

Exhibit "A"

The forgoing portions of Article I, Section 7 of the Pierson Town Charter are hereby converted to ordinances and repealed (where struck through) as follows:

~~to borrow for not longer than one (1) year, at a rate of interest not greater than eight (8) per cent per annum, not exceeding five thousand dollars (\$5,000.00);~~

The forgoing portions of Article I, Section 8 of the Pierson Town Charter are hereby converted to ordinances and repealed (where struck through) as follows:

~~a town tax assessor, and a town tax collector~~

The forgoing portions of Article I, Section II of the Pierson Town Charter are hereby amended and repealed (where struck through) as follows:

Section 11. [Voters' Qualifications.]

That any person who shall possess the qualifications of an elector under the general laws of the State of Florida, and shall ~~have~~ resided within the territorial limits of the said town ~~for six (6) months next preceding the election~~, and shall have registered in accordance with the ordinances of said town, shall be entitled to vote at any municipal election, except as hereinafter provided.

The forgoing portions of Article II, Section 1 of the Pierson Town Charter are hereby converted to ordinances and repealed (where struck through) as follows:

1st. To levy and collect taxes on all property, professions and privileges taxable by law for state purposes.

~~*2nd.* To make their own valuations for the purpose of municipal taxation, independent of the state and county violation.~~

3rd. To appropriate money for the payment of debts and the expenses of the town.

...

5th. To establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof.

6th. To make rules and regulations to secure the general health of the inhabitants and to prevent and remove nuisances, whether affecting the health or morals of the community, or otherwise wrongful.

- 7th.* To fill in all low ground in the town and to compel owners of low ground in the town to fill the same up to an established grade so as to prevent the breeding of mosquitoes, or the spread of disease.
- 8th.* To provide the town with a supply of water for public purposes and to sell the same to private individuals for profit, by water works to be within or beyond the limits of the town, and for that purpose to acquire, build, construct or lease, or permit others to acquire, build construct or lease, water works and a water system, and to dig artesian wells.
- 9th.* To compel owners of land within the town to remove there from all brush, weeds, obnoxious growth of any kind, filth, garbage, trash, debris, decayed buildings, ruins of any kind, and buildings in a falling or dangerous condition.
- 10th.* To provide for the prevention and extinguishment of fires and to organize and establish fire departments.
- 11th.* To provide for the lighting of the town by electricity, gas or other illuminating material, and to sell gas or electricity to others for profit, within or beyond the boundaries of the municipality.
- 12th.* To authorize and make appropriations to alter, open, extend, abolish, widen, establish, grade, pave or otherwise improve, clean, and keep in repair, streets, alleys, and sidewalks, and to erect and keep in repair bridges, culverts, sewers and gutters.
- 13th.* To make appropriations for lighting the streets and public buildings, and for the erection and maintenance of all buildings necessary to the use of the town, including an auditorium or a municipal theater, or both.
- 14th.* To create a publicity fund not to exceed five (5) mills, for the purpose of advertising the resources and attractions of the town, of aiding and assisting in the work of any organization created for the advancement of the interests of the town, and of aiding and assisting a band within the town.
- 15th.* To establish and maintain a public library and reading room, and to erect or purchase and maintain a building therefor.
- 16th.* To license, tax and regulate auctioneers, tavern keepers, peddlers, and all other privileges taxable by the state.
- 17th.* To license, regulate, and regulate, carriages, wheel chairs, cars, vehicles, motors, omnibuses, wagons and drays used for hire, and to fix the rate to be charged for the carriage of persons and property within the town limits.

