

PART I - THE CHARTER

State Law reference— Municipal home rule powers, F.S. ch. 166; charter amendments, F.S. §166.031.

ARTICLE I. - CORPORATE NAME

Sec. 1.1. - Corporate name.

The municipality hereby established shall be known as the "Town of Palm Beach Shores."

ARTICLE II. - CORPORATE LIMITS

Sec. 2.1. - Corporate limits.

The territorial limits of said municipality are hereby defined and shall be as follows:
Beginning at the point of intersection of the south line of the City of Riviera Beach and the east right-of-way line of the southerly extension of State Road No. 703, said point of intersection being further described as the southwest corner of a tract of land now, or formerly, owned by Inlet Investment Corporation as recorded in Deed Book 613 at page 547, in the Public Records of Palm Beach County, Florida; thence along the said south line of the City of Riviera Beach, south 89;deg;34;min;21;sec; west, [a distance of 1,589.05 feet; thence continuing along said] south line of the City of Riviera Beach north 88;deg;29;min;09;sec; west, a distance of 510.95 feet; thence south 0;deg;25;min;34;sec; east, a distance of 3,132 feet, more or less, to an intersection with the north line, or the westerly prolongation thereof, of a certain tract of land 500 feet in width, north and south, conveyed as an inlet right-of-way by Goodman Estates, Inc. to H.C. Hood, et al, constituting the Board of Commissioners of the Lake Worth Inlet District, as recorded in Deed Book 110, page 169, Public Records of Palm Beach County, Florida; thence easterly along the north line, and/or the westerly prolongation thereof, a distance of 3,400 feet to the waters of the Atlantic Ocean; thence northerly along the waters of the Atlantic Ocean to an intersection with the easterly prolongation of the said south line of the City of Riviera Beach; thence westerly along said easterly prolongation and along said south line of the City of Riviera Beach to the point of beginning.

Sec. 2.2. - Additional lands.

The territorial limits of said municipality shall also include any and all lands which shall be annexed thereto from time to time as provided by law.

State law reference— Local Government Boundaries, F.S. Ch. 171.

ARTICLE III. - GOVERNMENT

Sec. 3.1. - Offices of town commission and mayor created; enumeration of powers.

The government of said municipality shall be vested in a governing body to be known as the "Town Commission of the Town of Palm Beach Shores," sometimes hereinafter referred to as the town commission, composed of five (5) members, one of whom shall be called the mayor, and the remaining four (4) of whom shall be called commissioners.

The town commission shall have all governmental, corporate, and proprietary powers needed to enable it to conduct the government of said municipality, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.

The town commission shall enact local legislation, adopt an annual town budget, determine town policies and appoint town officers as set forth herein. The town commission shall also be the judge of the election and qualification of its members.

Sec. 3.2. - Eligibility to elective office.

No person shall be eligible to any elective office of the Town of Palm Beach Shores unless he or she is a citizen of the United States and a qualified voter in Palm Beach County, Florida, is a current resident of the Town of Palm Beach Shores, and has been a resident of the Town of Palm Beach Shores for a minimum of two (2) years prior to qualifying to hold office.

Sec. 3.3. - Term of office; seats.

The mayor and the four (4) commissioners shall each be elected to serve for a period of two (2) years; the mayor shall be elected at-large to seat 1, and each of the four (4) commissioners shall be elected at-large to seats 2, 3, 4 and 5. The mayor in seat 1, and the commissioners in Seats 3 and 5 shall be elected in the even years, and the commissioners in seats 2 and 4 shall be elected in the odd years. A candidate for office shall qualify for one office/seat only.

Sec. 3.4. - Qualifications of electors; conduct of elections.

The town commission shall by ordinance prescribe the qualifications of electors. The town commission shall also by ordinance regulate the conduct of elections.

Sec. 3.5. - Incumbents to hold office until successors qualify.

The mayor and vice-mayor, elected and appointed respectively as herein provided, as well as all commissioners, elected as herein provided, shall each hold office until their successors are elected or appointed, as applicable, in accordance with the provisions of this article; and the person

or persons appointed hereinafter to hold the various offices of the town shall hold their respective offices until their successors shall be appointed and shall qualify, or during the pleasure of the town commission.

Sec. 3.6. - Regular municipal election dates.

On the second Tuesday in March of each year an election by qualified electors of the municipality shall be held to elect members of the town commission to succeed the members whose election is provided for herein.

Sec. 3.7. - Regular terms of office.

The term of office of the elected members of the town commission shall commence at the next scheduled commission meeting after the mayor's or commissioner's election and shall continue for two (2) years thereafter and until their successors are elected and qualified.

Sec. 3.8. - Reserved.

Sec. 3.9. - Appointment of vice-mayor.

The members of the town commission elected shall meet for organization immediately following their qualification at the next scheduled commission meeting following the date of their election, and at said meeting the town commission shall, by resolution, appoint one commissioner as a vice-mayor of the town, who shall hold such office for a term of one year and until his or her successor shall be appointed and qualified.

