

PART I - CHARTER^[1]

CHAPTER 57-1534

HOUSE BILL NO. 700

An Act abolishing a municipal corporation known as the Town of Lighthouse Point, Florida duly incorporated under the provisions of Chapter 165, Florida Statutes: and establishing instead, a municipal corporation to be known as the City of Lighthouse Point, in Broward County, Florida: to fix and determine the territorial limits, jurisdiction, powers and privileges of the body corporate and its officers.

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

Footnotes:

--- (1) ---

Editor's note— Printed herein is the city charter, being Laws of Fla. ch. 57-1534, as adopted by the voters on June 11, 1957. Amendments to the charter are indicated by a parenthetical history note following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

ARTICLE I. - GENERAL PROVISIONS

Section 1. - Dissolution of Town of Lighthouse Point, Florida.

The municipality known as the Town of Lighthouse Point, Broward County, Florida incorporated under the general provisions of F.S. ch. 165 on June 13, 1956 is hereby abolished.

Section 2. - Incorporation of City of Lighthouse Point, Florida.

A municipality to be known and designated as the City of Lighthouse Point is hereby established, organized, chartered and constituted in the County of Broward, State of Florida, and the inhabitants of the City of Lighthouse Point, Florida, within the boundaries hereinafter described and designated, or within such boundaries as may hereafter be established, are hereby established as a body corporate and they shall continue to be a body politic and corporate under the name of the City of Lighthouse Point.

Editor's note— The provisions of Charter art. I, § 2 after the term "Lighthouse Point" were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted.

Section 3. - Boundaries of City of Lighthouse Point, Florida.

The boundaries of the City of Lighthouse Point and the lands embraced in and by the City of Lighthouse Point shall be as follows: all that part of Sections 17, 18, 19, 20, 29, and 30, Township 48 South, Range 43 East, more particularly described as follows:

Beginning at the Southeast corner of the Southwest quarter (SW ¼) of said Section 19; thence run West along the South boundary of said Southwest quarter (SW ¼) to a point of intersection with

the Westerly right-of-way line of the Federal Highway (State Road No. 5); thence run Northeasterly along said Westerly right-of-way line of the Federal Highway, in said Section 19 and in aforesaid Section 18 to a point of intersection of said West right-of-way line and the South right-of-way line of N.E. 48th Street extended; thence Easterly along said South right-of-way line to the Northwest corner of Lot 1, Block 23 of Coral Key Villas Subdivision 5th Section; thence Southerly along the West line of the aforesaid Coral Key Villas Subdivision to the Southwest corner of Lot 5, Block 23 of the aforesaid Coral Key Villas Subdivision; thence Easterly along the South line of the aforesaid Coral Key Villas Subdivision to the Northeast corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of said Section 18; thence run Southerly to the Northwest corner of the South half (S $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of said Section 18; thence run East to the Northeast corner of the South half (S $\frac{1}{2}$) of the South half (S $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of said Section 18; and continue East along the North line of the South half (S $\frac{1}{2}$) of the South half (S $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of aforesaid Section 17 and said North line extended East, to a point of intersection with the center line of the Intracoastal Waterway, according to the plat thereof as recorded in Plat Book 17, pages 4 through 6C, in the Public Records of Broward County, Florida; thence run Southerly along said center line to the South line of said Section 17; thence continue South and Westerly along said center line of the Intracoastal Waterway to a point of intersection with the South boundary line of aforesaid Section 20; thence continue Southwesterly along the center line of the Intracoastal Waterway in Sections 29 and 30 to a point of intersection with the center line of Hillsboro Bayou; thence in a Northwesterly direction along the center line of Hillsboro Bayou to a point of intersection with the south boundary of Section 19; thence run West along the South line of said Section 19 to the point of beginning.

Add the following described lands to the lands embraced in and by the City of Lighthouse Point: a parcel of land lying in Sections 7, 8, 17 and 18, Township 48 South, Range 43 East, Broward County, Florida, said parcel being more particularly described as follows:

Beginning at the intersection of the West right-of-way line of State Road No. 5 (U.S. No. 1); and the South right-of-way line of N.E. 48th Street extended; thence Northerly along the West right-of-way line of State Road No. 5 (U.S. No. 1) to the intersection with the North line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7; thence run Easterly along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, to the Northwest corner of the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{2}$ [$\frac{1}{4}$]) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7; thence run southerly along the West line of the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, to a point 165.00 feet South of the North line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7; thence run Westerly along a line lying 165.00 feet South of and parallel to the North line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7 to a point on the west line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7; thence run Southerly along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7 to the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7; thence run Easterly along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7 to the Southeast corner of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7; thence run Northerly along the East line of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7 to the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7; thence run Easterly along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7 to the East Quarter corner of Section 7; thence continue East along the North line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8 to the Northeast corner of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8, said point being also the Northwest corner of Lot 9, as recorded by H. L. Lyons Plat recorded in Plat Book 26, Page 16 of the Public Records of Broward County, Florida; thence in a Southerly direction along the East line of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8 to the Southwest corner of Lot 9, H. L. Lyons Subdivision thence Easterly along the South line of the aforescribed Lot 9 extended to the center line of the Intracoastal Waterway; thence Southerly along the center line

