

ORDINANCE NO: 2966

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDMENT TO THE INLET HARBOR CITY OF RIVIERA BEACH REDEVELOPMENT PLAN MODIFICATION 2001; FINDING THAT THE PLAN CONFORMS TO SECTIONS 163.360,163.361,163.362, AND 166.041, FLORIDA STATUTES; DIRECTING THAT THE PLAN BE CARRIED OUT IN ACCORDANCE WITH ITS TERMS; SUBMITTING SAID PLAN TO EACH TAXING AUTHORITY THAT LEVIES AD VALOREM TAXES ON TAXABLE REAL PROPERTY CONTAINED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Riviera Beach Community Redevelopment Agency (the "Agency"), a duly created community redevelopment agency, created and established pursuant to Part III of Chapter 163, Section 163.356, Florida Statutes; ratified and confirmed by City of Riviera Beach by Ordinance No. 2883 and Final Summary Judgment in case number CA-01-8461-AN, has caused to be prepared a Modification of the 2001 Inlet Harbor Redevelopment Plan, in accordance with Sections 163.355, 163.360, 163.361 and 163.362, Florida Statutes (2000); and

WHEREAS, the Agency will forward a copy of the modified 2001 Inlet Harbor Redevelopment Plan to the Taxing Authorities that levies ad valorem taxes on taxable real property contained within the geographical boundaries of the redevelopment area; and

WHEREAS, the amendment meets the requirements for approval as contained in Chapter 163 of the Florida Statutes; and

WHEREAS, the Agency submitted the Plan to the City's Planning and Zoning Board which serves as the Local Planning Agency; and

WHEREAS, the Local Planning Agency held a public meeting on January,8, 2004, with respect to said conformity with the Comprehensive Plan and voted to recommend approval of the amendment; and

WHEREAS, the Community Redevelopment Agency (CRA) held a public hearing, duly noticed, on January 14, 2004, and, after receiving comments from the public and discussion by the CRA Board of Commissioners, approved the Plan; and

WHEREAS, the CRA Board of Commissioners having reviewed the recommendation of the Local Planning Agency, and including the Local Planning Agency's recommendation for approval, submitted the Plan to the City Council of the City of Riviera Beach.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein.

SECTION 2. The City Council finds that the amendment to the 2001 Inlet Harbor City of Riviera Beach Redevelopment Plan which is attached and incorporated into this Ordinance, meets the requirements of Chapter 163, Florida Statutes. The attached Exhibits include the following:

Exhibit A (Maps CRA 01, 02,) - changing the designation of S2(a) & S2(b) to one parcel n/k/a "S2".

Exhibit B (Tables 8.2 (9), 8.3(cont.) - changes the height to 300 feet; clarifying front and side setbacks; creation of maximum north/south and east/west building widths.

SECTION 3. The City Council, having held a public hearing as required by law and having received the comments from the public, the Planning and Zoning Board acting as the Local Planning Agency, and from the CRA Board of Commissioners, approving the amendment to the 2001 Inlet Harbor City of Riviera Beach Redevelopment Plan.

SECTION 4. The amendment to the 2001 Inlet Harbor City of Riviera Beach Redevelopment Plan, having been approved by the City Council is therefore deemed to be in full force and effect and the Community Redevelopment Agency is directed to carry out the Plan in accordance with its terms.

SECTION 5. The amended Community Redevelopment Plan shall serve as the Land Development Regulations for the CRA, and any variations granted pursuant to this Plan shall control the development of real property within the Community Redevelopment Area.

SECTION 6. Should anyone or more of the provisions of this Ordinance be held invalid, such provision shall be null and void and shall be deemed separate from the remaining provisions and shall in no way affect the validity of any of the remaining provisions of the Ordinance.

SECTION 7. All Ordinances or parts of Ordinances in conflict are hereby repealed.

SECTION 8. This Ordinance shall take effect immediately upon its final adoption.