Sec. 3.10. - Appointment of town clerk, treasurer, and planning and zoning board; fixing and determining authority, duties and compensation of certain officers.

At each organization meeting as provided for in Sec. 3.9. above, the town commission shall also appoint a town clerk, a town treasurer, and a five-person planning and zoning board. Alternates to the planning and zoning board may be appointed at the discretion of the town commission. Any one person other than a member of the town commission or a member of the planning and zoning board may be appointed to serve as town clerk, and the officer so appointed shall hold office for a term of one year and until their successor is appointed and qualified or at the pleasure of the town commission. The town commission shall also have the power to fix and determine the authority, duties and compensation of all appointed officers, assistants and employees.

Sec. 3.11. - Reserved.

Sec. 3.12. - Vacancies.

If there shall be a vacancy in any elective office, other than by recall pursuant to Section 3.18, the town commission shall, by resolution, fill such vacancy by the appointment of a suitable person to hold such office for the unexpired term and until his or her successor shall be elected and qualified. If by reason of extended absence or disability any elective officer of the Town of Palm Beach Shores is unable to perform the duties of his or her office, then the town commission shall, by resolution, appoint some suitable person to hold such office for and during the absence or disability of such officer, and the person so appointed shall have, during such period of absence or disability, all the powers and duties conferred by law upon the elective officer for whom he is appointed to act. For purposes of this section, “extended absence or disability” shall generally be considered as any condition that prevents or will prevent an elective officer of the Town of Palm Beach Shores from fulfilling his or her duties or attending regularly scheduled meetings for a period of six months or longer.

Sec. 3.13. - Remuneration of elected officials.

The mayor and/or all commissioners may be entitled to an annual salary and/or other remuneration which may, at the discretion of the Town Commission be fixed by ordinance; provided, however, that neither the mayor nor any commissioner shall be entitled to any creation or increase in salary or other remuneration adopted during their then current term.

Sec. 3.14. –Incumbent officers to deliver records to successors.

It shall be the duty of every officer of the town, within ten (10) days after the expiration of his term of office or of his removal therefrom, to deliver to his successor in office, or to such person as the town commission may designate, all books, records, papers, vouchers and property of every kind in his possession or control belonging to said municipality.

Sec. 3.15. – Reserved.

Sec. 3.16. – Meetings – rules and records.

The town commission shall determine and establish by ordinance or resolution the rules governing its own proceedings and the time and place for holding its meeting The mayor, or in his or her absence the vice-mayor, shall preside at all meetings of the town commission and the town clerk shall be present at all meetings of the town commission and shall keep a record of the proceedings of the town commission as required by law. The town clerk shall also enter in full in an ordinance book to be provided and kept for that purpose, all ordinances, which ordinance book shall be

deemed to be a public record and each ordinance so recorded shall be signed by the mayor and by the town clerk.

Sec. 3.17. - Removal or suspension of appointed officers; filling vacancies.

Removal. All officers appointed by the town commission shall serve at the pleasure of the town commission. Any officer appointed by the town commission may be removed from office, with or without cause, by the town commission. In the event such appointed officer shall be so removed, then and in that case his or her term of office shall expire and end when such removal becomes effective, anything herein contained to the contrary notwithstanding.

Suspension. All officers appointed by the town commission shall serve at the pleasure of the town commission. The mayor shall have the power, for sufficient cause, to suspend any officer appointed by the town commission, and in case of the suspension of any such appointed officer, the mayor shall, within fifteen (15) days thereafter, deliver to the town clerk a specification in writing of the charges preferred against such officer and cause a copy of the same to be delivered to the officer suspended; and it shall be the duty of the town clerk to present such charges to the town commission at its next meeting following the receipt of such charges; and thereafter the town commission shall proceed to hear and determine the said charges, after reasonable notice of such hearing to the suspended officer, who shall be given an opportunity to be heard with his witnesses. If upon such hearing the charges preferred against such officer shall not be sustained by the town commission, the officer shall be thereby immediately restored to office; but if such charges be sustained, then the office of such officer shall be and become vacant and his or her term of office shall immediately expire and end, anything herein contained to the contrary notwithstanding.

Filling of vacancies. In the event that any officer appointed by the town commission shall be removed or suspended as provided herein, the mayor shall have the power to appoint some person or some other officer of the town temporarily to perform the duties of the officer suspended or removed, until such suspension is concluded, or until the town commission appoints a new officer into the removed officer's position.

Sec. 3.18. – Removal/recall of elected officers.

Any member of the town commission, including the mayor and all commissioners, may be removed from office in accordance with the procedures set forth at Sec. 100.361, *Florida Statutes*, as that section may be amended or revised from time to time.

State law reference— Recall of municipal elected officials, F.S. § 100.361.

Sec. 3.19. - Reserved.

ARTICLE IV. - TOWN OFFICERS, TOWN MANAGER, PLANNING AND ZONING BOARD

Sec. 4.1. - Officers.

