

CITY OF ORMOND BEACH CHARTER

PART I - CHARTER

ARTICLE I. - CREATION AND POWERS

Sec. 1.01. - Creation and powers.

The City of Ormond Beach, as previously created by Chapter 15401, Acts of 1931, as amended, shall continue as a Florida municipal corporation, having all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services and with the authority to exercise any power for municipal purposes except as otherwise provided by law.

(Ord. No. 2008-30, 7-15-2008)

State Law reference— Home rule powers generally, F.S. § 166.021.

Sec. 1.02. - Extraterritorial powers.

As previously granted by Chapter 15401, Acts of 1931, as amended, and hereby specifically continued, the city shall have the power to purchase, acquire by eminent domain, lease, receive and hold property, real and personal, beyond the corporate limits of the City of Ormond Beach for such public purposes as the city commission may deem necessary and proper. The city commission may sell, lease or otherwise dispose of such property for the benefit of the city and may enact and enforce ordinances for the preservation of the assets of the city and to preserve order thereon.

(Ord. No. 2008-30, 7-15-2008)

State Law reference— Extraterritorial powers, Fl. Const. art. VIII, § 2(c).

Sec. 1.03. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the Constitutions of the United States and the State of Florida, by general and special law and by any specific limitations in this Charter.

(Ord. No. 2008-30, 7-15-2008)

Sec. 1.04. - Official seal.

The official city seal shall continue in its present form and design until changed by resolution of the city commission.

(Ord. No. 2008-30, 7-15-2008)

Editor's note— F.S. 165.043 provides that a municipality may by "ordinance" designate an official seal.

Sec. 1.05. - Form of government.

The City of Ormond Beach shall be governed by the "commission-manager" plan of municipal government.

(Ord. No. 2008-30, 7-15-2008)

ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Description of corporate limits.

The area described in "Appendix A" to this Charter shall constitute the corporate limits of the City of Ormond Beach. Said "Appendix A" shall be kept current and on file in the office of the city clerk.

(Ord. No. 2008-30, 7-15-2008)

State Law reference— Municipal annexation or contraction, F.S. § 171.011 et seq.

ARTICLE III. - LEGISLATIVE

Sec. 3.01. - City commission.

There shall be a city commission of five (5) members, one (1) residing in each of the four (4) zones and elected by the electors of those zones and one (1), who shall be mayor, elected by all of the electors of the city.

(Ord. No. 2008-30, 7-15-2008)

Sec. 3.02. - Qualifications.

Each member of the city commission, including the mayor, shall have continuously and permanently resided within the City of Ormond Beach for at least one (1) year immediately prior to the first day of the qualification period as a candidate for election to the office of mayor, and each zone commissioner shall have continuously and permanently resided within the zone he seeks to represent for at least thirty (30) days immediately prior to the first date of the qualification period as a candidate for election to the city commission. All members of, and candidates for, the city commission shall have the qualifications of electors in the zone in which they reside. The mayor must continue to permanently reside within the city, and each member of the city commission must continue to permanently reside within the zone from which they were elected, following their election to office.

The city commission shall be the judge of the election and qualifications of its members.

Sec. 3.03. - Election and terms.

The regular election of members of the city commission shall be held in the manner provided for in Article V of this Charter and shall be for two-year terms.

(Ord. No. 93-40, § 2, 8-17-1993; Ord. No. 94-52, § 3, 6-21-1994; Ord. No. 98-58, § 2, 1-5-1999)

Sec. 3.04. - Compensation and expenses.

The mayor and city commissioners will receive such sums for compensation and expenses as established by duly adopted ordinance.

Sec. 3.05. - Mayor and deputy mayor.

The mayor shall be an elector of the city, and shall be elected to serve a two-year term by the electors of the city.

The city commission shall, by a majority vote, elect one (1) of its members to be deputy mayor at the second regular city commission meeting in November of each even-numbered year.

The mayor shall preside at city commission meetings, shall be recognized as the head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the city official designated to represent the city in all agreements with other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The deputy mayor shall act as mayor during the absence or disability of the mayor, and during a vacancy in the office of mayor until such vacancy is filled in accordance with Section 3.07 of this Charter.