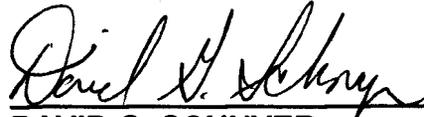
PASSED AND APPROVED on first reading this 5th day of May, 2004.

PASSED AND ADOPTED on second and final reading this 19TH day of MAY, 2004.

APPROVED:



MICHAEL D. BROWN,
MAYOR



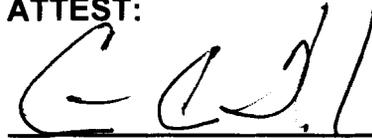
DAVID G. SCHNYER
CHAIRPERSON

{MUNICIPAL SEAL}

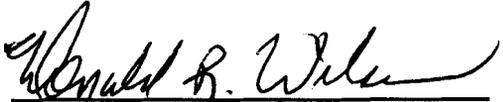


ANN ILES,
CHAIR PRO-TEM

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON,
COUNCILPERSON



JUDY L. DAVIS,
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

1ST READING

D. SCHNYER aye _____
A. ILES aye _____
D. WILSON aye _____
J. DAVIS aye _____
E. WADE aye _____

MOTIONED BY: E. WADE

SECONDED BY: D. WILSON

2ND & FINAL READING

AYE _____

AYE _____
AYE _____

REVIEWED AS TO LEGAL SUFFICIENCY

Pam. 4. R
PAMALA HANNA RYAN, CI ATTORNEY

DATE: 4/28/04

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

May 5, 2004
Date


Carrie E. Ward,
Master Municipal Clerk
City Clerk

ORDINANCE NO. 2967

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION ~~2-43~~, ENTITLED "QUASI-JUDICIAL PROCEEDINGS; INTENT," AND SECTION ~~2-44~~, ENTITLED "DEFINITIONS"; BY REPEALING SECTION ~~2-45~~, ENTITLED "QUASI-JUDICIAL MATTERS," AND SECTION ~~2-46~~, ENTITLED "PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS"; BY ADOPTING A NEW SECTION ~~2-45~~, ENTITLED "SWEARING OF WITNESSES," AND A NEW SECTION ~~2-46~~, ENTITLED "EX PARTE COMMUNICATIONS"; BY ADDING SECTION ~~2-47~~, ENTITLED "QUASI-JUDICIAL PROCEDURES," AND ADDING SECTION ~~2-48~~, ENTITLED "FINAL ORDER; APPEAL"; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach wishes to amend the procedural requirements for quasi-judicial matters to simplify and streamline the quasi-judicial process while protecting the due process rights of those persons affected by such decisions; and

WHEREAS, the City Council expressly determines that the adoption of this Ordinance is in furtherance of the City's municipal home rule powers and serves a proper municipal purpose in accordance with Chapter 166, Florida Statutes and Section 2, Article VIII of the Florida Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, as follows:

SECTION 1. That Chapter 2, Article III, section ~~2-43~~ of the City's Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. ~~2-43~~. Quasi-judicial proceedings; intent.

It is the intent of the city to provide an equitable and efficient manner for the city to hear ~~matters~~ which are considered quasi-judicial in nature matters and to set forth the city's procedures to be utilized for quasi-judicial proceedings procedures. These procedures shall be utilized by the board of adjustment, planning and zoning board, and the city council in regards to hearings on quasi judicial matters in which their body is the final authority and all city boards and commissions when rendering a final decision on a quasi-judicial land use matter.

SECTION 2. That Chapter 2, Article III, section 2-44 of the City's Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 2-44. Definitions.

As used in this chapter, the terms listed below shall be defined as follows:

Affected person means a person (or persons), natural or corporate, who is the owner of the subject property or who owns property within 300 feet of the subject property as listed in the records of the county property appraiser, or who resides in or operates a business within 300 feet of the subject property.

Board or ~~decision~~ making body means the board of adjustment, planning and zoning board, and the city council.

City ~~council~~ means the city council of the City of Riviera Beach, Florida.

