



CITY OF HOLLY HILL CHARTER

AMENDED AND ADOPTED

DECEMBER 11, 2018

PART I - CHARTER AND RELATED LAWS

Subpart A - CHARTER

ARTICLE I. - CITY CREATED

Sec. 1. - Abolishment of municipality.

That the existing municipality of the Town of Holly Hill, in Volusia County, Florida, be and the same is hereby abolished.

Sec. 2. - Title to property reserved to new municipality.

That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held and owned by the Town of Holly Hill shall pass to and be vested in the municipal corporation organized and created under this Act to succeed the municipality abolished.

Sec. 3. - Obligations of former corporation unimpaired.

That no obligation or contract of the said municipality of any nature whatsoever, including bonds and other outstanding indebtedness heretofore issued, shall be impaired or avoided by this Act, but such debts and obligations shall pass to and be binding upon the new municipality which is hereby organized and created.

Sec. 4. - Officers hold until successors qualify.

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 respective duties thereof until the officers provided for in and by this Act are appointed and qualified under the provisions of this Act; 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of the said municipality, not in conflict with the provisions of this Act shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

Sec. 5. - Legalizing proceedings of the Town of Holly Hill.

Each and every act, proceeding and transaction of the Town of Holly Hill, and the officers thereof and the common council of said municipality, existing, performed, taken, enacted, resolved or ordained, be and the same is hereby legalized, authorized, validated and held to be legal, valid and correct; and that all acts, proceedings and transactions of the common council of the Town of Holly Hill heretofore taken and done in connection with the affairs of said municipality, be and they are hereby ratified, confirmed and legalized in every respect whatsoever, and are hereby declared to be valid, legal and binding acts, proceedings and transactions of said common council.

Sec. 6. - Establishment of new municipality.

The territory and inhabitants of the Town of Holly Hill, in Volusia County, Florida, as its limits are hereinafter established, shall continue to be a body politic and corporate to be known and designated as the "City of Holly Hill," in Volusia County, Florida, and as such shall have perpetual succession.

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Sec. 7. - Territorial boundaries of city.

The territorial boundaries of the City of Holly Hill, Florida, are as follows:

Beginning in the center of the channel of Halifax river in Volusia County, Florida, where the same is intersected by the north line of J.M. Hernandez Grant, to the same being the north line of Section 43, Township 14 South, Range 32 East produced easterly to the center of said channel; thence westerly along the north line of J.M. Hernandez grant to the intersection of the east right of way line of U.S. 1; thence southerly along the east right of way line of U.S. 1 to an intersection with the westerly extension of the southerly line of Lot 12, Block 14, Rio Vista. Section "B", Map Book 6, Page 150 of the public records of Volusia County, Florida; thence easterly along said southerly line of Lot 12, Block 14, to the southeast corner of said Lot 12, Block 14; thence northerly along the easterly line of Lots 12, 13 and 14, Block 14, to a point of intersection in the easterly line of said Lot 14, Block 14; thence continue along said easterly line of said Lot 14, Block 14, to an intersection with the south right of way of Arragon Street and the northeast corner of said Lot 14, Block 14; thence continue northerly crossing said Arragon Street to a point in the northerly right of way thereof; thence easterly along the northerly line of said Arragon Street to the intersection with the westerly line of South Ridgewood Avenue, a 100 foot right of way; thence northerly along the westerly line of said South Ridgewood Avenue to an intersection with the northerly line of Castilla Street, a 50 foot right of way, as shown on said plat of Rio Vista Section "B"; thence westerly along the northerly line of said Castilla Street to the easterly line of U.S. #1 (S.R. 5); thence northerly along said easterly line of U.S. #1 to an intersection with the easterly extension of the northerly line of Lot 22, Block 26, Rio Vista Section "A", Map Book 6 Page 125; thence westerly along said Lot 22, Block 26 and the easterly extension thereof to the northwest corner said Lot 22; thence southerly along the westerly said Lot 22 to the northeast corner of Lot 3, Block 26, aforesaid; thence westerly along said northerly line Lot 3, Block 26 and the westerly extension thereof to an intersection with the westerly right of way of Espanola Avenue; thence southerly along the westerly right of way said Espanola Avenue to an intersection with the northeast corner of Lot 6, Block 28, aforesaid Rio Vista Section "A"; thence westerly along the north line of said Lot 6, Block 28, to the northwest corner of said Lot 6, Block 28; thence northerly along the easterly line of Lot 4, Block 28, to the northeast corner of Lot 4, said Block 28; thence westerly along the northerly line of said Lot 4, Block 28 to the easterly right of way of Parque Drive; thence northerly along said easterly right of way to the southwesterly corner of Lot 2, Talley Subdivision as per map recorded in Map Book 8, Page 293, of the public records of Volusia County, Florida; thence easterly along the southerly line of said Lot 2 to the southeasterly corner of said Lot 2; thence northerly along the easterly line of Lots 2, 3, and 4, Talley Subdivision aforesaid, to the northeasterly corner of said Lot 4, Talley Subdivision; thence westerly along the northerly line of said Lot 4, to the northwesterly corner of Lot 4 aforesaid and the easterly right of way of Parque Drive, aforesaid; thence northerly along said easterly right of way and the northerly extension thereof to an intersection with the northerly right of way of Arroyo Parkway; thence westerly along the said northerly right of way and the extension thereof to an intersection with the westerly right of way of the Florida East Coast Railway; thence southerly along said easterly right of way to an intersection with the northerly right of way of Calle Grande; thence easterly along said northerly right of way to an intersection with the westerly right of way of U.S. Highway No. 1; thence southerly along said westerly right of way to an intersection with the centerline of Colorado Street an unopened road; thence westerly along said centerline to an intersection with the northerly extension of the westerly line Lot 17, Block 27, said Rio Vista Section "B"; thence southerly along the west line of said Lot 17, Block 27, to the centerline of a vacated 25 foot alley; thence easterly along said centerline to an intersection with the westerly right of way of U.S. No. 1; thence southerly to an intersection with the southerly right of way of Arragon Street, a 50 foot right of way; thence westerly along said southerly right of way and the westerly extension thereof, to an intersection with the westerly right of way of Parque Drive, a 50 foot street; thence northerly along the westerly right of way of Parque Drive to an intersection with the northerly right of way of Calle Grande, a 100 foot right of way reducing to an 80 foot right of way; thence westerly along said northerly right of way of Calle Grande, to an intersection with a line that lies 45 feet westerly of and parallel with the easterly line of Lot 20, Block 22, Mary C. Fleming Subdivision, as per map recorded in Map Book 1, Page 1, of the public records of Volusia