(Ord. No. 93-40, § 3, 8-17-1993; Ord. No. 94-52, § 3, 6-21-1994; Ord. No. 96-49, § 1, 8-20-1996; Ord. No. 98-58, § 2, 1-5-1999; Ord. No. 2001-24, § 1, 8-7-2001; Ord. No. 2008-30, § 2, 7-15-2008)

Sec. 3.06. - Prohibitions.

(a) Appointment and removals. Neither the city commission nor any of its members shall in any manner direct the appointment or removal of any city administrative officers or employees whom the city manager or city attorney or any of their subordinates are empowered to appoint, but the city commission may express its views and fully and freely discuss with the city manager or city attorney anything pertaining to the appointment or removal of such officers and employees.

(b) Operational involvement. In order to allow the city manager to maximize the coordination of the efforts of all city departments to achieve the most efficient delivery of services to the citizens, it is the intention of this Charter that the city commission and its members make every effort to channel requests for specific action through the office of the city manager.

For purposes of this section, "office of the city manager" shall be deemed to include the city manager, any assistants to the city manager or any managerial-level person to whom other department heads report, as well as staff support personnel of any of the foregoing.

Nothing in the foregoing is to be construed to prohibit individual city commissioners from closely scrutinizing, by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the commissioners in the formulation of sound policies to be considered by the commission. It is the intent of this Charter, however, that recommendations for improvement in city government operations by individual city commissioners be made to and through the city manager, so that the city manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

(a) Vacancies. The office of any member of the city commission, including the mayor, shall become vacant upon such person's death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) Resignation. A resignation from any office held by any member of the city commission must be provided in writing to the city clerk, must state the effective date of resignation and shall be irrevocable.

(c) Forfeiture of office. A city commissioner shall be subject to the forfeiture of his office if he, at any time during his term of office, lacks any qualification for the office as prescribed by this Charter or by law or if he is convicted of any misdemeanor, criminal traffic violation or felony.

A forfeiture shall be declared by motion made by any member of the city commission and approved by a majority vote of the city commission as a whole.

A member whose office has been declared forfeited shall be entitled to a public hearing on written demand filed with the city clerk within ten (10) days of the forfeiture vote. Notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least seven (7) days in advance of the hearing.

Upon conclusion of the public hearing, the city commission shall vote to either affirm or reverse its prior vote of forfeiture. If the prior vote is affirmed or if no public hearing is requested, the office shall be deemed forfeited, declared vacant and filled in accordance with this section.

(d) Filling of vacancies. A vacancy in any office of the city commission, including that of the mayor, shall be filled in one (1) of the following ways:

(1) If there are less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular municipal election, the city commission, by a majority vote of the remaining members, shall choose a qualified successor to serve until the city commissioner, or mayor, elected in such regular municipal election takes office;

(2) If there are six (6) months or more remaining in the unexpired term and no regular city election is scheduled within six (6) months, that seat shall be filled by election for the balance of the term.

Notwithstanding any quorum requirements established herein, if at any time the membership of the city commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under subsection (d)(1) above.

(e) Extraordinary vacancies. In the event that all city commissioners are removed by death, disability, law or forfeiture of office, the governor will appoint an interim city commission that will call a special election, to be held not sooner than sixty (60) days nor more than ninety (90) days following the occurrence of the vacancy, and if a run-off election is necessary, it shall be scheduled four (4) weeks after the special election.

(Ord. No. 96-50, § 2, 8-20-1996; Ord. No. 2005-27, § 4, 8-16-2005)

Sec. 3.08. - Procedure.

(a) Meetings. The city commission shall hold an organizational meeting on the third Tuesday in November following each general municipal election and shall meet thereafter at least twice in every month, at such times and places as the city commission may prescribe by resolution; except that the city commission may cancel, by affirmative vote of a super majority of the quorum present, no more than one regular meeting a month, provided that no more than four such meetings may be canceled in any twelve-month period commencing from the third Tuesday in November of any given year. Any meeting so canceled may, at the discretion of the city commission, be rescheduled in the same manner as any other meeting. Special meetings may be held on the call of the mayor or of a majority of the members and, whenever practicable, upon no less than twelve (12) hours notice to each member and the public.