- 18th.* To regulate and license any theatrical or other exhibition, show, circus, parade, athletic or other amusements, and to license and tax any other business, occupation or profession without regard to the amount of state license tax and without regard to whether the state shall license the same or not.
- 19th.* To prohibit and suppress gambling houses, bawdy houses, and disorderly houses, and any show, circus, exhibition or any amusement contrary to good morals, and also any and all obscene pictures and literature.
- 20th.* To regulate, restrain and prevent the carrying on of manufactories of a nature tending to increase or produce fires or offensive noises and to restrain any person or corporation from polluting the soil, streets, sewers or streams of water within the town limits.
- 21st.* ~~To license or prohibit the sale of firearms;~~ to regulate the storage of tar, pitch, resin, saltpeter, gun cotton, kerosene, gasoline, oils and all other combustibles, explosives and inflammable material, and the use of lights, candles, lamps, electric wires and steam pipes in dwellings, stables, shops and all other places.
- 22nd.* To regulate or suppress the sale of fireworks, toys, pistols ~~or guns~~, slingshots and similar articles.
- 23rd.* To provide for the regulation and inspection of beef, pork, poultry, fish, flour, meat, milk, butter, lard and all other provisions, and oil and gasoline.
- 24th.* To regulate the vending of milk, meat, poultry, fish, fruits and vegetables, and all other articles of merchandise to be sold within said town.
- 25th.* To establish and regulate markets.
- 26th.* To enact, and provide for the enforcement of all ordinances for the good government and general welfare of the town and the residents and taxpayers thereof.
- 27th.* To provide for the arrest, imprisonment and punishment of all vagrants and of riotous and disorderly persons within the town, by day or by night, by warrant or otherwise.
- 28th.* To provide for the punishment of all breakers of the peace.
- 29th.* To disperse all disorderly assemblies on the Sabbath or secular days.
- 30th.* To enact all ordinances necessary to the public health.

- 31st. To impose penalties on the owners, occupants or agents of any house, walk, or sidewalk, or other structure or place or thing, which may be dangerous or detrimental to persons or property and to abate such structures as public nuisances.
- 32nd. To regulate, tax, license or suppress and punish by fine or imprisonment, the keeping and going at large of all animals, within the town, and to impound the same; and in default of redemption in pursuance of ordinance, to sell, kill, or otherwise dispose of the same.
- 33rd. To provide for the enclosing, improving and regulating of public grounds belonging to the municipality within or without the corporate limits, and for the beautification of streets, parks and other public places.
- 34th To provide for the organizing and maintenance of a police force and to .impose fines, forfeitures and penalties, and terms of imprisonment at hard labor or otherwise, for a breach of a town ordinance, but no penalty shall exceed five hundred dollars (\$500.00), and no term of imprisonment shall be for a longer period than three (3) months for one and the same offense.
- ~~35th To provide for the imprisonment of offenders against the ordinances at hard labor on the streets or other public works of the town, to be designated by ordinance, until the fines and costs adjudged against them by the judicial authority of the municipality are paid, the amount to be credited to such persons on account of fines and costs for each day's work performed to be fixed by ordinance.~~
- 36th To regulate and provide for the construction of streets and paving the same, and for the construction and repair of sidewalks and foot pavements and to erect and maintain bridges in said town.
- 37th To construct and provide for the construction of streets, sewers and drains, and for keeping them in repair and to assess the expense on the property especially benefited thereby, in proportion to the amount of the benefit, or upon abutting property owners in proportion to the frontage, and upon all land drained thereby, and which received a benefit, and the council shall be the judge of the amount of the assessment, the benefit received and the proportion that shall be assessed upon each p:roperty owner.
- 38th To construct and provide for the construction, operation and maintenance of canals and ditches for drainage and irrigation purposes, and to assess the expense thereof on the property specially benefited thereby, in proportion to the benefits received. The town council shall be the judge as to the amount of the assessment in each project, and against each parcel of land benefited.

- 39th To purchase and acquire private grounds for park and public purposes and to issue the bonds of the town in payment therefor.
- 40th. To regulate and restrict the location of trades and industries and the location of buildings, designed for specific uses; to regulate the height, bulk and construction of buildings hereafter erected and to this end, and for that purpose, to divide the town into zones in such number, shape and area as to provide for the enforcement of such ordinances and regulations.
- 41st To take appropriate private grounds, in manner and form provided by law, by condemnation, for widening streets or parts thereof, or for extending the same or for laying out or extending new streets, avenues, squares, parks or promenades, sewers, or drains, when the public convenience may require it, or for the construction or maintenance thereon of any municipal plants, parks, works, or for any other necessary public purpose, and to assess the costs and expense pro rata for such improvements upon the property especially benefited thereby. The town council shall be the judge as to the amount of the assessment in each project, and against each parcel of land benefited.
- 42nd. To require parties or their agents, owning property within the town, to bring the same to a grade or topographical level by filling or excavating as shall be necessary, or the town may do the same and the amount expended therefor shall be a lien on said property, and may be enforced by the municipality, as provided in case of pavements, sidewalks and sewers.
- 43rd. To provide for the punishment of any, person or corporation that shall sell or dispose of any article, commodity or thing by weight or measure, and shall deliver to the purchaser smaller quantity for the consideration than that agreed upon between the seller and the purchaser.
- ...
- 45th. To adopt a corporate seal, and change the same as the council may direct.