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County, Florida; thence departing said northerly right of way run northerly and parallel with the easterly line of the aforesaid Lot 20, Block 22, to the centerline of vacated Golf Avenue, a 50 foot right of way; thence run easterly along said centerline to an intersection with the southerly prolongation of the easterly line of Lot 24, Rio Vista Gardens, No. 3, Map Book 9, Page 211 of the public records of Volusia County, Florida; thence departing said centerline run northerly along the easterly line of Lots 24 and 23 and the southerly prolongation thereof to the northerly line of said Lot 23; thence run westerly along said northerly line to an intersection with the easterly line of Lot 27, Rio Vista Gardens, No. 3; thence run northerly along the easterly line of Lot 27 to the northerly line of said Lot 27; thence run westerly along the northerly line and the westerly prolongation thereof to the westerly right of way of Orchard Avenue, a 50 foot right of way; thence run southerly along said westerly right of way of Orchard Avenue to an intersection with the northeasterly corner of Lot 1, Golf Manor Subdivision, as per map recorded in Map Book 23, Page 8, of the public records of Volusia County, Florida; thence westerly along the northerly line of Lot 1, aforesaid, to the northwest corner thereof; thence southwesterly along the westerly line of Lot 1, aforesaid, to the southwest corner of Lot 1, aforesaid and the northerly right of way of Calle Grande; thence run westerly along the northerly right of way of Calle Grande to the southeast corner of Lot 51, Golf Manor Subdivision, Map Book 23, Page 8, of the public records of Volusia County, Florida; thence departing said northerly right of way of Calle Grande run northerly along said easterly line, to the northeasterly corner of said Lot 51; thence departing said easterly line run easterly to the southeasterly corner of Lot 50, Golf Manor Subdivision, Map Book 23, Page 8; thence northerly along the easterly line of Lots 50, 49, 48, 47, 46 and 45, of said Golf Manor Subdivision, to the northerly line of the southerly 20 feet of Lot 45, said Golf Manor Subdivision; thence departing said easterly line run westerly along said northerly line of the southerly 20 feet of said Golf Manor Subdivision to the easterly right of way of center street, a 66 foot right of way; thence continue westerly to the westerly right of way of said center street; thence run southerly along said westerly right of way to the northeast corner of Lot 60, Rio Vista Gardens #3, Map Book 9, Page 211, of the public records of Volusia County, Florida; thence departing said right of way run westerly along the northerly line of said Lot 60, Rio Vista Gardens #3, to the northwest corner of said Lot 60; thence run southerly along the westerly line of said Lot 60, 60 feet; thence run easterly parallel with said northerly line of Lot 60, to the westerly right of way of the aforesaid center street; thence run southerly along said westerly right of way and the southerly extension thereof to an intersection with the curved northerly right of way of Calle Grande, an 80 foot street, said curve having a radius of 930 feet; thence westerly along said curve, concave southeasterly through a central angle of 22 degrees 19 minutes 40 seconds to a point of reverse curvature; said curve concave northerly having a radius of 520 feet; thence westerly along said curve through a central angle of 18 degrees 54 minutes 20 seconds to a point of reverse curvature; said curve concave southerly having a radius of 520 feet; thence continue westerly along said curve through a central angle of 18 degrees 54 minutes 20 seconds to a point of tangency; thence westerly along the northerly right of way of Calle Grande, an 80 foot right of way, to an intersection with the east line of Riviera Oaks, a subdivision recorded at Map Book 35, Page 58, public records of Volusia County, Florida; thence departing said northerly right of way of Calle Grande run south 25 east (S25°08'13"E, plat) along the east line of said Riviera Oaks, to the southeast corner of said Riviera Oaks and the north line of a 50 foot avenue; thence south 65 degrees west (S65°22'36"W, plat) along the southerly boundary of said Riviera Oaks, for a distance of 129.93 feet; thence departing said southerly boundary run south 25 degrees east (S25°08'13"E, plat), 50 feet more or less along the easterly boundary and the southerly extension thereof, aforesaid Riviera Oaks to an intersection with the northerly line of Lot 7, Block 21, of aforesaid Mary Fleming's Subdivision in the Thomas Fitch Grant and the southerly right of way of Golf Avenue a 50 foot right of way; thence westerly along the southerly right of way line of Golf Avenue, also the northerly line of Lot 7, 8 and 9, of Block 21 to the northwest corner of Lot 9, Block 21; thence southerly along the west line of said Lot 9, Block 21 to the southwest corner of said Lot 9, Block 21; thence easterly along the southerly line of Lot 9 and the west ½ of Lot 8, Block 21 to a point that is exactly equal distance from the southwest and the southeast corners of Lot 8, Block 21; thence southerly along a line which is the westerly line of the east ½ of Lot 27, Block 21 to the aforesaid northerly right of way line of Alabama Avenue; thence westerly along said northerly line of Alabama Avenue to an intersection with a line 310 feet, more or less, easterly of the easterly line of Lot 22, Block 21, aforesaid Mary C. Fleming's Subdivision of the Thomas Fitch Grant, also known as the east line of the west 100 feet