(b) Rules and journal. The city commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

(c) Voting. Voting on all ordinances and resolutions shall be by roll call vote and shall be recorded in the journal. A majority of the city commission shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the city commission. No action of the city commission, except as otherwise provided in the preceding sentence, paragraph (a) of this section, and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of the quorum present.

(Ord. No. 96-49, § 2, 8-20-1996; Ord. No. 2001-24, § 2, 8-7-2001; Ord. No. 2005-27, § 5, 8-16-2005; Ord. No. 2008-30, 7-15-2008; Ord. No. 2008-30, § 3, 7-15-2008; Ord. No. 2012-20, § 2, 6-5-2012; Elec. of 11-6-2012)

ARTICLE IV. - ADMINISTRATION

Sec. 4.01. - City manager.

There shall be a city manager who shall be the chief administrative officer of the city. The city manager shall be responsible to the city commission for the administration of all city affairs placed in his charge by or under this Charter.

Sec. 4.02. - Appointment; removal; compensation.

(a) Appointment. The city commission shall appoint a city manager for an indefinite term by a majority vote of the city commission as a whole.

(b) Removal. Subject to and in conformity with any conditions of employment approved by the city commission, the city manager may be removed by a majority vote of the city commission as a whole; provided, however, upon demand by the city manager, a public hearing shall be held prior to a vote to remove the city manager.

(c) Compensation. The compensation of the city manager shall be established by the city commission and may not be reduced during his tenure, except as part of a general program of salary reductions necessitated by general economic conditions beyond the control of the city commission.

Sec. 4.03. - Acting city manager.

(a) Absences.

(1) Brief absences. For absences or disabilities which do not exceed fifteen (15) calendar days in length, the city manager shall designate, by letter filed with the city commission, a qualified city administrative officer to execute the powers and perform the duties of city manager during such brief absence or disability.

(2) Lengthy absences. For absences or disabilities exceeding fifteen (15) calendar days in length, the city manager shall designate, by letter filed with and subject to the approval of the city commission, a qualified city administrative officer to execute the powers and perform the duties of city manager during such absence or disability; provided, however, the city commission may revoke such designation at any time and appoint another qualified administrative officer of the city to serve until the city manager shall return or his disability shall cease.

(3) Advance notice. To the extent physically possible, the designations required by subsection (a) shall be made in advance of the absence of the city manager.

(b) Inability to designate. In the event the city manager resigns, is removed or is physically unable to submit the required letter, then the city commission shall appoint a qualified city administrative officer to execute the powers and perform the duties of city manager.

(c) Powers and duties of acting city manager. Any acting city manager appointed in accordance with this subsection shall exercise the powers specified in Section 4.04 only with the advice and consent of the city commission.

Sec. 4.04. - Powers and duties of the city manager.

The city manager shall:

(a) Appoint and, when he deems it for good cause and necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law. Prior to the termination of any such person, the city manager shall provide the person with oral or written notice of the charges and explanation of his evidence in support of the charges and provide an opportunity for the employee to present his position in person or in writing. The city manager may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;

(c) Appoint one (1) or more assistant city managers, whose duties shall be to assist him in such manner and in such affairs as he may designate; provided, however, that such positions shall have either been included in the city budget or previously approved by the city commission;

(d) Attend all city commission meetings and shall have the right to take part in the discussion, but may not vote;

- (e) See that all laws, provisions of this Charter and acts of the city commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;
- (f) Be responsible for the preparation and submission of the annual budget, budget message and capital program to the city commission in a form provided by ordinance;
- (g) Submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (h) Make such other reports as the city commission may require concerning the operations of city departments, offices and agencies, subject to his direction and supervision;
- (i) Keep the city commission currently advised on all matters affecting city policy and make such other reports as the city commission may require concerning the operations of city departments and offices subject to his direction and supervision;
- (j) Keep the city commission fully advised as to the financial condition and future needs of the city and make such recommendations to the city commission concerning the affairs of the city as he deems desirable and necessary;
- (k) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances;
- (l) Perform such other duties as are specified in this Charter or as may be required by the city commission.