of the Intracoastal Waterway according to the plat thereof as recorded in Plat Book 17, Pages 3 and 4 in the Public Records of Broward County, Florida, to the intersection of the North line extended of the South Half (S ½) of the South Half (S ½) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 17; thence run Westerly to the Northwest corner of the South Half (S ½) of the South Half (S ½) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 17; thence continue Westerly along the South Half (S ½) of the South Half (S ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 18, to the Northwest corner of the South Half (S ½) of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 18; thence run North to the Northeast corner of the North Half (N ½) of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 18; thence run Westerly along the North line of the North Half (N ½) of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 18 to the Southwest corner of Lot 5, Block 23, Coral Key Villas, 5th Section; thence Northerly along the West line of Block 23, Coral Key Villas, 5th Section, to Northwest corner of Lot 1, Block 23, Coral Key Villas, 5th Section and a point on the South right-of-way line of N.E. 48th Street; thence run Westerly along the South right-of-way line of N.E. 48th Street to the intersection of the West right-of-way line of State Road No. 5 (U.S. No. 1) and the point of beginning.

(Laws of Fla. ch. 61-2430, § 1; Laws of Fla. ch. 65-1852, § 1; Laws of Fla. ch. 67-1646, § 1; Laws of Fla. ch. 69-1255, § 1; Laws of Fla. ch. 70-783, § 1; Laws of Fla. ch. 70-784, § 1)

Editor's note— The provisions of charter art. I, § 3 have been deleted as obsolete in light of subsequent annexations. Acts amendatory to art. I, § 3 were approved at referenda as follows:

Chapter	Referendum Date
61-2430	6-13-61
65-1852	8- 3-65
67-1646	9-12-67
69-1255	10-14-69
70-783	11-24-70

Section 4. - General powers of City of Lighthouse Point, Florida.

(Laws of Fla. ch. 65-1852, §§ 2, 3; Laws of Fla. ch. 67-1647, § 1; Laws of Fla. ch. 69-1255, § 2)

Editor's note— The provisions of Charter art. I, § 4 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has

not been readopted. While the provisions of subsection (h) had been included in the 1979 Code, they have been deleted from the new Code and are, therefore, repealed.

Charter art. I, § 4 had been amended by the following acts approved at referenda as set out below:

Chapter	Referendum Date
65-1852, §§ 2, 3	8- 3-65
67-1647, § 1	9-12-67
69-1255, § 2	10-14-69

Section 5. - Gender.

Words of one gender include the other gender.

(Ord. No. 771, § 2, 10-24-2000, ratified 3-13-2001)

ARTICLE II. - FORM OF MUNICIPAL GOVERNMENT

The City of Lighthouse Point shall be governed by a mayor-commission form of government, and its essential components shall be an elected chief executive known as the mayor and an elected legislative body to be known as the city commission.

Section 1. - The mayor.

The executive and administrative power of the city shall be vested in and exercised by a mayor, who shall be elected by the qualified electors on an at-large non-partisan basis and shall serve for a term of three (3) years, commencing with the March 2005 general election.

(a) *Qualifications for the office of mayor:*

Editor's note— The provisions of Charter art. II, § 1(a) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (see AGO 74-25) and their inclusion in the Lighthouse Point City Code, see Code § 2-31. The freeholder requirement in such provision has been deleted as unconstitutional. See *Turner v. Fouche*, 396 U.S. 346 (1946).

(b) *Compensation for the mayor:*

Editor's note— The provisions of Charter art. II, § 1(b) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code. See Code § 2-33.

- (c) *The mayor's powers and duties:* The mayor shall be responsible for the proper exercise of his executive and administrative powers, which shall extend to:
- (1) Supervising, directing and coordinating the activities of the city's executive branch including its operating departments.
 - (2) Enforcing within the city the provisions of the charter, city ordinances and all laws of the State of Florida.
 - (3) Exercising powers granted to him in this charter and the laws of the State of Florida, concerning the appointment and removal of certain administrative employees and members of boards, commissions and committees.
 - (4) Submitting annually to the commission for its consideration an operating budget and a capital improvement program and budget.
 - (5) Exercising such other powers and performing such other duties as may be prescribed by this charter, by ordinance or resolution, or by applicable laws of the State of Florida.
 - (6) Unless otherwise provided herein, the mayor shall be the appointing authority of all officers in the executive branch, subject to the approval of the city commission.
- (d) *Removal from and forfeiture of the office of mayor:*

Editor's note— The provisions of Charter art. II, § 1(d) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code. See Code § 2-32.

- (e) *Filling a vacancy in the office of mayor:* In the event that a vacancy occurs in the office of a mayor, the commission shall forthwith elect by majority vote a mayor to serve until the next regular city election. The commission shall select the mayor from among its members.
- (f) *Organization to the executive branch:* The executive branch shall be comprised of the office of mayor, city administrator, and the following department heads: Community development services director, finance director, fire chief, city clerk, chief of police, city attorney, recreation director, public works director and librarian.
- (g) *City attorney and city prosecutor:* The city attorney, city prosecutor and such assistants as shall be deemed necessary, shall be appointed by the mayor, subject to confirmation by the city commission of the appointment as well as the compensation. [Material Deleted]

Editor's note— The provisions of Charter art. II, § 1(g) (first sentence excepted) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (see AGO 74-25) and their inclusion in the Lighthouse Point City Code, see Code § 2-116. All references in such section to a municipal court are deleted as obsolete.

