

Town of Noma Charter (as of February 20, 2020)

Section 1. A municipal corporation under and by the name of the Town of Noma is hereby created, organized and constituted in Holmes County, Florida.

Section 2. Boundaries.

Section 3. Succession. Said town shall be a municipal corporation and shall have perpetual existence, may sue be sued, plead and be impleaded, and have a common seal which may be changed by the Town Council at its pleasure.

Section 4. Acquire and sell property. Said town shall own, purchase, lease, receive, acquire and hold property, real and personal, either within or without its territorial boundaries, but property beyond the town limits shall be used only any and all such public purpose as the town council may deem necessary. The town is hereby empowered to sell, lease, and otherwise dispose of any and all property, real and personal, which belongs to said town to the same extent as a natural person may do, and the town council may prescribe by ordinance the manner making such conveyance.

Section 5. Corporate Authorities. The corporate authorities of said town shall be vested in the town council.

Section 6. Members of council; election; vacancies.

- (1) Immediately upon adoption of the referendum provided hereinafter, a meeting shall be called as authorized in the manner prescribed in section 165.04, Florida Statutes, solely for the purpose of election of officers and officers shall be elected as provided herein.
- (2) Vacancies in the commission shall be filled by the commission until the remainder of the term shall have expired. ~~next regular municipal election at which time a commissioner shall be elected to serve for the unexpired term of the position vacated, if any remains.~~

Section 7. Special meetings of council. The president of the council may call any and all special meetings of the council at any time and place, giving sufficient notice for members to attend.

Section 8. Eligibility of electors. Any person who is a qualified elector under state law who has resided in the town for six (6) months preceding the date of closing the county voter registration books prior to the election shall be a qualified elector at any town election, provided that state or county registration shall not be required.

Section 9. Elections. Elections shall be held as nearly as may be under the general elections law of Florida, when not in conflict with this Act. The Council shall be the judges of qualifications, election and returns of its own members and shall constitute the canvassing board for all elections.

Section 10. Meetings and procedure. The council shall hold meetings at such times as it may determine, holding not less than one (1) regular meeting each month. It may enact rules of procedure, prescribe penalties for nonattendance or disorderly conduct of its members and enforce the same. Two-thirds (2/3) of its members concurring, it may expel a member for improper conduct in office. Three (3) members shall be necessary to form a quorum for the transaction of all business,

but a smaller number may meet and adjourn from time to time, and under the provisions for the ordinance or rules of procedure may compel the attendance of absent members by imposition of fines, penalties, or expulsion.

Section 11. ~~President~~ Mayor, Vice Mayor and clerk of the council. The council shall, on the day succeeding any general town election or as soon thereafter as practicable, elect one (1) of its members ~~president~~ Mayor who shall preside over the council. The council shall elect a Vice Mayor pro tem to preside over the council in the absence or disability of the Mayor ~~president of the council~~. The council shall also elect-appoint a clerk who shall perform the clerical functions of the council.

Section 12. Council to collect cigarette taxes. The council shall have the power by ordinance to levy and collect any excise tax in the sale of cigarettes.

Section 13. Powers to appropriate money. The council may appropriate money for payment of debts and expenses of the town.

Section 14. Powers of the Council. The council shall have the power to provide the town with: water works, which includes the authorization of the council to operate the presently existing Noma Water System Inc., provided, however, that federal regulations governing any financial aid to said water system will permit such operation by the Town of Noma; lights; sewerage; paving town buildings; sidewalks, transportation; and such other municipal improvements and betterments as may be deemed necessary in the manner under the terms of this Act. The council shall also have the power to organize a fire department and a system of fire protection.

Section 15. Further powers of council. The council shall have power to open, close, alter, extend, wider, establish, grade, pave, or otherwise improve, clean and keep in repair any and all streets, alleys, and sidewalks, culverts, sewers, and gutters and all other improvements, to provide for the enclosing, improving, and regulating of all public grounds belonging to the town in or out of the corporate limits; to grant the right-of-way through the streets, avenues, and public grounds for the purpose street and other railways; to provide for the construction of sewers and drainage , and for keeping them in repair. The council may, by ordinance or resolution, provide for the payment of any part of the cost of such work or improvement out of tax revenues; or take and appropriate private grounds and private property in the manner and form provided by law for condemnation, for widening of streets or parts thereof, and for extending the same, or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public convenience may so require.

Section 16. Adoption of ordinances, resolutions.

- (1) A majority of the members of the council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribe by ordinance. The affirmative vote of a majority of the members present at any meeting shall be necessary*to adopt any ordinance, resolution, vote or order. No member shall be excused from voting except on matters involving the consideration of his official conduct or when his financial interests are involved, in which case the affirmative vote

of a majority of the members voting shall be necessary for the adoption of any ordinance, resolution order or vote.