Sec. 4.05. - City attorney.

- (a) The city commission shall appoint a city attorney, upon such terms as may be agreed upon at the time of appointment, who shall serve as the city's legal advisor. He shall be a member of the Florida Bar and shall furnish the city commission, the director of any department, or any officer or board not included in any department, with his opinion on any question of law relating to their respective powers and duties.
- (b) The city attorney, when necessary, shall retain outside counsel and appoint, suspend, demote or dismiss any employee in the office of the city attorney in accordance with law and the personnel rules of the city.
- (c) The city attorney shall prepare an annual budget for the operation of the office of the city attorney and shall submit this budget to the city manager for inclusion in the annual city budget in accordance with uniform city procedures.

(Ord. No. 2008-30, 7-15-2008)

Sec. 4.06. - Personnel system.

(a) Establishment of system. A civil service system for personnel administration shall be established, regulated and administered in accordance with the provisions of a civil service ordinance as adopted and amended by the city commission. Rules and regulations shall be prepared in accordance with the various provisions of the civil service ordinance.

(b) Personnel management. The city manager shall be responsible for the personnel management of the city as prescribed by the civil service ordinance.

(c) Personnel board. A personnel board shall be established with specific functions and powers as provided in the civil service ordinance.

(d) Policy on employment status. The selection, appointment, advancement, demotion, suspension, layoff, transfer, removal, discipline or compensation of any employee covered by the civil service ordinance as provided therein shall not be affected or changed except in accordance with the civil service ordinance as adopted by the city commission and the rules and regulations adopted pursuant to the civil service ordinance.

Editor's note— The personnel board is now known as the HR board.

ARTICLE V. - QUALIFICATIONS AND ELECTIONS

Footnotes:

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State Law reference— Florida Election Code, F.S. ch. 97 et seq.

Sec. 5.01. - Nonpartisan elections.

All qualifications and elections for the offices of city commissioner and mayor shall be conducted on a nonpartisan basis, without regard for or designation of the political party affiliation of any nominee on any nomination petition or ballot. Nothing contained herein shall be deemed to prohibit any candidate from campaigning by way of announcements, publications, or other forms of political advertising, as a registered member of any political party, or from participating in any partisan political party functions.

(Ord. No. 94-52, § 5, 6-21-1994)

Sec. 5.02. - Qualifying.

Candidates for the offices of city commissioner and mayor shall qualify for such office by the filing of a written and sworn notice of candidacy with the city clerk, stating the following information:

- (a) The name of the candidate;
- (b) The permanent residence address of the candidate;
- (c) The length of time the candidate has resided at the permanent residence address stated;
- (d) The office which he is seeking;
- (e) The voting precinct in which he is registered as an elector.

(Ord. No. 2005-27, § 6, 8-16-2005)

Sec. 5.03. - Time for qualifying.

All notices of candidacy shall be filed with the city clerk's office at the time and on the dates established by the Florida Election Code of each even-numbered year.

For any special municipal election required in order to fill a vacancy on the city commission, the qualifying period shall be established in the ordinance or resolution calling the election.

The foregoing notwithstanding, the city commission may change the dates of the qualifying period in order for the date of any municipal election to coincide with the date of other municipal elections within Volusia County. In that event, the qualifying period shall be established in the ordinance or resolution calling the election.

(Ord. No. 94-52, § 6, 6-21-1994; Ord. No. 96-49, § 3, 8-20-1996; Ord. No. 2001-24, § 3, 8-7-2001; Ord. No. 2008-30, § 4, 7-15-2008)

Sec. 5.04. - Vacancies; filling of vacancies.

(a) In the event only one (1) candidate qualifies for an office during the period established by Section 5.03, such candidate shall be deemed to have voted for himself and shall be declared as elected.