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of the east 120 feet of Lot 23, Block 21, Mary C. Fleming's Subdivision in the Thomas Fitch Grant; thence northerly along easterly line aforesaid 130 feet more or less to the northerly line of the south 130 feet of the west 100 feet of the east 120 feet of Lot 23, Block 21, Mary C. Fleming's Subdivision in the Thomas Fitch Grant, aforesaid; thence westerly to 100 feet more or less, along the northerly line aforesaid, to an intersection with the easterly right of way of Palm Road (50' right of way, record); thence northerly along said easterly right of way to an intersection with the easterly extension of the northerly line of the north 120 feet of the south 190 feet of the west 160 feet of Lot 23, Block 21, Mary C. Fleming's Subdivision in the Thomas Fitch Grant; thence westerly along said northerly line and the easterly extension thereof, 210 feet more or less, to an intersection with the easterly line of Lot 22, Block 21, Mary C. Fleming's Subdivision in the Thomas Fitch Grant; thence run northwesterly, 770 feet more or less along the easterly line of Lot 22, Block 21 and the easterly line of Lot 13, Block 21, Mary C. Fleming's Subdivision in the Thomas Fitch Grant, to the southeasterly corner of that certain parcel described at official records Book 2260, Page 1091, public records, Volusia County, Florida; thence run southwesterly 128 feet more or less to the easterly line of the north ½ of Lot 13, except the northerly 305 feet of the easterly 128 feet, Block 21, Mary C. Fleming's Subdivision, aforesaid; thence northerly along the easterly line of the north ½ of Lot 13 and the northerly extension thereof to an intersection with the northerly right of way of Golf Avenue; thence run southwesterly along said northerly right of way to an intersection with the easterly line of Lot 22, Block 20, Mary C. Fleming's Subdivision in the Thomas Fitch Grant, aforesaid, thence departing said northerly right of way, run northwesterly along the easterly line of Lot 22, Block 20, aforesaid, 280 feet, more or less to the northerly line of the southerly 280 feet of Lot 22, Block 20 aforesaid; thence southwesterly along said northerly line 110 feet to the westerly line of the easterly 110 feet of Lot 22, Block 20, aforesaid; thence southeasterly along said westerly line 140 feet to the southerly line of the northerly 140 feet of the southerly 280 feet of Lot 22, Block 20 aforesaid; thence southwesterly along said southerly line to the westerly line of the easterly 142 feet of Lot 22, Block 20 aforesaid; thence southeasterly 70 feet to the northerly line of the southerly 70 feet of Lot 22, Block 20 aforesaid; thence southwesterly along said northerly line of the southerly 70 feet of Lot 22, Block 20 aforesaid to an intersection with the easterly right of way of State Road 415, also known as Nova Road and also known as State Road 5A; thence northerly along said easterly right of way to an intersection with the easterly extension of the northerly line of the southerly 350 feet of the northerly 385 feet of Lot 21, Block 20, Mary C. Fleming's Subdivision in the Thomas Fitch Grant, aforesaid; thence westerly along said northerly line and the easterly extension thereof, to the westerly line of Lot 21, Block 20, Mary C. Fleming's Subdivision in the Thomas Fitch Grant, aforesaid; thence southerly to the southerly right of way of Golf Avenue, a 50 foot right of way of record; thence easterly along the southerly right of way of Golf Avenue aforesaid, to an intersection with the westerly right of way of Nova Road aforesaid; thence southerly along the westerly line of Nova Road to an intersection with a line that is 220 feet more or less, northerly of the northerly right of way of Alabama Avenue, a 55 foot right of way, also known as the northerly line of that parcel recorded in official records Book 4877, Pages 3244 and 3245, public records, Volusia County, Florida; thence westerly along said northerly line 193 and 1/3 feet more or less to the westerly line of the aforesaid parcel; thence southerly along said westerly line to an intersection with the northerly right of way of Alabama Avenue, a 55 foot right of way; thence westerly along said northerly right of way to an intersection with the northerly extension of the westerly right of way of Granada Avenue, a 50 foot right of way; thence southerly along said westerly right of way to an intersection with the westerly extension of the southerly line of Lot 12, Block 21, Highland Park Subdivision as per map recorded in Map Book 10, Page 64 of the public records of Volusia County, Florida; thence easterly along said southerly line and the extension thereof to the southeasterly corner aforesaid Lot 12, Block 1; thence southerly along the westerly line of Lot 18, Block 1, Highland Park aforesaid to the southwesterly corner of said Lot 18, Block 1; thence easterly along the southerly line of said Lot 18, Block 1, to an intersection with the westerly right of way of Nova Road; thence southerly along the westerly right of way of Nova Road to an intersection with the northerly line of Lot 22, Block 1, Highland Park Subdivision, as per map recorded in Map Book 10, Page 64 of the public records of Volusia County, Florida; thence southwesterly, departing said westerly right of way, along the northerly line of Lots 22 and 7, Block 1, and the westerly extension thereof to the westerly right of way of Granada Avenue, Highland Park Subdivision, aforesaid; thence southeasterly along said westerly right of way to an intersection with the southerly right of way of Alcazar Street as shown on plat of