The forgoing portions of Article III, Section 6 of the Pierson Town Charter are hereby converted to ordinances and repealed (where struck through) as follows:

~~Provided, that such bank or banks shall first furnish such security for said funds as is acceptable to the mayor of said town.~~

The forgoing Articles V through VII of the Pierson Town Charter are hereby converted to ordinances and repealed (where struck through) as follows:

~~ARTICLE V. BONDS~~

Section 1. [~~Authority of Town Council.~~]

~~Whenever it shall be deemed advisable to issue bonds of the Town of Pierson, for any purpose or purposes hereinafter named, viz: for raising money to be used in purchasing, constructing, extending or improving, waterworks, or electric light plants, or for constructing, purchasing, or improving gas works or other illuminating works; or for the purpose of constructing or extending or improving a system of sewers or drainage or otherwise promoting the health of the town; for the purpose of opening, widening, grading, altering, building or paving the streets, or sidewalks of the town, and for opening, constructing and maintaining parks, promenades or play grounds; for the purpose of establishing and maintaining a fire department in the said town; for the purpose of erecting public buildings for the use of said town; for the purpose of refunding outstanding indebtedness; and for any one or more of said purposes, and for any other purpose deemed necessary for the public good; provided that the same is not in conflict with the Constitution or laws of the State of Florida, the council, in its corporate capacity, hereby is authorized to issue bonds of said town, under the seal of the municipality.~~

Section 2. [~~Terms.~~]

~~Said bonds shall be signed by the mayor and countersigned by the town clerk, and may bear interest coupons to which shall be affixed facsimile signatures of the mayor and town clerk, and shall be of denominations to be determined by the council, and bearing interest at the rate of not exceeding eight (8) per cent per annum, payable either annually or semi-annually, and to be due upon such date as determined by the town council within a period of thirty (30) years from the date thereof.~~

Section 3. [~~Resolution.~~]

~~Prior to the issuance of any bonds, the council shall adopt a resolution fixing the aggregate amount of the proposed issue, the rate of interest, the purpose for which such bonds shall be issued, the time when said bonds shall be payable, and providing for and creating a sinking fund and interest assessment for meeting and discharging the principal and interest of said bonds.~~

Section 4. [~~Form and Denomination~~]

~~The council shall prescribe the form and denomination of said bonds. The bonds shall be sold by the council at not less than ninety (90) per cent on the dollar.~~

Section 5. [~~Records.~~]

~~The town clerk shall keep a separate account of each bond issue, showing the number and amounts of bonds issued, the receipts therefrom, and the disbursements of the proceeds thereof.~~

Section 6. [~~Notice of Sale.~~]

~~Notice of sale of bonds shall be given by publication in a newspaper published in Volusia County, for two (2) consecutive weeks before the date of sale of said bonds and by posting same at the door of the Town Hall.~~

Section 7. [~~Referendum.~~]

~~Before any bonds shall be issued under the provisions of this article, the same shall be approved by a majority vote of the qualified electors of said town, who are freeholders, at an election called for that purpose.~~

~~ARTICLE VI. REVENUE AND TAXATION~~

Section 1. [~~Authority of Town Council.~~]