(b) In the event two (2) or more candidates qualify for an office during the period established by Section 5.03 and, prior to the regular election, there is a vacancy in candidacy caused by death, withdrawal or removal from the ballot of a qualified candidate, which leaves only one (1) candidate for an office, such remaining candidate shall be deemed to have voted for himself and shall be declared as elected.

(c) In the event there is a complete vacancy in candidacy for an office, due either to no candidates qualifying therefor or to the death, withdrawal or removal from the ballot of all qualified candidates, or if a duly elected candidate shall die or be disqualified prior to taking office, the city commission shall call a special municipal election for such office in accordance with the provisions of Sections 5.03 and 5.06(c).

(Ord. No. 90-64, § 1, 11-6-1990; Ord. No. 96-50, § 3, 8-20-1996)

State Law reference— Mandate for procedure for filling vacancies in elective office, F.S. § 166.031(6).

Sec. 5.05. - Form of ballots.

The city commission shall, by ordinance, prescribe the form of the ballot, including the method for listing candidates, for city commission elections and any other municipal election. A Charter amendment to be voted on shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described amendment be adopted?" Immediately below such question shall appear, in the following order, the words "Yes-for Approval" and "No-for Rejection," with a space thereafter to indicate the voter's choice.

(Ord. No. 90-64, § 1, 11-6-1990; Ord. No. 2005-27, § 7, 8-16-2005)

Sec. 5.06. - Schedule and notice of elections.

(a) Primary. When more than two (2) persons qualify as candidates for the office of city commissioner for any of the designated seats of the city commission to be filled or for the office of mayor, the persons so qualified shall appear on the ballot and voted upon at a primary election to be held on the Tuesday ten (10) weeks prior to the general election in each even-numbered year. The two candidates receiving the highest number of votes at the primary election shall be placed on the ballot for the regular municipal election to be held in each even-numbered year on the date established by the Florida Election Code. If any one candidate in the primary election receives more than fifty percent (50%) of the votes cast for a designated seat or office, such candidate shall be declared elected without the necessity of being voted upon in a run-off municipal election and shall assume office on the third Tuesday in November following each general municipal election in each even numbered year.

(b) Regular. When two (2) persons qualify as candidates for the office of city commissioner for any of the designated seats of the city commission to be filled or for the office of mayor, the persons so qualified shall be voted upon at a regular municipal election to be held in each even-numbered year on the date established by the Florida Election Code for the general election. The candidate receiving the highest number of

votes cast for a designated seat or office shall be declared elected and shall assume office on the third Tuesday in November in each even-numbered year.

(c) Tie Vote. In the event of a tie vote for any office, the outcome shall be determined by the custom of drawing lots.

(d) Special. Special municipal elections shall be held in the same manner as the biennial regular and run-off municipal elections, except that the city commission shall fix the time of holding such special municipal elections by ordinance.

(e) Notice. At least thirty (30) days' notice, exclusive of the day of publication and the day of the election, shall be given of all elections held pursuant to this Charter. The notice shall be given by publication in a newspaper of general circulation in the City of Ormond Beach and made once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.

(f) Change of election schedule. Anything contained in this Section 5.06 to the contrary notwithstanding, the city commission may change the date of any municipal election in order for the date of such election to coincide with the date of other municipal elections within Volusia County. In that event, the date of such election shall be established in the ordinance or resolution calling the election.

(Ord. No. 90-64, § 2, 11-6-1990; Ord. No. 94-52, § 6, 6-21-1994; Ord. No. 96-49, § 4, 8-20-1996; Ord. No. 96-50, § 4, 8-20-1996; Ord. No. 2001-24, § 4, 8-7-2001; Ord. No. 2005-27, § 8, 8-16-2005; Ord. No. 2008-30, § 5, 7-15-2008; Res. No. 2008-221, 11-18-2008; Res. No. 2019--144, 6-4-2019)

Sec. 5.07. - City canvassing board.