- (h) *City treasurer:* The city treasurer shall be appointed by the mayor, subject to confirmation of appointment by a majority vote of the city commission and he shall serve until his successor is appointed. [Material Deleted]

Editor's note— The provisions of Charter art. II, § 1(h) (first sentence excepted) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code. See Code § 2-117. See also AGO 079-21.

- (i) *City clerk*: The city clerk shall be appointed by the mayor subject to confirmation of appointment by a majority vote of the city commission who shall set the annual salary of the clerk. The city clerk shall carry out the duties of his office under the direction of the mayor. The city clerk shall be the sole appointing authority to all employees in the office of city clerk subject to approval of the mayor with the concurrence of the city commission.
- (j) *Department heads*: Department heads shall be appointed by the mayor, subject to approval by the city commission. Department heads shall receive such compensation from the city as is approved by the city commission.
- (k) *Removal of department heads*: The mayor may bring charges against any serving department head for lack of qualifications, unsatisfactory performance, incompetence, neglect of duty or misconduct in reference to his duties. The charges shall be presented in writing to the department head concerned and to the city commission.

The mayor may discharge the accused upon presentation of his charges. The accused may within ten (10) days, by written request, petition the city commission for a hearing and may specify that hearing be public concerning the charges against him. The city commission, shall, upon proper petition, order that a hearing be held within thirty (30) days concerning the charges. If the city commission shall find that the charges are sustained, the department head shall thereupon be permanently discharged, however, if the charges are not sustained, the commission may by four-fifths (4/5) vote, reinstate the department head and dismiss the charges against him.

- (l) *Reserved*.
- (m) *Creation of departments*: After hearing the recommendation of the mayor, the commission may by resolution assign to existent departments any new functions or programs to be undertaken by the city, but to the extent that this is not practicable, it may create additional departments which shall in all respects be subject to the provisions of this charter.
- (n) *Creation of advisory committees*:

Editor's note— The provisions of Charter art. II, § 1(n) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code. See Code § 2-35.

- (o) *City administrator*: The mayor may appoint a city administrator whose qualifications shall be subject to approval by the city commission, to carry out such functions and duties set out by the mayor. He shall be responsible to the mayor. The city commission, by resolution, shall set the compensation of the city administrator. Removal of the city administrator shall be in the same manner as prescribed in removal of department heads.
- (p) *Mayor's powers with respect to commission*: The mayor shall have the duty to attend commission meetings and to appear before the commission for the purpose of expressing his views on matters before the commission. He shall also have the power to present messages, reports and other communications to the commission and to propose legislation for the commission's consideration. The mayor shall also have the power to call special meetings of the commission and to veto legislation as provided hereinafter.
- (q) *Mayor's power to veto legislation*: Within ninety-six (96) hours after the adjournment of any commission meeting, the city clerk shall present to the mayor the record of proceedings of the meeting and all ordinances adopted at the meeting. The mayor, within seven (7) days of receipt of an ordinance, shall return it to the city clerk with or without his approval, or with his disapproval. If an ordinance is disapproved, the mayor shall attach a written statement explaining the reasons for his

veto. Ordinances vetoed by the mayor shall be considered at the next regular meeting of the commission and the commission may pass the ordinance over the veto by an affirmative vote of four (4) of its members. The effective date of an ordinance passed over the mayor's veto shall not be less than fifteen (15) days after the date of final passage. The mayor's veto power shall extend to disapproving or reducing appropriation items in the budget or any ordinance, except for appropriations for auditing or investigating any part of the executive branch. The mayor shall not have the power to veto any emergency ordinance.

(Laws of Fla. ch. 61-2430, §§ 2—8; Laws of Fla. ch. 65-1852, §§ 4—18; Laws of Fla. ch. 69-1255, §§ 3, 4; Ord. No. 238, §§ 1—3, 1-11-1972; Ord. No. 324, § 1, 10-14-1975; Ord. No. 423, §§ 1, 2, 1-23-1979, ratified 3-13-1979; Ord. No. 765, § 2, 10-24-2000, ratified 3-13-2001; Ord. No. 766, § 2, 10-24-2000, ratified 3-13-2001; Ord. No. 769, § 2, 10-24-2000, ratified 3-13-2001 Ord. No. 767, § 2, 11-14-2000, ratified 3-13-2001)

Editor's note— Acts amendatory to Charter Art. II, were approved at referenda as follows:

Chapter	Referendum Date
61-2430	6-13-61
65-1852	8- 3-65
69-1255	10-14-69

Section 2. - The commission and legislation.

(a) *Commissioners: Number, term and selection:* The commission shall be composed of five (5) members, who shall be known as commissioners, and who shall serve for a term of three (3) years effective with the March 2002 general election. Commencing with the March 2003 election, candidates shall qualify at large for the offices of Commissioner 1, Commissioner 2, Commissioner 3, Commissioner 4, Commissioner 5, and each office shall be elected by all electors of the City.

Editor's note— Ord. No. 0800, § 2, adopted Nov. 27, 2001 was approved by the voters of Lighthouse Point, Florida at the Mar. 12, 2002 referendum election.

(b) *Qualifications of commissioner:*

Editor's note— The provisions of Charter art. II, § 2(b) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-61. The freeholder requirement in such provision has been deleted as unconstitutional. See *Turner v. Fouche*, 396 U.S. 346 (1946).