~~The council shall have power to raise by tax assessment upon all real and personal property within said town, all sums of money which may be required for the improvement and government of the town and for the carrying out of the powers and duties herein granted and imposed. The town council shall also have power to levy annually such special tax on taxable property, real and personal, within the corporate limits of said town, as may be necessary to provide funds for the payment of bonds or interest bearing warrants at maturity, and the same shall be deposited in such interest paying bank or trust company as shall be designated by the town council. Provided, that such bank or trust company shall first furnish such security for said deposits as is acceptable to the mayor of said town.~~

Section 2. [~~Valuation of Property.~~]

~~The town council shall make its own assessments of property for taxation, but the valuation of property by the municipality shall not exceed its market value. All property, real and personal, in said Town of Pierson, not expressly exempt by the laws of the state, shall be subject to taxation for the purposes mentioned in this Charter. It shall not be necessary to describe personal property assessed for taxation, and the term "personal property" shall be sufficient description to sustain any listing and assessment of the personal property of any person, firm or corporation.~~

Section 3. [~~Returns by Owner.~~]

~~All persons or corporations owning property, whether real or personal, subject to taxation by said Town of Pierson, may be required to make return of the same to the tax assessor upon such terms and conditions as may be designated by ordinance.~~

~~Section 4. [Assessment by Tax Assessor.]~~

~~The descriptions and valuations thus returned may be considered by the assessor in making assessments, but he or she shall not be bound thereby. Should any person, firm or corporation omit to make return as above required, the assessor shall assess the property not thus returned in the name of the owner, if the name of such owner shall be known to him or her; and where the name of the owner is not known to him or her, the assessor may assess it in the name of the supposed or reputed owner or occupant, or as belonging to any unknown owner, and in no case where the real owner has failed to make return of his or her property as required, shall the assessment thereof be declared invalid or not lawfully made, or the enforced payment of taxes thereon be resisted, by reason of such property being assessed otherwise than in the name of the real owner.~~

~~Section 5. [Railway and Railroad Companies.]~~

~~Railway and railroad companies shall be subject to taxation on all real estate and personal property owned by them within the limits of the town, in the same manner and at the same rates of valuation as other property.~~

~~Section 6. [Rights of Enforcement.]~~

~~That, for enforcing the collection of taxes due to said town, it shall have all the rights by way of sale and purchase that the state would have were such taxes due to the state, and the said rights may be exercised in a similar manner, to be fixed by ordinance of the town council, but the valuation placed upon real or personal property by said town may exceed the valuation by the state and county, but shall not exceed the actual value of such property.~~

~~Section 7. [Back Assessments; Reassessments.]~~

~~That, where property has escaped municipal taxation, taxes thereon may be levied and collected for each year so omitted, for three (3) years back, and where a tax assessment or sale has been adjudged invalid for any cause other than the want of power to levy such tax, the tax may be reassessed and collected at the next taxpaying time, succeeding such adjudication~~

~~Section 8. [Annual Assessment by Tax Assessor.]~~

~~The tax assessor shall make the annual assessment of all property within the Town of Pierson subject or liable to municipal taxation in the manner prescribed by law and by the ordinances of said town.~~

~~Section 9. [Collection of Taxes.]~~

~~The tax collector shall collect all municipal taxes due on real and personal property, and all other taxes as imposed, as occupational, professional, business or other licenses, and shall deliver the same as often as shall be prescribed by ordinance, to the treasurer, taking a receipt therefor.~~

~~Section 10. [Board of Equalization.]~~

~~The town council shall act as a board of equalization and shall, by ordinance, fix the time when it will sit for such purpose, and it may adjourn from day to day while sitting as such board. After raising the assessment upon any property, the council shall give notice thereof by publication one (1) time in a newspaper in said county, or by posting at the Town Hall, and shall meet at a subsequent date for the purpose of hearing any complaints against the same; the time of the holding of which meeting shall be stated in such notice, and shall be not less than ten (10) days' notice.~~

~~Section 11. [When Taxes Due.]~~

~~All taxes shall be a lien against the property upon which they are levied or assessed from the first day of January of the year in which such levy or assessment is made, and shall be due and payable on the first day of November in such year, or as soon thereafter as the assessment roll may come into the hands of the collector, of which the collector shall give notice by publication for one (1) issue in a newspaper published in Volusia County, or by posting the same at the door of the Town Hall. All taxes due the town shall become delinquent on the first Monday in April, following the year for which they are assessed.~~