The city canvassing board shall consist of one (1) member of the city commission selected by a majority of the other members, preferably a member not on the ballot for the election, who shall serve as the chairman, the city manager or his designee, who must be a department head, and the city clerk. At the close of the polls of any city election, or as soon thereafter as practicable, the board shall meet at a time and place designated by the chairman and shall proceed to publicly canvass the absentee electors' ballots and then publicly canvass the vote as shown by the returns then on file in the office of the city clerk. The results as certified by the board shall be declared to be the result of the election. The city clerk shall furnish each candidate declared to be elected a certificate of election by noon of the twelfth day following the day of the election.

(Ord. No. 90-64, § 2, 11-6-1990; Ord. No. 2005-27, § 9, 8-16-2005)

Sec. 5.08. - Recall.

Any member of the city commission may be removed from office by the electors of the city in accordance with the procedures for recall established by general law.

(Ord. No. 90-64, § 2, 11-6-1990)

State Law reference— Recall of members of governing body, F.S. § 100.361.

Sec. 5.09. - Commission zones; adjustment of zones.

(a) Number of zones. There shall be four (4) city commission zones, which shall be described by the ordinance establishing the same.

(b) Reapportionment.

(1) Optional. The city commission may reapportion the city commission zones in accordance with the following procedure:

a. A resolution of intention to adopt a reapportionment ordinance shall be adopted, said resolution to contain a description of the proposed changes;

b. No earlier than thirty (30) days following adoption of said resolution, a reapportionment ordinance may be considered on first reading;

c. Any such reapportionment ordinance must be finally adopted no later than ninety (90) days before the next city election at which city commissioners are elected.

(2) Mandatory. The city commission shall review the boundaries of the various zones every ten (10) years, as soon as possible following the official certification of the decennial census to the State of Florida, and give consideration to any changes deemed necessary. Any proposed changes shall be adopted in accordance with the procedure set forth in Section 5.09(b)(1).

(3) Additional zones. The city commission may include in its reapportionment ordinance the boundaries of additional zones. However, such additional zone(s) shall not be effective until the appropriate Charter amendments have been approved by the electors.

(4) Effect of enactment. All duly approved amendments to city commission zones and boundaries shall supersede previous zones and boundaries as of thirty (30) days prior to the beginning of the qualifying period for the next primary municipal election for all the purposes of such election, including qualifying. For all other purposes, all duly approved amendments to city commission zones and boundaries shall supersede previous zones and boundaries as of the date on which all city commissioners elected to represent such zones take office.

(5) Specifications. All zone boundary adjustments shall result in zones which are contiguous and substantially compact, with boundary lines following prominent geographic features, whether natural or manmade, that may include but shall not be limited to rivers, creeks, roads, and railroad lines, while avoiding to the maximum extent possible the division of residential subdivisions, and which are based on the principle of equal and effective representation as required by the United States Constitution.

(Ord. No. 90-64, § 2, 11-6-1990; Ord. No. 2012-20, § 3, 6-5-2012; Elec. of 11-6-2012)

Sec. 5.10. - Use of county registration system permitted.

The permanent registration system for the registration of electors, adopted from time to time and used by the County of Volusia, whether under the provisions of special acts or the general laws of Florida, may be used by the city in all municipal elections in lieu of a separate municipal registration.

(Ord. No. 94-52, § 6, 6-21-1994)

State Law reference— Registration procedures, F.S. § 98.015 et seq.

ARTICLE VI. - TRANSITION SCHEDULE

Sec. 6.01. - Repeal of former Charter provisions.

With the exception of those provisions which established the municipal corporation known as the City of Ormond Beach and those provisions specifically referred to by title in Section 6.02 hereof, all Charter provisions in effect prior to the effective date of this Charter, including but not limited to, those contained in Chapter 15401, Acts of 1931, as amended, are hereby repealed.

(Ord. No. 2008-30, 7-15-2008)

Sec. 6.02. - Schedule of first election.

At the first municipal election under this Charter, as amended, said election scheduled to occur on November 2, 2010, the mayor and city commissioners shall be for terms of two (2) years.