(c) *Compensation of commissioners:*

Editor's note— The provisions of Charter art. II, § 2(c) were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was repealed by Ord. Nos. 289 and 338. In any event, deletion of such provisions from the Lighthouse Point City Code repeals same.

- (d) *Commission powers and duties:* All legislative powers of the city shall be exclusively vested in the commission and shall be exercised by it in the manner and subject to the limitations hereinafter set forth. Laws of the State of Florida affecting matters of local concern but otherwise not inconsistent with the charter shall have the force and effect of ordinances of the city. In addition to exercising its general legislative powers, the commission shall make or confirm appointments, as required by this charter, adopt the budget, undertake necessary investigations, provide for an independent audit, and take such other actions as it deems necessary and as are consistent with this charter and the laws of the State of Florida.

State Law reference— Annual audit required, F.S. § 166.241(4).

- (e) *Removal from and forfeiture of the office of commissioner:*

Editor's note— The provisions of Charter art. II, § 2(e) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (see AGO 74-25) and their inclusion in the Lighthouse Point City Code, see Code § 2-62. The first sentence of such subsection has been deleted as superseded by F.S. § 100.361.

- (f) *Filling commission vacancies:* When a vacancy on the commission occurs for any reason, the commission shall within sixty (60) days, by majority vote, elect a person having the qualifications for the office of commission[er] to fill the vacancy until the next regular election. Then at the next general election, the vacancy shall be filled for the unexpired term. If the commission fails to fill a vacancy within sixty (60) days, a special election shall be held to fill the vacancy.
- (g) *President of the commission:* Each new commission shall, at the meeting at which it takes office, elect by a majority vote, one of its members as president of the commission. The president shall preside at all meetings of the commission, and he shall serve as acting mayor during any absence or disability of the mayor. While so serving, he shall not serve as commissioner.
- (h) *Vice president of the commission:* At the same meeting at which the president of the commission is elected, each commission shall also elect, by majority vote, a vice president of the commission. The vice president shall preside at meetings of the commission during any absence or disability of the president.
- (i) *Commission meetings; quorum:* The term of the commissioners and the mayor shall begin seven days following the general municipal election, and they shall meet in the city hall on that day at 7:30 p.m. to take office and to organize for the purpose of carrying out their assigned duties. [Material Deleted] Special meetings shall be called by the city clerk upon request of the mayor, president of the commission or any three (3) commissioners. Commissioners shall be given at least twelve (12) hours' notice of the time and place of such special meetings, except when an emergency has been declared by the mayor. [Material Deleted] Three (3) members of the commission shall constitute a quorum for all purposes.

Editor's note— The provisions of the second and fourth sentence of Charter art. II, § 2(i) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (see AGO 74-25) and their inclusion in the Lighthouse Point City Code, see Code §§ 2-82 and 2-86.

State Law reference— Open meetings required, F.S. § 286.011; quorum defined, F.S. § 166.041(4).

(j) *Commission procedure:*

Editor's note— The provisions of Charter art. II, § 2(j) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-64.

(k) (1)
Ordinances:

(2) *Resolutions:*

Editor's note— The provisions of Charter art. II, § 2(k) have been deleted as superseded by F.S. § 166.041.

(l) *Emergency ordinances:*

Editor's note— The provisions of Charter art. II, § 2(l) have been deleted as superseded by F.S. § 166.041.

(m) *Initiative:*

Editor's note— The provisions of Charter art. II, § 2(m) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (see AGO 90-2) and their inclusion in the Lighthouse Point City Code, see Code § 2-3.

(n) [Repealed by Ord. No. 265, § 1, enacted January 9, 1973, approved at referendum held March 13, 1973.]

(n.1) *Referendum:*

Editor's note— The provisions of Charter art. II, § 2(n.1) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (see AGO 90-2) and have been transferred to Code § 2-2.

Laws of Fla., ch. 65-1852, § 33 amended art. II, § 2(r), as amended, by amending and renumbering said subsection as subsection "(n)". Inasmuch as art. II, § 2 already contained a subsection "(n)" the editors redesignated said renumbered subsection as "(n.1)".

(o) *Independent annual audit:*

Editor's note— The provisions of Charter art. II, § 2(o) were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted. Such provisions are also superseded by F.S. § 166.241(4).

(Laws of Fla. ch. 61-2430, §§ 9—11; Laws of Fla. ch. 65-1852, §§ 19—35; Ord. No. 265, § 1, 1-9-1973; Ord. No. 460, § 1, 12-9-1980; Ord. No. 765, § 3, 10-24-2000, ratified 3-13-2001; Ord. No. 0800, § 2, 11-27-2001)

Editor's note— Acts amendatory to Art. II, § 2, were approved at referenda as follows:

Chapter	Referendum Date
61-2430	6-13-61
65-1852	8- 3-65

ARTICLE III. - FINANCE

Section 1. - Finance department.

The head of the finance department shall be the city treasurer, who shall be appointed by the mayor subject to the approval of the city commission.

Editor's note— All provisions (other than the first sentence) of Charter art. III, § 1 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-141. Laws of Fla. ch. 65-1852 was approved at referendum held Aug. 3, 1965.

Section 2. - Fiscal year.