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Highland Park Subdivision aforesaid; thence northeasterly along said southerly right of way to an intersection with the westerly right of way of State Road 415, also known as Nova Road and also known as State Road 5A. thence southerly along the westerly line of Nova Road to an intersection with the northerly line of Lot 14, Block 1, Larsen Subdivision, Map Book 11, Page 252, public records Volusia County, Florida; thence run along said northerly line to the northwest corner of said Lot 14, Block 1; thence run northwesterly to the northeast corner of Lot 23, Block 1, aforesaid Larsen Subdivision; thence run southwesterly along the northerly line of said Lot 23 to the westerly line of the easterly 100 feet of said Lot 23, Block 1, Larsen Subdivision; thence run southeasterly along said westerly line to the southeast corner of said easterly 100 feet of Lot 23, Block 1; thence run northeasterly along the northerly line of Lot 22, Block 1, aforesaid; thence run southeasterly along the westerly line and the southerly extension thereof of Lots 15, 16, 17, and 18, Block 1, aforesaid to an intersection with the southerly right of way of 15th Street, a 50 foot right of way; thence northeasterly along the southerly line of 15th Street to the northwest corner of the easterly 30 feet of Lot 7, Block 1, Lawreg Subdivision, Map Book 26, Page 23, public records Volusia County, Florida; thence run southeasterly along said westerly line of the east 30 feet of said Lot 7, Block 1, Lawreg Subdivision to the southerly line of said Lot 7, Block 1, aforesaid; thence run northeasterly along the southerly line of Lots 7, 8, 9 and 10, Block 1, to the southeast corner of said Lot 10, Block 1; thence run southeasterly along the westerly line of Lot 12, Block 1, aforesaid, to the southwest corner of the north ½ of said Lot 12, Block 1; thence run southeasterly along said southerly line to the westerly line of Block C, Flemming Park, Map Book 19, Page 140, public records Volusia County, Florida; thence run southeasterly along said westerly line to the northeast corner of Lot 23, Block 34, aforesaid Mary C. Fleming Subdivision; thence run southwesterly along the northerly line of said Lot 23, Block 34, and a portion of Lot 22, Block 34, to the northwest corner of the easterly 140 feet of said Lot 22, Block 34; thence run southeasterly along the westerly line of the easterly 140 feet of said Lot 22, Block 34, to the southeast corner of the northerly 70 feet of the westerly 160 feet of said Lot 22, Block 34; thence run southwesterly along the southerly line of the said northerly 70 feet of the easterly 160 feet of said Lot 22, Block 34, to the easterly right of way of Old Kings Road, a 60 foot right of way; thence run southeasterly along said easterly right of way of Old Kings Road to the southerly line of the northerly 190 feet of said Lot 22, Block 34; thence run northeasterly along said southerly line to the westerly line of the easterly 140 feet of said Lot 22, Block 34; thence run southeasterly along the westerly line of said easterly 140 feet of Lot 22, Block 34, to the southerly line of said Lot 22, Block 34, and the northerly line of amended plat of Flemming Park, Map Book 26, Page 110, public records Volusia County, Florida; thence run southwesterly along said northerly line to the northwest corner of Lot 3, Block B, aforesaid amended plat of Flemming Park; thence run southeasterly to an intersection with the northerly line of the southerly 20 feet of Lot 1, Block B, aforesaid; thence run southwesterly to the easterly right of way of aforesaid Old Kings Road; thence run southeasterly along said easterly right of way to the northwest corner of Lot 1, Block A, and the southerly line of 13th Street; thence run northeasterly along the northerly line and the easterly line of said Block A, to an intersection with the northerly line of 13th Street, also known as Walker Street; thence northeasterly along said Walker Street to an intersection with the southerly line of Lots 22 and 23, Block C, amended plat of Flemming Park, aforesaid; thence run northwesterly along said westerly line and southerly extension thereof of said Lots 22 and 23, Block C, aforesaid, to the northwest corner of said Lot 23, Block C; thence run northeasterly along the northerly line of said Lot 23, Block C, aforesaid, to the northwest corner of the easterly 60 feet of Lot 23, Block C, aforesaid; thence run southeasterly along the easterly line of said easterly 60 feet of Lot 23, Block C and the easterly line of the easterly 60 feet of Lot 22, Block C, aforesaid, to the southerly right of way of Walker Street, aforesaid; thence run northeasterly along said southerly right of way of Walker Street to an intersection with the westerly right of way of Mistletoe Drive, a 50 foot right of way; thence south 57 degrees 34 minutes east along the westerly line of said Mistletoe Drive a distance of 213.58 feet more or less to a point of intersection; thence south 25 degrees east along the said westerly line of Mistletoe Drive a distance of 475 feet more or less to an intersection with the southwesterly extension of the southerly line of that certain property described at official records Book 3875, Page 2370, public records, Volusia County, Florida; thence departing said westerly line, north 65 degrees east and parallel to said L.P.G.A. Boulevard (formerly 11th Street), a distance of 381.10 feet more or less to a point in the westerly line of said Nova Road aforesaid; thence run southeasterly along the westerly right of way line of Nova Road, State Road