(Ord. No. 94-52, § 4, 6-21-1994; Ord. No. 96-49, § 5, 8-20-1996; Ord. No. 98-58, § 3, 1-5-1999; Ord. No. 2008-30, 7-15-2008)

Sec. 6.03. - Former Charter provisions retained as ordinances.

The following provisions of the former Charter shall, upon the effective date of this Charter, become ordinances of the city, subject to modification or repeal in the same manner as other ordinances of the city, to-wit:

Section 6-A: Zones established; boundaries described (only the zone boundary descriptions);

Sections 8(2), 8(3): Compensation and expenses of city commission and mayor; (2-28)

Section 45: Preparation of estimates; countersigning of contracts; (2-290)

Section 46: Certificate of funds upon expenditures of money; (2-291)

Sections 57—64: City depository; (2-292)

Sections 67—72: Finances and taxation; (2-293 et seq.)

Sections 105, 106: Expenditures in excess of \$4,000.00; modification of contracts; (2-300 et seq.)

Section 112: Dedication of streets; (17-11)

Section 113: Vacation or change of name (streets); (17-8)

Section 113.1: River trail; (17-11)

Sections 116—125: Franchises and public utilities; (2-320 et seq.)

Sections 126—128: Compensation, oath of officers and employees; (2-28, 2-29)

Sections 145—161: Civil service. (2-31)

(Ord. No. 94-52, § 4, 6-21-1994)

Editor's note— The parenthetical numbers at the end of each line notes the location in the Code of Ordinances.

Sec. 6.04. - Ordinances preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

(Ord. No. 94-52, § 4, 6-21-1994)

Sec. 6.05. - Rights of officers and employees.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

(Ord. No. 94-52, § 4, 6-21-1994)

Sec. 6.06. - Pending matters.

All rights, claims action, orders, contracts and legal or administrative proceedings involving the city shall continue, except as modified pursuant to the provisions of this Charter.

(Ord. No. 94-52, § 4, 6-21-1994)

Sec. 6.07. - Charter amendment.

This Charter may be amended in accordance with general law.

(Ord. No. 94-52, § 4, 6-21-1994)

State Law reference— Charter amendments, F.S. § 166.031.

Sec. 6.08. - Effective date.

This Charter, and any amendments hereto, shall become effective upon filing with the Department of State.

(Ord. No. 94-52, § 4, 6-21-1994; Ord. No. 2005-27, § 7, 8-16-2005)

ARTICLE VII. - BUILDING HEIGHT LIMITS AND RESTRICTIONS

Sec. 7.01. - Maximum height limits.

(a) All buildings within the corporate limits of the City of Ormond Beach will not exceed a maximum height of seventy-five (75) feet when measured from the average median lot elevation to the highest point of any structure and/or attached services.

(b) The height limitation imposed by paragraph (a), which became effective on November 14, 2006, shall not apply to: (i) any multi-family or nonresidential building taller than seventy-five (75) feet that existed on November 14, 2006, or (ii) the only development order that received final development approval before November 14, 2006, for the construction of a multi-family building over seventy-five (75) feet in height, so long as the development order has not lapsed, expired or been terminated. Any such building may be maintained, repaired, constructed and reconstructed to the same height and within the same building footprint as it existed on November 14, 2006, and in accordance with any applicable development order then in effect, subject to any other applicable federal, state and local laws.

(c) A landowner claiming entitlement to an exemption described in paragraph (b)(i) or (b)(ii) above, shall no later than December 31, 2009, seek a determination from the city commission regarding his or her entitlement to the rights vested under this section. The landowner shall have the burden of providing all relevant material from which to make

such determination. The landowner shall be responsible for paying a reasonable administrative fee for such review, including the cost of providing all relevant documents. Any building that has been approved for an exemption shall be included on a list of similarly approved buildings that shall be maintained by the planning director or his or her designee. A landowner may appeal an adverse determination by the city commission to the Volusia County circuit court by filing a petition for writ of certiorari within thirty (30) days of the date of final action by the city commission, which shall be the exclusive remedy for appeal.

(Res. No. 2006-251, 11-14-2006; Res. No. 2008-221, 11-18-2008)