Editor's note— The provisions of Charter art. III, § 2 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted. Such provisions also have been superseded by F.S. § 166.241(2).

Section 3. - Fund structure.

Editor's note— The provisions of Charter art. III, § 3 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-201.

Section 4. - Formulation and submission of budget.

Editor's note— The provisions of Charter art. III, § 4 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-202.

Section 5. - Scope and content of budget.

Editor's note— The provisions of Charter art. III, § 5 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-203.

Section 6. - Consideration and adoption of budget by commission.

Editor's note— The provisions of Charter art. III, § 6 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted. While such section had been included in the 1979 City Code, it has been deleted from the new Lighthouse Point City Code.

Section 7. - Tax levy.

Editor's note— The provisions of Charter art. III, § 7 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-204.

Section 8. - Prohibition of special levies and segregated revenues.

Editor's note— The provisions of Charter art. III, § 8 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted.

Section 9. - Emergency appropriations.

(Laws of Fla. ch. 65-1852, § 38)

Editor's note— The provisions of Charter art. III, § 9 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted. Laws of Fla. ch. 65-1852 was approved at referendum held Aug. 3, 1965.

Section 10. - Lapsing of operating appropriations.

Editor's note— The provisions of Charter art. III, § 10 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted. While the provisions of subsection (b) had been included in the 1979 City Code, they have been deleted from the new Lighthouse Point City Code.

Section 11. - Accounting.

(Laws of Fla. ch. 65-1852, § 39; Laws of Fla. ch. 67-1646, § 2)

Editor's note— The provisions of Charter art. III, § 11 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted. Such provisions have been rendered obsolete by the adoption of a uniform accounting system pursuant to F.S. § 218.33.

Article III, § 11 had been amended by the following special acts, approved at referenda as indicated:

Chapter	Referendum Date
65-1852	8- 3-65
67-1646	9-12-67

Section 12. - Surplus funds; definition and application.

(Laws of Fla. ch. 65-1852, § 40)

Editor's note— The provisions of Charter art. III, § 12 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted.

Article III, § 12 had been amended by Laws of Fla. ch. 65-1852, § 40, approved at referendum held Aug. 3, 1965.

Section 13. - Centralized purchasing.

Editor's note— The provisions of Charter art. III, § 13 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-181.

Section 14. - Purchasing procedure.

(Laws of Fla. ch. 69-1244, § 6; Ord. No. 238, § 5, 1-11-1972)

Editor's note— The provisions of Charter art. III, § 14 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was superseded by Ord. No. 404. In any event such provisions are repealed by the failure to include them in the new Lighthouse Point City Code.

Laws of Fla. ch. 69-1244 § 6 was approved at referendum held Oct. 14, 1969.

Section 15. - Contracts.

Editor's note— The provisions of Charter art. III, § 15 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-183.

Section 16. - Insurance and surety bonds.

Editor's note— The provisions of Charter art. III, § 16 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was repealed by Ord. No. 624. While such provisions had been included in the 1979 City Code, they have been deleted from the new Lighthouse Point City Code.

Section 17. - Investment of city funds.

Editor's note— The provisions of Charter art. III, § 17 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was repealed by Ord. No. 624. While such provisions had been included in the 1979 City Code, they have been deleted from the new Lighthouse Point City Code.

Section 18. - Power to incur indebtedness.

(Laws of Fla. ch. 65-1852, § 45)

Editor's note— The provisions of Charter art. III, § 18 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted.

Laws of Fla., Ch. 65-1852, was approved at referendum held Aug. 3, 1965.

Section 19. - Debt limits.

(Laws of Fla. ch. 65-1852, § 46; Laws of Fla. ch. 69-1255, §§ 9, 48)

Editor's note— The provisions of Charter art. III, § 19 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted.

The following special acts were approved at referenda as indicated:

Chapter	Referendum Date

65-1852	8- 3-65
69-1255	10-14-69

Section 20. - Reserved.

Section 21. - Referendum of all bond issues required.

(Laws of Fla. ch. 61-2430, § 13)

Editor's note— The provisions of Charter art. III, § 21 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted.

Laws of Fla. ch. 61-2430, was approved at referendum held June 13, 1961.

ARTICLE IV. - PERSONNEL

Section 1. - Employees and nonelected officers.

All employees of the city and all nonelected officers of the city who are members of the City of Lighthouse Point Police Department, other than department heads, shall be appointed or discharged by his or her respective department head by reason of his or her qualifications and fitness for employment in the city service. No action of discharge of said employees and nonelected officers of the city will be final unless approved by the mayor.

(Laws of Fla. ch. 61-2430, § 14; Laws of Fla. ch. 65-1852, § 48; Ord. No. 423, § 3, 1-23-1979, ratified 3-13-1979)

Editor's note— Acts amendatory to Art. IV, § 1, were approved at referenda as follows:

Chapter	Referendum Date
61-2430	6-13-61
65-1862	8- 3-65

Section 2. - Prohibitions.

No action affecting the employment status of an employee or applicant for a position in the municipal service, including appointment, promotion, demotion, suspension or removal, shall be taken or withheld by reason of the race or political or religious opinions or affiliations of the affected person.

