



SHALIMAR CHARTER

Charter



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PART I - CHARTER Modified

An act to abolish a municipal corporation in Okaloosa County, Florida, named Shalimar, and to create, establish, and organize a municipal corporation in Okaloosa County, Florida, to be named Shalimar, and to fix its boundaries and provide for its government, jurisdiction, powers, authorities, and privileges; and to designate and appoint municipal officers, to define their duties and powers, and to provide for subsequent elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

FOOTNOTE(S):

--- (1) ---

Editor's note— Printed herein is the Charter for the Town of Shalimar, Florida, Laws of Fla., ch. 61-2878. Amendments to the Charter are indicated by parenthetical history notes 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.

Section 1 - [Existing town government abolished]

That the present municipal government existing under the name of Shalimar is abolished.

Section 2 - Title to property reserved to new municipality

That the title, right and ownership of property, uncollected taxes, dues, claims, judgements, decrees, liens, suits, actions and choses in action, held or owned by existing municipality shall pass to and the same hereby are vested in the municipal corporation organized under this law to succeed the municipality abolished. No pending cause shall be abated by this transaction.

Section 3 - Obligation of contract preserved

That no debt, obligation or contract of the present municipality, including bonds heretofore issued, shall be impaired or avoided by this act, but all such debts, obligations, contracts and bonds shall pass to and be binding upon the new municipality which is hereby organized and created.

Section 4 - Officers held over until successors qualify; existing ordinances continued

That all officers heretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this act; provided, that if no such successors are clearly provided for in this act, then such officers shall hold office and discharge their duties only during the pleasure of the city commission herein created; and all existing ordinances of the said municipality, not in conflict with the provisions of this act, shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

Section 5 - Establishment of new municipality

The inhabitants of the Town of Shalimar, Florida, as its boundaries are hereinafter designated, shall be, and continue to be a body politic and corporate to be known and designated as "Shalimar," and as such shall have perpetual succession, may have and use a common seal, may contract and be contracted with, may sue and be sued, and may plead and be impleaded in all the courts of this state.

Section 6 - Boundaries

That the corporate boundary of Shalimar in Okaloosa County, Florida, is fixed, defined and established so as to include the following lands and territory in Okaloosa County, Florida, to wit: All of Sections Five (5) and Six (6) Township 2 South, Range 23 West, lying East of Garnier's Bayou, West of the East right-of-way of State Highway 85 and North of the South right-of-way of Old Ferry Road.

Section 7 - Rights, powers and privileges

(a)

The town shall have, exercise and enjoy all rights, immunities, powers, benefits, privileges and franchises conferred by the general Laws of Florida; except as herein expressly provided.

(b)—(y) [Editorially deleted]

Subsections (b)—(y) of this section which have been converted to ordinances by operation of F.S. § 166.021(4), (5) and have been editorially deleted as superseded by state law or unnecessary as home rule powers of municipalities are derived from the state constitution and F.S. ch. 166.

Section 8 - Creation of town commission

(a)

The government of the town, and all powers of the town, administration and government, shall be in the town commission to be composed of five members.

(b)

[Editorially deleted]

Editor's note—

Subsection (b) of this section designating members of the town commission which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as obsolete.

(c)

An election shall be held within the Town of Shalimar on the last Tuesday of June, 1977. At that election, the three (3) commissioners receiving the largest number of votes shall be considered elected for four (4) year terms. The two (2) commissioners receiving the fewest number of votes shall serve for two (2) year terms. Thereafter an election shall be held on the last Tuesday in June, 1979, at which the two (2) vacancies which occur in that year will be filled by popular election. From and after the June election, 1979, all chosen commissioners shall serve for four (4) year terms. An election shall be held to fill the vacancies as they occur on the second Tuesday in March every odd number year. The term of office shall begin on the date of the election. Such elected municipal officers shall take office within 30 days after the election with the specific day to be decided by applicable local ordinance.

(d)

[Editorially deleted]

Editor's note—

This subsection regarding elections prior to July 1, 1965 which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as obsolete.

(e)

Beginning with the next regular election of the town commission members to be held in June of 1987 the commission seat which is for a two year term shall be designated as the "mayor/commissioner" seat. The person elected to that seat shall be the Mayor of the Town of Shalimar. The position of "mayor/commissioner" shall be filled at each regular election every two years thereafter. The duties and responsibilities of the "mayor/commissioner" shall be established by ordinance adopted by the town commission at its first organizational meeting after the regular election held in June of 1987 and may be amended by ordinance thereafter at the discretion of the town commission.

(f)

All provisions of the General Laws of Florida with reference to the passage of ordinances and resolutions shall apply to and bind the said town except that, under this act, the town shall act through a commission instead of a town council.

(Ord. No. 77-06, § 2, 5-11-77/6-28-77; Ord. No. 86-06, § II, 5-12-86/9-23-86; Laws of Fla., ch. 92-270, § 5)

Code Cross reference—Date of taking office, § 22-7

Procedure for passage of ordinances and resolutions, F.S. § 166.041.

Section 9 - Electors and candidates

(a)

The commission shall provide by ordinance for the method and manner of registration of qualified electors of the town.

(b)

The qualified electors of the town shall be: [Editorially deleted]

Editor's note—

This subsection on qualification of electors has been editorially deleted as superseded by F.S. §§ 97.041, 166.032, 98.041 et seq.

(c)

Except as herein modified or altered the provisions of the General Laws of Florida pertaining to general elections, registrations, manner of voting, qualifications of electors, duties of election officers, canvassing returns and the general management of elections shall apply.

(d)

All candidates for members of the commission shall be qualified electors and residents of the town.

Editor's note—

The requirement for candidates to be freeholders of the town has been editorially deleted as a similar requirement has been struck down by the U.S. Supreme Court in *City of Phoenix v. Kolodziejski*, 399 U.S. 204 (1970).

(e)

Any person qualified may become a candidate by filing with the mayor [supervisor of elections] a nomination petition signed by three qualified electors, which petition must be filed no earlier than noon of the 50th day prior to the date of the election and no later than noon of the 46th day prior to the date of the election.

(f)

All elected officials shall take oath of office prescribed by general law.

(Laws of Fla., ch. 92-270, § 2)

Florida election laws, F.S. chs. 97—106.

Section 10 - Municipal court

[Editorially deleted]

This section on municipal court has been editorially deleted as municipal court was abolished by art. V, § 20, Fla. Const.

Section 11 - Contracts and collection of funds

[Editorially deleted]

This section which has been converted to an ordinance by operation of F.S. § 166.021(4), (5) has been editorially deleted as unnecessary, as home rule powers have been granted by F.S. ch. 166.

Section 12 - Saving clause

If any section or part of a section of the Charter is invalid or unconstitutional, same shall not be held to invalidate or impair the validity, force or effect of any other section or part of the Charter.

Section 13 - Repealer clause

All laws or parts of laws in conflict herewith are repealed.

Section 14 - Effective date clause

This act shall become a law immediately upon its passage and approval by the Governor or upon its becoming a law without such approval.

This act became a law without the Governor's approval. It was filed in Office Secretary of State on May 22, 1961.