- (2) The enacting clause of all ordinances shall be: "Be it Ordained by this Town Council of Noma, Florida."
- (3) Unless approved and subscribed by the five (5) members of the town council, no ordinance shall be adopted until ten (10) days after the introduction of said ordinance.
- (4) Every ordinance, when introduced, shall be read in full, but upon consideration of any ordinance on second reading, if not amended, may be read by title only.
- (5) Every ordinance, upon its adoption, shall be signed by the president and by the clerk, if any, and when signed it shall become effective then, unless otherwise provided therein.
- (6) Before introduction, all ordinances and resolutions shall be reduced to writing. Resolutions shall be signed by the ~~president~~ Mayor and by the clerk.

Section 17. Action against the town. No person, firm, or corporation shall institute any action for damages against the town without having first filed within thirty (30) days from the date of the accrual of the cause of action a notice of the claim, in writing, with the council, setting forth in detail the particulars constituting the basis of such claim, and all actions against the town, including actions for wrongful death, but not including actions *ex contractu*, shall be barred from the date of the cause of the action.

Section 18. Municipal powers. The municipality hereby established shall have power:

- (1) To provide for street lighting, streets and drainage structures, fire hydrants, garbage collection, sanitary sewage collection and disposal, and for any other municipal or public service, and to build, construct, acquire, own, maintain, operate and lease all structures, land and other equipment necessary therefor except as otherwise provided herein.
- (2) To regulate and control the use of any public park, street, road or highway within the territorial limits of said town by any municipality, corporation, firm, or individual using such street or highway for the conduct of gas or water or telephone or electric light or power poles, lines, subways, or conduits, or for any other public utility or service.
- (3) To acquire, either by lease gift, or purchase, any land or estate or interest therein, within or without the territorial limits of said town for any public or municipal purpose, except as provided on subsection (5).
- (4) To give and grant franchises upon such terms and conditions as the council may prescribe, for a term not longer than thirty (30) years, to those engaged in furnishing gas, water, electric, telephone, transportation, sewerage, or other public service; providing, however, that as any utility where the town council by law has rate making power, such franchise shall provide such rates as shall provide a fair return on the replacement or reproduction of said utility.
- (5) The town shall have the power of eminent domain for any public purpose.
- (6) To establish regulate, and maintain a fire department and a system of fire protection.

- (7) To lay out, open, and maintain public streets, roads, parks and other public places, and to cause any public street, road, highway, or alley to be vacated, widened, extended, or otherwise changed as to its boundaries or location; and to acquire the lands necessary for any purpose, and to acquire, if the council shall so determine, that any person, firm, or corporation subdividing land shall put in and construct such streets, sidewalks, water mains, and other utilities according to the towns specifications before the plat thereof shall be approved by the town council; provided, however, that no plat subdividing land shall be approved by the town council unless the plat and the subdivision area thereof shall meet any and all requirements now or hereafter set forth by the county commissioners of Holmes County for the platting and subdividing of land within the unincorporated areas of Holmes County.
- (8) To cause sanitary and storm sewers and drains to be constructed and maintained together with sewage disposal and treatment plants.
- (9) To enter into contracts with other municipalities or governmental entities providing for the exercise of any corporate or governmental function, and to cooperate with any other municipality, public corporation, or governmental unit in the discharge of its corporate functions.
- (10) Upon the petition of the owner or owners of any lands adjoining the territorial boundaries of said municipality, to annex such lands by ordinance to the territorial limits of said municipality hereby established. Whenever any land shall be annexed to the municipality hereby established, upon the petition of the owner or owners thereof and in accordance with the power and authority hereby given, then such land so annexed shall be part of the municipality hereby established with the same force and effect as though the same had been originally incorporated in the territorial boundaries thereof.

Section 19. The provisions of this Act are severable, and if any section, or part section, paragraph, sentence, or clause of this Act shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any portion thereof.

Section 20. Chapter 5521, Laws of Florida, 1905, chapter 13155, Laws of Florida, 1927, and chapter 67-1768, Laws of Florida, are repealed.

Section 21. This Act shall take effect upon the approval of a majority of the qualified electors voting in an election to be held within the area propose for incorporation into the municipality to be known as the Town of Noma, on which election qualified electors shall vote upon the question:

Shall the municipality of the Town of Noma be incorporated?

Yes

No

The first officials named in Section 6 shall be the election board and shall call a special election to be held within ninety (90) days after the passage of this Act. The qualified electors shall be ascertained from rolls of the supervisor of elections.