No person seeking appointment to or promotion in the service of the city shall give, render or pay any money, service or other valuable thing to any person in connection with his test, appointment or promotion. No person shall be employed or retained in the municipal service who advocates or belongs to an organization advocating the overthrow or change of government by force or violence. Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law. No city employee, including department heads, shall actively participate in a municipal election in behalf of any candidate. Violations of any of the provisions of this section shall be considered as a forfeiture of his office.

(Laws of Fla. ch. 65-1852, § 49)

Editor's note— The provisions of the first sentence of the second paragraph of Charter art. IV, § 2 have been deleted as superseded by F.S. § 99.012. Cf. AGO 082-91.

Laws of Fla. ch. 65-1852 was approved at a referendum held on Aug. 3, 1965.

ARTICLE V. - CITY PLANNING AND DEVELOPMENT

Section 1. - City plan established.

Editor's note— The provisions of Charter art. V, § 1 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was repealed by Ord. No. 624. Such provisions have been deleted from the new Lighthouse Point City Code.

Section 2. - Amendments of city plan.

Editor's note— The provisions of Charter art. V, § 2 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was repealed by Ord. No. 624. Such provisions have been deleted from the new Lighthouse Point City Code.

Section 3. - Zoning; authority of city.

Editor's note— The provisions of Charter art. V, § 3 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted.

Section 4. - City planning and zoning board.

The city planning and zoning board of the City of Lighthouse Point, Florida, consisting of five (5) regular members and two (2) alternate members is hereby created and established. Alternate members shall serve whenever there are less than five (5) regular members available. Said member[s] shall be appointed by resolution of the city commission and each shall serve a term of one (1) year. Each member shall be a resident and qualified voter of the City of Lighthouse Point, Florida. The city commission shall establish additional qualifications for members by ordinance. Such board shall elect a chairman, a vice chairman and secretary from its members. The city clerk, building inspector, city attorney and other city officials are considered as advisors to the planning and zoning board and may be called upon from time to time to meet with said board. Said board shall serve without compensation. Regular meetings of said board shall be held monthly at times specified and minutes of said meetings shall be preserved and filed with the city clerk, but special meetings may be called more often if desired, upon seventy-two (72) hours' notice by the chairman. The city commission may by resolution remove any member of the planning and zoning board for absence from fifty percent (50%) of the meetings held within a six (6) month period, or for other just or reasonable cause. The duties of the city planning and zoning board shall be as follows:

- (a) To act in an advisory capacity to the city commission on questions relating to zoning, and to conduct investigations and hearings on matters of proposals to change zoning regulations, and report its findings and recommendations on such proposals to the city commission.
- (b) To study existing city plan, with the view to improving same so as to provide for the development, general improvement and probable future growth of the city, and from time to time make recommendations to the city commission for changes in the existing city plan so as to incorporate new developments or for the adoption of a new city plan in conformity with the provisions of Article V, Section I of this Act.
- (c) To investigate and approve or disapprove all new plats to be presented to the city commission for approval.
- (d) To perform such other duties as may from time to time be assigned to such board by the city commission.

(Laws of Fla. ch. 65-1852, § 51; Ord. No. 768, § 2, 10-24-2000, ratified 3-13-2001)

Editor's note— Laws of Fla. ch. 65-1852 was approved at a referendum held Aug. 3, 1965.

Section 5. - Plats and subdivisions.

Editor's note— The provisions of Charter art. V, § 5 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was repealed by Ord. No. 624. Such provisions have been deleted from the new Lighthouse Point City Code.

Section 6. - Opening, paving, etc., of new streets.

Editor's note— The provisions of Charter art. V, § 6 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was repealed by Ord. No. 624. Such provisions have been deleted from the new Lighthouse Point City Code.

Section 7. - Vacating or abandoning streets or alleys.

Editor's note— The provisions of Charter art. V, § 7 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that was

repealed by Ord. No. 624. Such provisions have been deleted from the new Lighthouse Point City Code.

ARTICLE VI. - POLICE, FIRE AND BUILDING DEPARTMENT[S]; MUNICIPAL JUDGE; MUNICIPAL COURT;
[RECREATION DEPARTMENT]

Section 1. - Police department.

The police department of the City of Lighthouse Point, is hereby created and established. The mayor, subject to approval of the city commission, may appoint additional patrolmen and officers for temporary service. No person shall act as a special patrolman, special detective or other officer for any purpose whatever, except on written authority of the city commission, or the written authority of the mayor at times of grave emergency.

Editor's note— The provisions of the first sentence of the first paragraph of Charter art. VI, § 1 after the word "established," as well as the provisions of the last sentence of the first paragraph have also assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (see AGO 74-25) and their inclusion in the Lighthouse Point City Code. See Code §§ 46-31, 46-34.

The chief of police of the City of Lighthouse Point, Florida shall be appointed by the mayor, subject to confirmation by a majority vote of the city commission. Removal of the chief of police shall be in the same manner as prescribed in removal of department heads.

[Paragraph Deleted]

Editor's note— The provisions of the third paragraph of Charter art. VI, § 1 have also assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code. See Code § 46-33. All references in such paragraph to a municipal court have been deleted as obsolete.

[Paragraph Deleted]

Editor's note— The provisions of the fourth paragraph of Charter art. VI, § 1 have also assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) (cf. AGO 079-21) and their inclusion in the Lighthouse Point City Code. See Code § 46-32. The provisions dealing with immorality in such provision have been deleted as unconstitutionally vague.