Party or parties means the petitioner, city, and any affected person ~~who~~ has requested to be heard at the proceeding and members of city staff.

Party intervenor means a person an affected person who voluntarily interposes in a quasi judicial proceeding with the permission of the board has filed a notice of intent to participate in the proceedings with the Director of Community Development at least seven (7) days prior to the quasi-judicial hearing. All party intervenors may present evidence, may cross-examine witnesses, and shall be subject to cross-examination.

Quasi judicial in nature means the application of a general rule or policy to specific individuals, interests, or activities.

Quasi judicial proceeding means hearing held by a board or the city council to adjudicate private rights of a particular person after a hearing which comports with due process requirements, and makes findings of fact and conclusions of law on the issue.

Site specific means an individual piece of real estate which can be clearly defined by street address, legal description or similar means at a single identifiable location.

SECTION 3. That Chapter 2, Article III, section 2-45, entitled "Quasi-judicial matters," of the City's Code of Ordinances is REPEALED in its entirety and a new section 2-45 is adopted to read as follows:

Sec. 2-45. Swearing of witnesses.

(a) In quasi-judicial proceedings on land use matters, a party or party-intervenor, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(b) A person who appears before the decision-making body who is not a party or party-intervenor shall be allowed to testify before the decision-making body, subject to control by the decision-making body, and may be requested to respond to questions from the decision-making body; however, such person need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decision-making body shall assign weight and credibility to such testimony as it deems appropriate.

SECTION 4. That Chapter 2, Article III, section 2-46, entitled "Procedures for quasi-judicial proceedings," of the City's Code of Ordinances is REPEALED in its entirety and a new section 2-46 is adopted to read as follows:

Sec. 2-46. Ex parte communications.

(a) A person may not be precluded from communicating directly with a member of the decision-making body by application of ex parte communication prohibitions. Disclosure of such communications is not required, and such non-disclosure shall not be presumed prejudicial to the decision of the decision-making body.

(b) All decisions of the decision-making body in a quasi-judicial proceeding on land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

SECTION 5. That Chapter 2, Article III, of the City's Code of Ordinances is amended to adopt a new section 2-47 to read as follows:

Sec. 2-47. Procedure.

(a) City staff shall make the initial presentation. The petitioner shall then make a presentation, followed by a presentation from any party-intervenor. During such presentations, only the members of the decision-making body shall be permitted to ask questions.

(b) After all parties and party-intervenors have made their presentations, they will be permitted to cross-examine all parties and party-intervenors, including city staff and the petitioner, in order of their appearance at the hearing.

(c) After cross-examination has been concluded, all members of the public who wish to offer public comment and who have filled out a comment card, will be permitted to do so. Members of the public shall be subject to the time limits generally applicable to such comment.

(d) After public comment, all parties and party-intervenors shall be provided with an opportunity for brief rebuttal and summary.

(e) The decision-making body will then make a motion and proceed to discuss the matter and vote on the motion.

SECTION 6. That Chapter 2, Article III, of the City's Code of Ordinances is amended to adopt a new section 2-48 to read as follows:

Sec. 2-48. Final order; appeal.

(a) If an ordinance or resolution is prepared upon approval of an action by the decision-making body, with or without conditions, requirements, or limitations, a final order will not be prepared unless the petition or application is denied. All necessary final orders will be prepared by the city attorney's office and shall include, at a minimum, findings of fact and conclusions of law.

(b) The final determination of the decision-making body is subject to judicial review by a court of competent jurisdiction, as provided bylaw.

SECTION 7. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances

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of the City of Riviera Beach.

SECTION 8. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 9. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 10. Specific authority is hereby authorized to codify this Ordinance.

SECTION 11. This Ordinance shall take effect upon its adoption by the City Council.

PASSED and APPROVED on first reading this 19th day Of May 2004.

PASSED and ADOPTED on second and final reading this 02 day of June,
2004.