~~ARTICLE VII. STREETS, PAVEMENTS AND TOWN LOTS~~

~~Section 1. [Authority of Town Council.]~~

~~The town council shall have complete control and supervision of all the streets, roads and alleys within the corporate limits of the town, and shall, by ordinance, prescribe the method and manner of keeping up and working the same, not inconsistent with the laws of the State of Florida.~~

~~Section 2. [Street Tax.]~~

~~The town council shall have authority, when deemed necessary and advisable, to levy in each year an extra street tax of not to exceed three dollars (\$3.00) on each male resident of said town, whether he be a citizen or not a citizen of Florida, over the age of twenty one (21) years and under the age of fifty five (55) years, and shall have authority to enforce the collection of the same.~~

~~Section 3. [Improvement Procedures Generally.]~~

~~Whenever the town council of the Town of Pierson shall decide to open, establish, abolish, alter, extend, widen, grade, fill in, clear, clean, pave, repair or otherwise improve any street, sewer, drain or drainage ditch within said town, said council shall pass and adopt a resolution therefor, which said resolution shall state in a general way what is to be done, the limits within which said work is to be done, the materials to be used, and the width of paving, if a street, public way or thoroughfare is to be paved. Thereupon said council shall cause the said work to be done by contract or otherwise, and said council, in its discretion, may enter into separate contracts for any grading, filling, clearing, cleaning, curbing or paving, or for any portion of either; or the said council may, in its discretion, perform all or any portion of any public work under its own supervision, under a foreman or other agency, employing such labor as may be necessary and not let the same under contract, as may in its opinion best serve the interests of the public. When such work has been completed, the said council may pay the expenses of the same out of any funds belonging to the town, or it may pay for the same with certificates of indebtedness authorized by Sections 3016, 3017, 3020 and 3021, of the Compiled General Laws of Florida. The council may assess the expense of such work on the property benefited by the improvement or upon the abutting property in proportion to the frontage, or the council may pay any portion of the expense thereof from any funds belonging to the town, and assess the remainder of such expense against the property benefited thereby, or against the abutting property, in proportion to the frontage. Any lot on a corner may be assessed for its proportionate share of the improvement in the crossing or street adjacent to the corner.~~

~~After the completion of said work, said council shall adopt a resolution assessing the expense of said work, or such portion thereof as it may determine, against the property benefited thereby or against the abutting property, in proportion to the frontage, or as above stated, at a corner or a crossing; and thereupon said council shall cause to be published a notice of the completion of said work, which notice shall contain a statement of the total cost of the work and the amount assessed against each lot, parcel or tract of land, but in such notice the name of the owner or owners, or other persons or corporations interested in said lands, need not appear, if such name shall be unknown to the clerk, but only a sufficient description of the lot, parcel or tract of land, to make it capable of identification, shall be necessary and the said notice shall fix a time not less than thirty (30) days from the first publication or posting of the notice, when the council shall hear complaints of the owner or owners, or other persons or corporations interested in said lands against the amount or justice of said assessment. The said notice shall be posted at the door of the Town Hall. The owner or owners or any person or corporation interested in any land or lands against which such assessment is made may appear before the council at the time named in said notice and present any complaint which he, she or it may have against the said assessment; and the council shall have power, if it shall deem it just or right, to decrease the amount of such assessment, but no such assessment shall be increased against any lands after the assessment has once been made. Any person or corporation owning or interested in any land against which any such assessment has once been made, who shall fail~~

~~to make complaint to the council at the time named in the aforesaid notice, shall be deemed and held to have consented to the assessment; and any such person, persons, or corporation, owning or interested in any land against which such assessment is made, who presents his, her or its complaint at said meeting against the said assessment, and is dissatisfied with the action of the council at said meeting, within sixty (60) days, may apply to any court of competent jurisdiction for an injunction against the collection or enforcement of the said assessment; and unless such application for such injunction is made within said time, such person, persons or corporation shall not thereafter be heard in any proceedings in any court, either at law or in equity, as plaintiff or defendant, to question or contest the legality of such assessment.~~