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5A, as shown on Florida Department of Transportation Right of way Map, Section 79190-2509, W.P.I. 2000319, to an intersection with a line that lies 200 feet northerly of and parallel with L.P.G.A. Boulevard; thence run southwesterly along said line to an intersection with the westerly right of way of Mistletoe Drive, a 50 foot right of way; thence run southeasterly along said westerly right of way to an intersection with the southerly right of way of L.P.G.A. Boulevard; thence run northeasterly along said southerly right of way to an intersection with the westerly right of way of Hickory Avenue, a 50 foot right of way as shown on the plat of Wilkerson Replat, Map Book 23, Page 112, public records, Volusia County, Florida; thence run southeasterly along said westerly right of way to an intersection with the westerly extension of the southerly line of the northerly 25 feet of Lot 44, aforesaid Wilkerson Replat; thence northeasterly along said southerly line and the westerly extension thereof to an intersection with the westerly line of Lot 47, said Wilkerson Replat; thence continue northeasterly along the southerly line of the north 200 feet of Lot 47, Wilkerson Replat, aforesaid to an intersection with the westerly right of way of Nova Road, State Road 5A; thence S 25 degrees E along said westerly right of way to an intersection with the northerly line of the southerly 109 feet of Lot 47, Wilkerson's Replat, aforesaid; thence southwesterly along said northerly line of the southerly 109 feet of said Lot 47 to an intersection with the easterly right of way of Hickory Avenue, a 50 foot right of way and the westerly line of Lot 40, Wilkerson Replat, aforesaid; thence southeasterly along said easterly right of way of Hickory Avenue to the southwesterly corner of Lot 39, Wilkerson Replat, aforesaid; thence southwesterly along the westerly extension of Lot 39, aforesaid, to an intersection with the westerly line of the easterly 390.5 feet of Lot 9, Block 4, Mason and Carswell's Subdivision, Map Book 2, Page 90 of the public records of Volusia County, Florida; thence southeasterly along said westerly line 68.5 feet; thence departing said westerly line northeasterly 179.5 feet; thence northwesterly 6.5 feet; thence northeasterly to an intersection with the westerly right of way of Nova Road; thence southeasterly 64 feet, more or less, along said Nova Road to an intersection with the northerly line of that certain parcel identified as parcel number 4244-01-04-0093; thence southwesterly along the northerly line of said parcel, 73.29 feet more or less; thence departing said northerly line run northwesterly 17 feet, more or less, to the northerly line of said parcel; thence southwesterly along said northerly line to the westerly line of Lot 9, Block 4, Mason and Carswell's Subdivision as per map recorded in Map Book 2, Page 90, public records, Volusia County, Florida; thence southeasterly 206 feet, more or less, to an intersection with the southerly line of that certain parcel identified as 4244-01-04-0093; thence northeasterly to an intersection with the westerly right of way of Nova Road; thence southeasterly along said westerly right of way of Nova Road to an intersection with the northerly line of the northerly ½ of Lot 5, Block 7, except the north 101 feet, Mason and Carswell's Subdivision as recorded in Map Book 2, Page 90, of the public records of Volusia County, Florida; thence departing aforesaid right of way, S 65 degrees W parallel with the southerly line of aforesaid Lot 5, Block 7 to an intersection with the westerly line of aforesaid Lot 5, Block 7, west of Nova Road, except the easterly 570.75 feet; thence N 25 degrees W along the westerly line of the easterly 570.75 feet of the northerly 101 feet of aforesaid Lot 5, Block 7, to an intersection with the southerly right of way of 10th street, a 50 foot right of way of record; thence S 65 degrees W along said right of way to the westerly line of Lot 5, Block 7 aforesaid; thence s 25 degrees e parallel with aforesaid Nova Road (S.R. 5A), along said westerly line of Lot 5, Block 7 aforesaid and the westerly line of Lot 8, Block 7, Mason and Carswell's subdivision aforesaid to the southerly line of the northerly ½, aforesaid Lot 8, Block 7; thence N 64°19'47"E along the southerly line of the northerly ½ of said Lot 8, Block 7, a distance of 330 feet more or less to an intersection with the westerly line of the easterly ½ of the southerly ½, aforesaid Lot 8, Block 7; thence s 25 degrees w along said westerly line and the southerly extension thereof of the southerly ½ of Lot 8, Block 7, 365 feet more or less to the southerly right of way of 8th Street, a 50 foot right of way of record; thence N 65 degrees E, along said southerly right of way of 8th Street, 265 feet more or less to the westerly right of way of Nova Road, State Road 5A, aforesaid; thence run southeasterly along said Nova Road, State Road 5A to an intersection with the northerly line of the southerly 40 feet of Lot 5, Block 1, replat of unit one home acres, as per map recorded in Map Book 11, Page 64 of the public records of Volusia County, Florida; thence departing said westerly right of way of Nova Road, State Road 5A, westerly along the said northerly line of the southerly 40 feet of Lot 5, Block 1, to an intersection with the easterly right of way of Holly Street, a 40 foot right of way of record; thence northerly along said easterly right of way to an intersection with the southerly right of way of 8th Street, a 50 foot right of way of record; thence westerly along said southerly