The chief of police and members of his department shall receive such compensation from the city as is approved by the city commission.

[Paragraph Deleted]

(Laws of Fla. ch. 61-2430, § 15; Laws of Fla. ch. 65-1852, § 54; Laws of Fla. ch. 67-1646, § 3; Ord. No. 238, §§ 8, 9, 1-11-1972)

Editor's note— The provisions of the last unnumbered paragraph of Charter art. VI, § 1 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an

ordinance by such act that has not been readopted. Such provisions are also superseded by F.S. § 901.15.

Acts amendatory to Art. VI, § 1 were approved at referenda as follows:

Chapter	Referendum Date
61-2430	6-13-61
65-1852	8- 3-65
67-1646	9-12-67

Section 2. - Fire department.

A fire department for the City of Lighthouse Point is hereby created and established, consisting of a chief and as many subordinate firemen and employees as may be necessary, all appointed in conformity with rules and regulations of the City of Lighthouse Point.

[Material Deleted]

The fire chief shall be appointed by the mayor, subject to confirmation by a majority vote of the city commission. He shall be responsible to the mayor and shall be removed in the same manner as prescribed in removal of department heads.

(Laws of Fla. ch. 61-2430, § 6; Laws of Fla. ch. 65-1852, § 54; Laws of Fla. ch. 69-1255, § 10; Ord. No. 238, § 10, 1-11-1972; Ord. No. 770, § 2, 10-24-2000, ratified 3-13-2001)

Editor's note— All provisions of Charter art. VI, § 2 (other than the first sentence and the last two sentences) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 34-31 et seq.

Acts amendatory to Charter art. VI, § 2 were approved at referenda as follows:

Chapter	Referendum Date
61-2430	6-13-61
65-1852	8- 3-65

69-1255	10-14-69
---------	----------

Section 3. - Building and zoning department.

There is hereby established the building and zoning department of the City of Lighthouse Point.

(Laws of Fla. ch. 65-1852, § 54; Laws of Fla. ch. 69-1255, § 11)

Editor's note— All language of Charter art. VI, § 3 after the words "Lighthouse Point" have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 2-142.

Acts amendatory to Charter art. VI, § 3 were approved at referenda as follows:

Chapter	Referendum Date
65-1852	8- 3-65
69-1255	10-14-69

Section 4. - Municipal judge.

(Laws of Fla. ch. 65-1852, § 54)

Editor's note— The provisions of charter art. VI, § 4 have been deleted as obsolete. See Fla. Const. art. V, § 20.

Laws of Fla. ch. 65-1852, was approved at referendum held Aug. 3, 1965.

Section 5. - Municipal court.

(Laws of Fla. ch. 59-1510, § 2; Laws of Fla. ch. 65-1852, § 54; Laws of Fla. ch. 67-1646, § 4; Laws of Fla. ch. 69-1255, § 12; Ord. No. 238, § 11, 1-11-1972)

Editor's note— The provisions of charter art. VI, § 5 have been deleted as obsolete. See Fla. Const. art. V, § 20.

The following acts were approved at referenda as indicated below:

Chapter	Referendum Date
59-1510, § 2	6- 9-59
65-1852, § 54	8- 3-65
67-1646, § 4	9-12-67
69-1255, § 12	10-14-69

Section 6. - Recreation department.

The head of the recreation department shall be the recreation director who shall be appointed by the mayor subject to the approval of the city commission of the appointment as well as the compensation.

(Laws of Fla. ch. 65-1852, § 54; Ord. No. 238, § 12, 1-11-1972)

Editor's note— The provisions of Charter art. VI, § 6 (other than the first sentence) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Lighthouse Point City Code, see Code § 58-1.

Laws of Fla. ch. 65-1852 was approved at referendum held Aug. 3, 1965.

ARTICLE VII. - ELECTIONS^[2]

Footnotes:

--- (2) ---

Editor's note— Laws of Florida ch. 75-350, as amended in full by Laws of Fla. ch. 2004-443 and as subsequently amended materially affects the conduct of elections in the city, and this article VII should be read in light of that Act. Prior to total amendment by Laws of Florida ch. 2004-443, Laws of Fla. ch. 75-350 had been amended by Laws of Fla. ch. 76-336, § 1, Laws of Fla. ch. 77-501 and Laws Fla. ch. 81-349. Such act, as amended, reads as follows:

Section 1. It is the intent of this act to provide for uniform filing and election dates for all municipal elections in Broward County. It is not the intent of this act to determine the length of terms of municipal offices.

Section 2. For any municipal elections held in Broward County in March of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk no earlier than noon on the first work day in January nor later than noon on the 7th day following the first work day in January of the calendar year in which the election is to be held. For

any municipal elections held in Broward County in November of a calendar year, candidates for office in such elections shall file such papers and pay such fees as may be required by law with the applicable municipal clerk no earlier than noon on the first work day in September nor later than noon on the 7th day following the first work day in September of the calendar year in which the election is to be held.

Section 1. - General and special elections.

All general and special elections, unless otherwise provided in the [this] act, shall be called by proclamation of the mayor.

Section 2. - The time and manner of qualifying for the office of city commissioner and for the office of mayor.

