed with the City Clerk, which oath shall be in a form prescribed for State Officers under the Constitution of the State.

Section 7. The City Commission, in fixing the salary or compensation of any officer, clerk or employee, shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof; provided that the City Commission may by ordinance provide which of such officers or employees shall give bond, and the bonds, when given, shall be payable to the City and filed in the office of the City Clerk. The City Commission shall provide for the payment of premiums on such bonds.

Section 8. 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 money is to be appropriated. The enacting clause of all ordinances shall be: "Be It Enacted by the People of the City of Winter Park." Ordinances of the City of Winter Park may be passed at any regular meeting of the City Commission upon unanimous vote of the Commission. If, however, said proposed ordinance does not receive the unanimous vote of the Commission, then said ordinance shall not be passed until it shall have received a majority vote of the City Commissioners at two regular meetings not less than one week apart.

All ordinances and resolutions passed by the City Commission shall become effective thirty (30) days from date of passage unless otherwise provided therein.

Section 9. Every ordinance or resolution shall upon its final passage be recorded in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the Clerk for the Commission. Every ordinance of a general or permanent nature shall be published in a newspaper of general circulation in the City of Winter Park, once within ten days, after its final passage or posted for a period of four weeks in three conspicuous places within the territorial limits of the municipality.

OPERATION OF FORM OF GOVERNMENT MAYOR-COMMISSION GOVERNMENT

(The following Article 11 shall apply when the City has elected to function under the Mayor-Commission Government as herein prescribed.)

ARTICLE 11. Section 1. The Mayor-Commissioner shall be the chief executive officer of the City and shall act and serve as Chairman of the City Commission. He shall have general supervision over all City affairs and shall see that the provisions of this Charter and all ordinances, laws and rules are complied with and enforced. He shall have power to bid in all property for the City at any and all judicial sales under process of law. He shall sign all deeds, negotiable bonds, evidences of indebtedness, or other instruments in writing to which the City is a party when authorized so to do by the City Commission. He is to keep the City Commission fully advised of the financial condition and needs of the City, and to submit for its consideration an annual budget.

Section 2. The Mayor-Commissioner shall appoint, subject to confirmation by the City Commission, each City Commissioner as Commissioner of one of the following departments: Public Service, Public Welfare, Public Safety, and Finance. Each Commissioner shall then assume with the Mayor joint responsibility for the operation of his department.

Section 3. The Mayor-Commissioner shall receive such compensation as the City Commission may determine.

Section 4. The following officials, with duties as hereinafter prescribed, shall be appointed by the Mayor and confirmed by the City Commission: City Clerk, City Assessor, City Tax Collector, Chief of Police, City Electrical Inspector, City Plumbing Inspector, Chief of Fire Department, City Building Inspector; and there may also be appointed such other officials with prescribed duties as may be found necessary properly to carry out the municipal functions of the City.

Winter Park Charter 1953

§ 28

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favorable than are granted to the public generally; provided that such prohibition of free service shall not apply to policemen or firemen in uniform or wearing officers' badges, when in the performance of their duty. (C. 26317, art. 10, § 5, Special Acts 1949.)

Sec. 28. Oath required of officers; form.

Every officer of the city, before entering the duties of his office, shall take and subscribe to an oath or affirmation to be filed with the city clerk, which oath shall be in a form prescribed for state officers under the constitution of the state. (C. 26317, art. 10, § 6, Special Acts 1949.)

Sec. 29. Bonds of officers and employees.

The city commission, in fixing the salary or compensation of any officer, clerk or employee, shall determine whether or not such officer, clerk or employee shall give bond, and the amount thereof; provided that the city commission may by ordinance provide which of such officers or employees shall give bond, and the bonds, when given, shall be payable to the city and filed in the office of the city clerk. The city commission shall provide for the payment of premiums on such bonds. (C. 26317, art. 10, § 7, Special Acts 1949.)

Sec. 30. Introduction and passage of ordinances and resolutions; enacting clause; effective date, etc.

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 money is to be appropriated. The enacting clause of all ordinances shall be: "Be It Enacted by the People of the City of Winter Park." Ordinances of the City of Winter Park may be passed at any regular meeting of the city commission upon unanimous vote of the commission. If, however, said proposed ordinance does not receive the unanimous vote of the commission, then said ordinance shall not be passed until it shall have received

Winter Park Charter 1953

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WINTER PARK CITY CODE

§ 32

a majority vote of the city commissioners at two regular meetings not less than one week apart.

All ordinances and resolutions passed by the city commission shall become effective thirty (30) days from the date of passage unless otherwise provided therein. (C. 26317, art. 10, § 8, Special Acts 1949.)

Sec. 31. Recordation and publication of ordinances and resolutions.

Every ordinance or resolution shall upon its final passage be recorded in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the clerk for the commission. Every ordinance of a general or permanent nature shall be published in a newspaper of general circulation in the City of Winter Park, once within ten days, after its final passage or posted for a period of four weeks in three conspicuous places within the territorial limits of the municipality. (C. 26317, art. 10, § 9, Special Acts 1949.)

Article V. Mayor-Commission Form of Government.

Editor's note.—This article shall apply when the city has elected to function under the mayor-commission form of Government as herein prescribed.

Sec. 32. Mayor-commissioner chief executive officer of city; powers and duties generally.

The mayor-commissioner shall be the chief executive officer of the city and shall act and serve as chairman of the city commission. He shall have general supervision over all city affairs and shall see that the provisions of this Charter and all ordinances, laws and rules are complied with and enforced. He shall have power to bid in all property for the city at any and all judicial sales under process of law. He shall sign all deeds, negotiable bonds, evidences of indebtedness, or other instruments in writing to which the city is a party when authorized so to do by the

Winter Park Charter 1983

compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

SECTION 2.09. CITY ATTORNEY

The city attorney shall be appointed and removed by the city commission.

SECTION 2.10. PROHIBITIONS

(a) Interference with Administration. No individual member of the city commission shall in any manner dictate the appointment or removal of an employee, but the commission and any of its members may express its views and fully and freely discuss among themselves or with the city manager anything pertaining to the appointment and removal of such officers and employees. No commissioner shall give orders to any officer or employee of the city. Nothing in the foregoing is to be construed to prohibit individual members from closely scrutinizing officers and employees of the city by questions and personal observations, nor to prohibit individual members of the commission from closely scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. Recommendations for improvements in the city government operations shall come through the city manager, but each commissioner shall be free to discuss or recommend improvements to the city manager, and the full commission is free to direct the city manager to implement specific recommendations for improvement in the city government operations.

(b) Holding other office. No former elected city official shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term, for which elected.

SECTION 2.11. ORDINANCES IN GENERAL

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

(a) Procedures for adoption. Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of a majority of the city commissioners on at least two (2) separate days at either regular or special meetings

Winter Park Charter 1983

of the commission. If there is a change in substance in the text, then the reading at the time of the change will be deemed the first reading.

(b) 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) Adopt or amend an administrative code or establish or abolish any city department or agency;

(2) Establish a rule or regulation the violation of which carries a penalty;

(3) Levy taxes authorized by general law;

(4) Grant, renew or extend a franchise;

(5) Set service or user charges for municipal services or grant administrative authority for such charges;

(6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution and general laws of the state;

(7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;

(8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;

(9) Establish zoning.

SECTION 2.12. EMERGENCY ORDINANCES

To meet a public emergency affecting life, health, property or the public peace, the 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 provisions of Article II 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.

Winter Park Charter 2021

- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of a majority of a quorum present.