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right of way, to an intersection with the northerly extension of the centerline of Ivy Street, a vacated 40 foot right of way; thence southerly along said centerline to an intersection with the westerly extension of the southerly line of the northerly 208.75 feet of Lot 6, Block 17, Mason and Carswell's subdivision of Holly Hill, Map Book 2, Page 90, of the public records of Volusia County, Florida; thence westerly along said southerly line to an intersection with the westerly line of the easterly 104.39 feet of Lot 6, Block 17, Mason and Carswell's subdivision, aforesaid; thence northerly along said westerly line to an intersection with the southerly right of way of 8th Street, aforesaid; thence westerly along said southerly right of way of 8th Street, aforesaid, to an intersection with the westerly line of Lot 6, Block 17, Mason and Carswell's Subdivision, aforesaid; thence southerly along said westerly line to an intersection with the southerly line of Lot 7, Block 17, except the southerly 626.26 feet, Mason and Carswell's Subdivision, aforesaid; thence easterly along said southerly line to an intersection with the centerline of Ivy Street, a vacated 40 foot right of way of record, thence northerly to an intersection with the centerline of Jersey Street, a vacated 40 foot right of way of record; thence easterly along the centerline of Jersey Street, aforesaid, to an intersection with the westerly right of way of Holly Street, a 40 foot right of way of record; thence southerly along the westerly right of way of Holly Street, aforesaid, to an intersection with the westerly extension of the southerly line of Lot 1, Block 4, replat of Unit Number One Home Acres, Map Book 11, Page 64, public records of Volusia County, Florida; thence easterly along said southerly line and westerly extension thereof to an intersection with the westerly right of way of Nova Road, State Road 5A; thence southerly along said westerly right of way to an intersection with the centerline of 6th Street; thence easterly along the center line of said 6th street to a point that is 70 feet easterly from the westerly line of Lot 6 Block 20, Mason and Carswell Subdivision as recorded in Map Book 2, Page 90 public records of Volusia County Florida thence southerly and parallel to the westerly line of said Lot 6 to a point in the northerly line of said Lot 6, being also the southerly right of way line of 6th Street; thence easterly along the southerly right of way line of said 6th Street, being also the northerly line of Lots 6, 5 and 4 of said Block 20, Mason and Carswell's Subdivision to a point that is 180 feet westerly of the northeast corner of said Lot 4, Block 20; thence southerly and parallel to the easterly line of said Lot 5, Block 20, to the southerly line of the northerly 464 feet thereof; thence easterly and parallel to the northerly line of said Lot 4, Block 20, a distance of 10 feet; thence southerly and parallel to the easterly line of said Lot 4, Block 20, to a point that is 20 feet northerly from the southerly line of said Lot 4 Block 20; thence westerly along a line that is 20 feet northerly of and parallel to the southerly line of Lots 4, 5 and 6, Block 20 to a point that is 320 feet easterly of the westerly line of said Lot 6 Block 2; thence northerly and parallel to the westerly line of said Lot 6, Block 20, to the northerly line of the southerly 450 feet thereof; thence westerly and parallel to the southerly line of said Lot 6, Block 20 a distance of 250 feet to the easterly right of way line of Main Canal and Nova Road; thence southerly along the easterly right of way line of Main Canal and Nova Road to a point that is midway between 2nd and 3rd Street; thence easterly along a line that is midway between 2nd and 3rd Streets to the westerly right of way of F.E.C. Railway; thence southerly along the westerly right of way line of F.E.C. Railway to a point in the center line of Mason Avenue as mapped out in Mason and Carswell's Subdivision of the southerly portion in the Thomas Fitch Grant; thence northeasterly along the center line of said Mason Avenue to a point in the westerly side of Beach Street, commonly known as Dixie Highway or Ormond-Daytona Road; thence northerly along the westerly side of Beach Street commonly known as the Dixie Highway, or Ormond-Daytona Road, to a point in the south side of 2nd Street, formerly Forest Avenue, in said Mason and Carswell's Subdivision; thence easterly on a line that is the south line of said 2nd Street, formerly Forest Avenue, produced easterly to the center of the channel of the Halifax River; thence northerly along the center of the channel of the Halifax River to the place of beginning.

Sec. 8. - Boundaries of districts; city wide elections.

- (a) [Text deleted.]
- (b) The city commission of the City of Holly Hill shall, by ordinance, change the boundaries of said districts so as to allocate the constituents approximately even between the four districts at all times but in no event shall the City of Holly Hill have more than four districts.

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(c) [Text deleted.]

(d) All municipal elections held hereafter in the City of Holly Hill shall be citywide.

ARTICLE II. - THE CITY ADMINISTRATION

Sec. 9. - The City Commission—Creation; term; oath; compensation.

There is created a city commission composed of five qualified electors of the city, consisting of four commissioners and one mayor. Beginning with the election held in 2010, the Mayor and Commissioners shall serve two-year terms. During the General Election on Tuesday, August 28, 2018, a referendum was presented to the electors of the city and passed by the voters to approve 4 year staggered terms of office. To implement staggered terms, beginning with the election to be held in 2020, the Mayor and City Commissioner, District 1 and City Commissioner, District 3 shall be elected to a 4 year term and City Commissioner, District 2 and Commissioner, District 4 shall be elected to a 2 year term. At the election to be held in 2022, City Commissioner, District 2 and City Commissioner, District 4 shall be elected to a 4 year term. The office of Mayor is hereby limited to two consecutive terms beginning with the election held in 2010.

The present Mayor and City Commissioners shall hold office until their respective successors are duly elected and qualified and take office as herein provided.

All Commissioners and officers of the city shall, before entering upon their duties, take and subscribe to an oath or affirmation, to be filed and kept in the office of the city clerk, which oath shall be in the form prescribed for state officers by the Constitution of Florida.

Sec. 10. - Same—Judge of its own election.

The city commission shall be the judge of the election and qualification of its own members subject to review by the courts.

Sec. 11. - Forfeiture of office.

- (a) A commissioner shall forfeit his/her office upon determination by the commission, acting as a body, that he/she:
 - (1) Lacks at any time, or fails to maintain during his/her term of office, any qualifications for the office prescribed by this Charter or otherwise required by law;
 - (2) Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;
 - (3) Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;
 - (4) Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
 - (5) Is absent from three consecutive regular commission meetings without being excused by the commission.
- (b) A permanent vacancy shall be declared when a member of the commission dies, resigns, is declared judicially incompetent, or for any violations listed in section 11(a).

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Sec. 12. - Filling vacancies.

- (a) If a permanent vacancy occurs in the office of mayor, the vice-mayor shall serve as mayor until a new mayor is elected. When the vice-mayor serves as mayor under this Section, the vice-mayor's commission seat shall be deemed temporarily vacated, not a permanently vacated. If there is more than one year from the date of permanent vacancy in the office of Mayor until the next regularly scheduled City election, the City Commission shall within 30 days following the occurrence of such vacancy, by a majority vote, call a special election for the purpose of filling the vacancy. If there is one year or less from the date of permanent vacancy in the office of Mayor until the next regularly scheduled City election, the vice-mayor shall serve in the office of Mayor until said election.

If any permanent vacancy occurs in the office of any commissioner, and there is more than one year from the date of permanent vacancy until the next regularly scheduled City election, the City Commission shall within 30 days following the occurrence of such vacancy, by a majority vote, call a special election for the purpose of filling the vacancy. If there is one year or less from the date of permanent vacancy until the next regularly scheduled City election, the commission seat shall remain vacant until said election. In the event there is an unexpired term in the office of commissioner as of the date the newly elected commissioner is to take office, the newly elected commissioner shall serve only the unexpired term.