The time and manner of qualifying as candidate for the office of city commissioner, and for the office of mayor, in any election shall be regulated by ordinance of the City of Lighthouse Point, but only such qualified persons as herein provided for shall be eligible to become candidates. The names of all candidates who qualify for such elections shall be printed upon an election ballot with the exception of such instances where a candidate is unopposed and, in such event, there shall be no necessity of that candidate's name being printed on the ballot and the candidate shall be deemed automatically elected to office on the election date. Candidates qualifying for the office of mayor cannot also qualify in the same election for the office of commissioner.

(Laws of Fla. ch. 65-1852, § 55; Ord. No. 460, § 2, 12-9-1980)

Footnotes:

--- () ---

Section 3. Any primary election relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in February of a calendar year, and all general elections relating to a municipal office held in a municipality in Broward County shall be held on the second Tuesday in March of a calendar year or the first Tuesday after the first Monday in November of any even-numbered calendar year. Municipalities that have general elections in November of even-numbered calendar years shall not have primaries for such elections.

Section 4. In any primary election held in any race for municipal offices in Broward County the manner and method by which a slate of candidates is to be determined shall be as provided by the Charter or Code of Ordinances of the municipality conducting the primary election as provided herein. In any general election in races for municipal offices in Broward County, the candidate or candidates, depending upon the number to be elected, receiving the highest number of votes in the election shall be the winner. Such duly elected municipal officers shall take office within fourteen (14) days after the general election with the specific day to be decided by local ordinance.

Section 5. In order to implement any change in the month in which elections will be held, Broward County municipalities may either extend or reduce terms of office of existing elected officials for a period of up to eight (8) months.

Section 6. The governing body of each municipality in Broward County may, at its discretion, amend its Charter to change the date of its municipal elections in accordance with this act by ordinance, subject to approval by referendum; provided, however, that any change in election date will not be effective until at least eighteen (18) months after the approval of the ordinance by the municipality's governing body.

Section 7. All municipal elections shall be canvassed by the county canvassing board with said board certifying the results to each city clerk within five (5) days after the election.

Section 8. The Broward Supervisor of Elections shall provide to each Broward County municipality by the first work day in April of the calendar year a schedule of fees and charges for municipal election services for the following calendar year.

State Law reference— Florida Election Code, F.S. chs. 97—106.

Editor's note— The language deleted from Charter art. VII, § 1 has been deleted as it is obsolete.

Section 3. - General municipal election.

The city commission shall prescribe by ordinance the method and manner of holding all elections in said city, and shall provide when and how special elections shall be called and held, which are not provided by the terms of this charter, and all elections shall be conducted substantially on the principles adopted for state elections. The city commission shall by ordinance provide for absentee balloting in all elections.

(Laws of Fla. ch. 65-1852, § 56)

Editor's note— The first sentence of Charter art. VII, § 3 is superseded by Laws of Fla. ch. 73-550, § 6. The second sentence has been deleted as superseded by F.S. § 166.032. The remainder has been deleted as obsolete. The time of qualifying is now prescribed by the special act set out in the editor's note for this article.

Laws of Fla. ch. 65-1852 was approved at a referendum held Aug. 3, 1965.

Section 4. - Registration; city elections.

(Ord. No. 238, § 13, 1-11-1972)

Editor's note— The provisions of Charter art. VII, § 4 are superseded by F.S. § 98.041.

Section 5. - Results of the voting.

The results of the voting, when ascertained, shall be certified by return in duplicate, signed by the city clerk and the majority of the inspectors of the election, one copy delivered to the mayor, and the other to the city clerk, both of whom shall transmit such returns to the city commission at a called meeting to be held not later than five (5) days after such election. At such meeting, the city commission shall canvass the returns, and in absence of a declaration of contest by any of the candidates in such election, shall declare the results of the election as shown by the returns made by the city clerk and inspectors. The city clerk shall within two (2) days thereafter furnish each person shown to have been elected a certificate thereof. A tie between two (2) or more candidates shall be determined as prescribed by ordinance. The candidates receiving the highest number of votes shall be determined to have been elected.

(Ord. No. 460, § 3, 12-9-1980)

Editor's note— The first sentence of Charter art. VII, § 5 has been deleted as covered by F.S. § 100.011. With reference to canvassing and the determination of results, see the special act set out in the editor's note for this article.

ARTICLE VIII. - MISCELLANEOUS

Section 1. - Improvements, assessments against property and abatement of nuisances.

Editor's note— The provisions of Charter art. VIII, § 1 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the prior edition of the Lighthouse Point City Code.

Section 2. - Unconstitutional or inoperative acts.

If for any reason, any section or provision of this Act shall be adjudged unconstitutional or otherwise inoperative, such facts shall not be held to affect any other section or provision of this Act, but such other sections or provisions shall remain in full force and effect as if the sections or provisions adjudged unconstitutional or inoperative had not been originally incorporated in this Act.

Section 3. - Approval of this Act.

Editor's note— The provisions of Charter art. IX, § 3 have been deleted as obsolete.

Section 4. - Authority for the sale of lost, abandoned, stolen or confiscated property.

Editor's note— The provisions of Charter art. VIII, § 4 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or were converted into an ordinance by such act that has not been readopted and has been repealed by failure to include same in the new Lighthouse Point City Code.

Laws of Fla. ch. 65-1852 was approved at referendum held Aug. 3, 1965.