~~Such assessment shall constitute and be a lien against the land against which the same is made, from the date of the meeting of the council held to hear complaints against the said assessment, which said lien shall be prior and superior in dignity to all other liens thereon, except liens for taxes, and the amount of such assessment shall bear interest from date of the making of such assessment at a rate to be fixed by the council, which shall not exceed eight (8) per cent per annum.~~

~~The said council shall cause to be prepared and kept by the town clerk, a "town improvement lien book" in which shall be entered the date of the making of such assessment, the amount of the assessment against each lot, parcel or tract of land, the general purposes for which the assessment was made, and such other information as may be deemed advisable by the council. The entry of the same in said "town improvement lien book" shall be and constitute notice to the public of said lien against said lands, and no other record or notice thereof shall be necessary to any person or corporation.--~~

~~The owner, owners, or any other person or corporation interested in any land against which such assessment is made, may pay the said lien and have the same satisfied by the clerk at any time prior to suit thereon, by paying the amount of such assessment and the interest thereon to the date of such payment.~~

~~The council, at any time after such assessments are made, may issue and dispose of certificates of indebtedness upon the said assessments, under the provisions of Sections 3016, 3017, 3020, and 3021 of the Compiled General Laws of Florida.~~

~~Said assessments may be made due and payable in such installments and at such times as the council may by resolution prescribe.~~

~~Any lien provided for in this section may be enforced and collected by suit at law or in equity, or the town may maintain a personal action against the owner to recover the same, or it may enforce its lien and maintain its personal action at the same time, until actually paid the amount due; and in any suit by the town, either at law or in equity, for the collection of the amount of such lien, the town shall be~~

~~entitled to recover a reasonable attorney's fee not exceeding twenty five dollars (\$25.00) for the institution of the suit and the sum of ten (10) per cent of the amount of the recovery, together with the costs of the proceedings, which attorney's fee and costs shall also become a lien upon said lands.~~

Section 4. [~~Same-When Owner Required to Make Improvements~~]

~~The council may adopt a resolution directing and requiring the owner of any lot, parcel or tract of land fronting or abutting on any street, avenue, alley or foot pavement, or any other public way, to construct, build or repair a sidewalk, foot pavement, curb or gutter or either one or more of said improvements thereon, to be built in front of such abutting property or in front of a lot on a corner or which lies between two (2) streets and upon a grade, and of such materials, width and other dimensions and in such manner as the council shall direct. The said resolution shall fix a time within which the said work shall be done by the owner or by the agent of such owner, or if the owner is a nonresident of said town, or cannot be found within the town, and has no known agent in the town, a copy of such resolution shall be posted upon said lot, parcel or tract of land. If the owner or owners shall not, within the time fixed in said resolution, build, construct, or repair such sidewalk, or foot pavement, curb or gutter, or either one or more of said improvements in the manner and as directed in said resolution, the council may cause the same to be done and pay therefor, and charge, assess and collect the expense thereof against such lot, parcel or tract of land and against the owner or owners thereof. All the provisions of Section 3 of this article relative to the making of the said assessments and proceedings subsequent thereto, notice to hear complaints and action thereon and the effect thereof, decrease of amount of assessment, contesting legality of assessment, acquisition by town of lien and effect thereof, rate of interest, entry in "town improvement lien book," effect of such entry, payment of lien, issuance of certificates of indebtedness, the enforcement and collection of the lien and attorneys' fees, shall be applicable to and may be followed in making and enforcing the assessments authorized by this section.~~

Section 5. [~~Referendum.~~]

~~Before work is begun upon any of the improvements mentioned in Section 3 of this article, the making of said improvement or improvements shall be approved by a majority vote of the qualified electors of the said town, at an election to be held for that purpose.~~

The forgoing portions of Article VIII, Section 3 of the Pierson Town Charter are hereby converted to ordinances and repealed (where struck through) as follows:

Section 3. [~~Charter Amendments.~~]

~~This Charter may be amended by a three-fifths (3/5) vote of the qualified electors voting at an election called for the purpose of voting upon such proposed amendment.~~