Sec. 13. - Tie-vote procedure.

In the event of a tie vote for mayor or commissioner, the city commission, at its first regularly scheduled meeting, shall elect one of the said candidates who have tied by a majority vote of the members of the city commission. In the event the members of the city commission are unable to agree, by majority vote on the election of mayor or commissioner, then the mayor or commissioner shall be chosen by lot, conducted by the city clerk, in the presence of at least a majority of the members of the city commission, who shall certify the result of such lot.

Sec. 14. - Mayor/vice-mayor.

- (a) The mayor shall preside at all meetings of the city commission and perform such other duties consistent with his office as may be imposed by it; and shall have a voice and vote in the proceedings of the city commission, but no veto power. He may use the title of mayor in any case in which legal instruments of writing or other necessity, arising from the general laws of the state, so require. He shall be recognized as the official head of the municipality by the courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon him by the city commission in pursuance of the provisions of this Act, and no others. In the absence of the mayor and the vice-mayor or the inability of either to otherwise perform the duties of the mayor, the city commission shall select one of their number to perform the duties of mayor. In case of their inability to select one of their number, then such selection shall be made as provided for in the preceding section of this Act.
- (b) The city commission shall, at the time of its organizational meeting, elect one of its members vice-mayor, in the same manner as the mayor may be elected by the city commission in the event of a tie vote, for a term of one year. In the absence of the mayor, or the inability of the mayor to serve, or disqualification of the mayor to perform the duties of his office, the vice-mayor shall perform the duties of mayor.
- (c) In the event of a vacancy in the office of vice-mayor of said city, the city commission shall elect another of its members as vice-mayor, in the same manner outlined in section 14(b).

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Sec. 15. - Special meetings; how called.

Special meetings may be held at the call of the mayor, or, in his/her absence, at the call of the vice-mayor. The city shall provide not less than 12 hours prior notice of the meeting to the public, where practical.

Sec. 16. - City attorney—Appointment and duties of.

The city commission shall appoint a city attorney, who shall serve at its pleasure. The city commission may authorize the city attorney to employ an assistant whenever it is deemed necessary or expedient to employ such additional counsel, such assistant to be selected by the city attorney and his compensation to be fixed and determined by the city commission.

ARTICLE III. - APPOINTMENT, DUTIES AND RESPONSIBILITIES OF CITY MANAGER AND CITY CLERK

Sec. 17. - City manager—Appointment, qualification, compensation.

The city commission, by a four-fifths vote of its total membership, shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of executive and administrative qualifications and shall serve at the pleasure of the city commission. The city manager need not be a resident of the city or state at the time of the appointment, but may reside outside the city while in office only with the approval of the commission. Terms and conditions of the city manager's employment shall be set forth in an employment agreement.

Sec. 18. - Same—Removal of.

The city manager may be suspended by a resolution approved by three-fifths of the city commission which shall set forth the reasons for suspension and proposed removal. The city manager may be terminated at the discretion of the city commission, with or without cause.

Sec. 19. - Same—Acting.

By letter filed with the mayor, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability.

Sec. 20. - Same—Powers and duties.

The city manager shall be the chief administrative officer of the city, responsible to the commission for the administration of all city affairs placed in the manager's charge by or under this Charter. The city manager shall:

- (1) Appoint and when necessary for the good of the city, suspend or remove all city employees and appointive administrative officers, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) Attend all city commission meetings. The city manager shall have the right to take part in discussion but shall not vote;

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- (4) See that all laws, provisions of this Charter and acts of the city commission, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully performed;
- (5) Prepare and submit the annual budget, capital programs and organizational chart to the city commission;
- (6) 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 and make such other reports as the city commission may require;
- (7) Make recommendations to the city commission concerning the affairs of the city;
- (8) Prepare the agendas for each city commission meeting; and
- (9) Perform such other duties as specified in this Charter or may be required by the city commission.

Sec. 21. - Same—Accountability to city commission; noninterference by city commission.

The city manager shall be accountable directly to the city commission for the proper discharge of the duties of this office and for all actions taken or performed by the city manager and by all city employees under the city manager's supervision or control. In order to maintain the concept of such accountability and to preserve the integrity of the office of city manager, neither the city commission nor any of its commissioners shall attempt to direct any city employee under the supervision or control of the city manager to take any action or condone to be done anything that will interfere with or impair the authority of the city manager with respect to such employee or with respect to the employment or dismissal of such employee; provided that the city commission shall have the right at any time to discuss with the city manager any matter relating to the performance of the duties of the city manager's office, including the performance of and other matters relating to city employees under the city manager's supervision or control and to express opinions and make recommendations concerning the same. This provision shall not prohibit a commissioner from speaking with city employees for the purpose of obtaining information only.

Sec. 22. - City clerk—Appointment; duties and responsibilities.

There shall be a city clerk who shall be hired and terminated by the city manager. The city clerk shall be responsible for recording all public meetings in compliance with the Sunshine Law or other applicable laws, shall be the custodian of the city seal, shall be the custodian of the public records, shall be responsible for the city's election, except for those election services that the commission decides to contract with the supervisor of elections and any other duties assigned by the city manager. The positions of city manager and city clerk shall not be filled on a permanent basis by the same individual. The position of city clerk shall be an exempt position under the Civil Service Act.

ARTICLE IV. - ELECTIONS

Sec. 23. - Nomination of candidates for city commissioner and mayor.

- (1) A person seeking to become a candidate for the office of city commissioner from the several districts of the city, or for mayor at large of the city, may become a candidate for such office by filing a notice of intention to become a candidate with the request that the person's name be placed on the ensuing city election ballot. Such notice of intention shall state the following:
 - (a) The name of the person whose name is presented for a place upon the election ballot; and the address of the person's place of residence in the city.