The officers of the Town of Palm Beach Shores shall be a mayor, vice-mayor, a town treasurer, town clerk, and such other officers as may be provided for by law or by the town commission pursuant to the authority conferred by law.

Cross reference— Appointment of certain town officers, employees and planning and zoning board members at organization meeting of commission, § 3.10.

Sec. 4.2. - Powers and duties — Office of Mayor.

The mayor shall be the chief executive of the town, and it shall be his or her duty to attend to the proper and effective enforcement of the laws and ordinances of the town. The mayor shall supervise and direct all aspects of town administration, as well as town boards, in accordance with town commission policy. The mayor shall represent the town and shall advocate for the town's interests with other governmental jurisdictions, business organizations and other entities. Nothing contained in this section shall be construed to mean that the mayor has membership on, or voting ability on any town board.

Sec. 4.3. Powers and duties — Office of Vice-mayor.

The vice-mayor, in the absence or during the disability of the mayor, shall have all the powers and duties of the mayor.

Sec. 4.4. Powers and duties — Office of Town clerk.

The town clerk shall, in addition to the duties which are or may be required of him or her by this act or by any law of the state or by any ordinance of the said municipality, shall have the custody of all the general records, books and documents of the town, and shall perform such further duties as are imposed upon him or her by the town commission by resolution or ordinance.

Sec. 4.5. Powers and duties — Office of Town treasurer.

The town treasurer shall receive, safely keep and disburse, under the direction of the town commission, all funds belonging to or under the control of the municipality; shall keep an accurate account of all receipts and disbursements in such manner as the town commission shall direct and no money shall be paid out of the treasury except upon approval of the town commission to the

persons entitled to receive the same; the town treasurer shall annually, on or before the first day of November, furnish to the mayor and to the town commission a full report of all receipts and disbursements during the preceding fiscal year; and he or she shall, whenever required by the mayor or by the town commission, make a special report covering any designated period and shall lay before the mayor or town commission for examination and audit all books, papers and vouchers pertaining to this office whenever required so to do. The town treasurer shall deposit funds of the town in such banks or other depositories including but not necessarily limited to trust companies as the town commission shall from time to time designate, and all checks drawn upon any depository of the town funds shall be signed and cosigned by such persons as the town commission may direct, and no monies shall be paid except by check unless express authority so to do has been first given to the town treasurer by the town commission.

Sec. 4.6. Position of Town manager.

The town commission shall have the power and authority to employ or otherwise hire or retain some person not one of its own members as a town manager and to prescribe the town manager's specific powers and duties. The town manager shall generally be the administrative head of the municipal government. The town manager shall be under the supervision and direction of the mayor, subject to the ultimate and final authority of the town commission. The town manager shall be chosen solely on the basis of his or her executive and administrative qualifications and he need not be a resident of the Town of Palm Beach Shores. The town manager shall receive such compensation as shall be fixed by contract or resolution of the town commission and shall work for the town pursuant to contractual terms and/or at the pleasure of the town commission.

Sec. 4.7. Planning and zoning board.

It shall be the duty of the planning and zoning board to periodically review the general overall welfare, design and appearance of the municipality with regard to buildings, roads, utilities, storm and sanitary sewers, improvements and all new projects of any nature. They shall periodically review the town ordinances and codes and shall further revise, amend or rewrite such ordinances and codes to properly meet the requirements of necessity, future planning or growth of the municipality. Such suggested revisions, amendments or new ordinances and codes shall be submitted in writing to the town commission for disposition as to further action.

The planning and zoning board shall review all plans and specifications for new buildings, piers, docks, seawalls, property line walls and all building renovations and additions. The planning

and zoning board shall approve, correct or disapprove such plans and specifications with regard to meeting the intent of lawful codes, ordinances, deed restrictions and general overall aesthetic value of the Town of Palm Beach Shores.

No person shall be eligible for appointment to any planning and zoning board seat of the Town of Palm Beach Shores unless he or she is a citizen of the United States and a qualified voter in Palm Beach County, Florida, and has been a resident of the Town of Palm Beach Shores for a minimum of two (2) years prior to appointment, and is not a member of the town commission or any other officer of the town. The composition and appointment of planning and zoning board members shall be set by ordinance of the town commission. Appointments to the planning and zoning board shall occur annually as set forth in Section 3.10.

Sec. 4.8. - Reserved.

ARTICLE V. - RESERVED

ARTICLE VI. - RESERVED

ARTICLE VII. - RESERVED

ARTICLE VIII. - RESERVED

ARTICLE IX. –PLANNING AND DEVELOPMENT

Sec. 9.1. - Building height and lot coverage regulation.

Any increase proposed to be codified in the Town’s Zoning Ordinance to maximum height of any building by 10% or more or any increase of 10% or more in the maximum building lot coverage, currently existing in all zone districts, shall be submitted to the electors of the town for approval or disapproval in a referendum election to be held in conjunction with the next scheduled general election.