

Michele S. Hall, P.L.  
Attorney at Law  
505 25<sup>th</sup> Street West  
Bradenton, Florida 34205

[mshlawoffice@gmail.com](mailto:mshlawoffice@gmail.com)

(941)745-1920 phone  
(813)433-5556 fax

MEMORANDUM

TO: Mayor Lawrence E. Bustle, Jr.  
City Commission

FROM: Michele S. Hall, City Attorney

DATE: April 23, 2008

RE: Mayor Qualifications

---

You have asked me for an interpretation of the qualifications for the office of Mayor set forth in the Charter of the City of Palmetto ("Charter"), and specifically inquired as to whether a candidate for Mayor must reside in the City for 6 consecutive months prior to the last day of qualifying for the office of Mayor.

The relevant provision of the Charter reads as follows:

**"Section 18. Mayor Qualifications.**

**The Mayor must be an *elector* and have been a *legal resident* of the City for six consecutive months prior to the last day of qualifying for election to the office."**

Section 3 of the Charter includes the following definition:

***"Legal Resident* means a person who has established a dwelling place in Palmetto and has demonstrated the intent to make the City his permanent place of residence."**

While "dwelling place" is not defined in the Charter, the following definition of "dwelling unit", found in section 3.2 of Appendix B to the City Code of Ordinances, may be viewed as instructive:

***"Dwelling unit:* "A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one(1) family only; for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis; and containing independent kitchen, sanitary and sleeping facilities."**

The terms “established”, “permanent” and “place of residence” are not defined in the Charter or City Code of Ordinances and therefore should be given their ordinary meaning.

It is my opinion that a plain reading of Section 18 of the City Charter and the above referenced definitions indicates that a candidate for Mayor need not physically reside in the City for 6 consecutive months prior to the last day of qualifying for election to the office. Rather, a candidate must be able to show for the requisite time period that he or she has (1) established a dwelling place in the City, and 2) demonstrated an intent to permanently reside in the City so as to be deemed a “legal resident” under Section 18 of the City Charter.