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- (b) That the person is a candidate for the office of city commissioner from the district named in such notice of intention; or that the person is a candidate for the office of mayor at large for the city.
- (2) Each notice of intention shall be personally signed by the person desiring to become a candidate.
- (3) Each notice of intention shall be accompanied by and have attached thereto a sworn affidavit by the person seeking to qualify as such candidate stating that:
 - (a) The person is a qualified elector of the City of Holly Hill and shall provide a copy of the person's voter registration;
 - (b) The address of the person's bona fide place of residence in the City of Holly Hill and shall provide evidence of residency such as deed, lease, utility bills or such other documentation that establishes residency as required in Sections 3(b) and (d) herein;
 - (c) The name and number of the district in which the person resides, and that the person desires to become a candidate for city commissioner from said district; or that the person desires to become a candidate for the office of mayor at large for the city; and
 - (d) That the person is currently and has been a permanent resident and registered voter of the City of Holly Hill for at least 12 months and a permanent residence of the district for which he or she seeks to represent at least 12 months prior to the execution of the notice of intention.
- (4) The City of Holly Hill shall be governed by the notice requirements for all elections as contained in the General Election Law as set forth in the Laws of Florida.
- (5) At the time of filing such notice of intention to become a candidate, the candidate so filing shall pay a qualifying fee of ten dollars for the office for which the person desires to become a candidate, or may qualify by filing a petition signed by 25 registered voters in the city; and the city clerk shall give a written receipt thereof, and shall note the method of qualifying and if qualified by payment of the fee the amount of payment and receipt of such qualifying fee on the notice of intention for which such fee or fees is paid. The city will not accept any other forms of qualifying for an election and will not waive the above fee because of undue burden or financial hardship.
- (6) In the event a qualified candidate becomes unable to proceed through the election process, either from death, illness, or a decision to withdraw, and there are less than two remaining qualified candidates, the election for said office shall be deemed cancelled and the single qualified candidate shall take office as provided in section 31 of this Act.

Sec. 24. - Name of candidate to be placed on ballot.

When all of the provisions of this Act requiring the filing of notice of intention, affidavit, and the payment of qualifying fee, or submission of a petition, have been performed and complied with and compliance with applicable State Election laws, then the city clerk shall cause the name of such candidate to be printed upon the ballot to be used for the municipal election, as provided for by law; otherwise, his name shall not appear upon the ballot.

Sec. 25. - When term of office commences.

Officers elected shall assume their duties at the first regularly scheduled commission meeting in November following a general election, or runoff election if necessary, of all elected offices in said election. Officers elected in special elections shall assume their duties at the first regularly scheduled meeting following said special election.

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Sec. 26. - General laws to apply.

All elections shall be conducted, except as otherwise specifically provided under this Act, under the rules and conditions prescribed by law, and subject to the General Election Laws of the State.

Sec. 27. - Provisions for elections.

General elections shall be held on the date that would be established by the Florida Election Code for the primary election. If necessary, runoff elections shall be held on the date established by the Florida Election Code for the general election; provided that the mayor and each commissioner shall hold office until their respective successors are duly elected or appointed and qualified. The expense of the election, and all other elections thereafter held as provided by this act, shall be paid out of the general fund of the City of Holly Hill.

- (a) When two or more candidates are nominated for any elective office in the City of Holly Hill, then it shall be the duty of the city commission of the City of Holly Hill to call an election, to be participated in by the qualified electors of the City.
- (b) Whenever a candidate in any election shall receive a majority of all of the votes cast, then he shall be declared elected for the office in which he was nominated and receive a certificate of election.
- (c) In the event a candidate does not receive a majority of the votes cast in the election, the two candidates receiving the highest number of votes shall have his or her name placed on the ballot for a runoff election.

ARTICLE V. - MISCELLANEOUS PROVISIONS

Sec. 28. - Saving clause.

If any section, subsection, sentence, clause, phrase, or word of this Act is for any reason held or declared to be unconstitutional, inoperative or void, such holding invalidity shall not affect the remaining portions of this Act, and it shall be construed to have been the legislative intent to pass this Act without such unconstitutional, inoperative or invalid part therein; and the remainder of this Act after the exclusion of such part or parts shall be deemed and held to be as valid as if such excluded parts had not been included herein; or if this Act or any provision thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstance.

Sec. 29. - [Repealer.]

All laws and parts of laws in conflict herewith insofar as they apply to the City of Holly Hill be and the same are hereby repealed.

Sec. 30. - [Effective date]

The Charter, and all amendments thereto, shall become effective as provided by law.

[Sec. 31. - Hours of sale of alcoholic beverages.]

To permit the sale, service, and/or consumption of alcoholic beverages on the premises of any establishment or place licensed by the State Beverage Department within the City to be permitted between the hours of 7:00 a.m. and 2:00 a.m. the following day.

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Sec. 32. - Fluoridation of drinking water.

The City of Holly Hill drinking water supply system shall be fluoridated in accordance with standards adopted by the United States Environmental Protection Agency and the State of Florida Department of Environmental Regulation.

Sec. 33. – Charter Review.

The City Commission shall establish a Charter Review Committee to review and make recommended changes, if any, to the entire City Charter at least every ten (10) years.

Subpart B - RELATED LAWS.

ARTICLE I. – RESERVED. (CIVIL SERVICE ACT REPEALED IN ITS ENTIRETY – Eff. August 28, 2018 General Election)

Editor's note from Municode: - Ordinance No. 3012, § 1, adopted December 11, 2018, repealed art. I, §§ 1.01—1.07. Former art. I pertained to the Civil Service Act and derived from Ordinance No. 2212, adopted May 23, 1989; Ordinance No. 2223, adopted September 26, 1989 and by referendum on December 5, 1989.

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