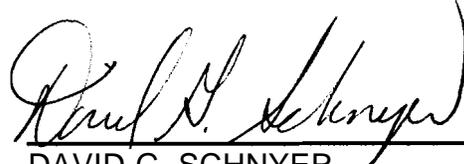
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PAGE 6

APPROVED:



MICHAEL D. BROWN,
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)



ANN ILES
CHAIR PRO-TEM

ATTEST:



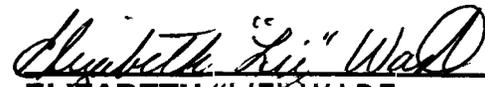
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON
COUNCILPERSON

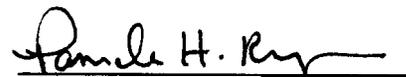


JUDY L. DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CITY ARNEY

DATE: 5/6/04

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MOTIONED BY: D. Wilson

MOTIONED BY: E. Wade

SECONDED BY: E. Wade

SECONDED BY: D. Wilson

1ST READING

2ND & FINAL READING

D. SCHNYER	<u>aye</u>	<u>aye</u>
A. ILES	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>
J. DAVIS	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

6/02/02
Date

C. E. Ward
Carrie E. Ward, MMC
City Clerk

ORDINANCE NO. 2968

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF D.R. HORTON INC., TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT FOR REAL PROPERTY COMPRISING OF APPROXIMATELY 101.23 ACRES; ESTABLISHING THE NAME OF THE DISTRICT AS "THOUSAND OAKS COMMUNITY DEVELOPMENT DISTRICT"; DESIGNATING THE PURPOSE OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, D.R. Horton, Inc., a Delaware Corporation ("Petitioner"), has petitioned by notarized documents, the City of Riviera Beach, Palm Beach County, Florida (the "CITY") to grant the establishment of the Thousand Oaks Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the City Council of the City of Riviera Beach, Palm Beach County, Florida (the "Board") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, all statements contained within the petition have been notarized as true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the effective City of Riviera Beach Comprehensive Land Use Plan, as amended; and

WHEREAS, the area or land within the District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the creation of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

WHEREAS, the proposed services and facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area that will be served by the District is amenable to separate special district government; and

WHEREAS, the District desires to levy special assessments on purchasers of benefited land within the District to pay for infrastructure constructed and/or acquired by the District; and

WHEREAS, the District shall acquire or construct potable water and wastewater facilities in accordance with the City's Water Utilities Department's standards and procedures to enable the City to provide potable water and wastewater services to the District; and

WHEREAS, the District shall acquire or construct surface water management facilities and appurtenances thereto in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the District does not have any zoning or development permitting power and the establishment of the District is not a development order; and

WHEREAS, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the District; and

WHEREAS, the City Council has considered the record of the public hearing and has decided that the establishment of the District is the best alternative means to provide certain basic services to the community; and

WHEREAS, the City Council finds that the District shall have the general powers described in Section 190.011, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA:

SECTION 1. The above recitations are true and incorporated by reference herein.

SECTION 2. The Petition to establish the Thousand Oaks Community Development District over the real property described in Exhibit "A" attached hereto, which was filed by D.R. Horton, Inc. on May 11, 2004 and which Petition is on file at the Office of the City Clerk, is hereby granted.

SECTION 3. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit "B."

SECTION 4. The initial members of the Board of Supervisors shall be as follows:

Anthony Palumbo

K. Karl Albertson

Candace Sharpseen

Michael Pumphries

Paul Romanowski

SECTION 5. The name of the District shall be "Thousand Oaks Community Development District."

SECTION 6. The District is created for the purposes set forth in and prescribed in the petition.

SECTION 7. The Board hereby grants to the District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of citizens of the City to grant such general powers.

SECTION 8. Notwithstanding Section 7 as set forth hereinabove, D.R. Horton, Inc., as the fee simple owner, shall enter into a Standard Potable Water and Wastewater Development Agreement with the City for the provision of water and wastewater facilities. Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all terms and conditions therein including, but not limited to, constructing or acquiring the water and wastewater facilities in accordance with the Water Utilities Department's Uniform Policies and Procedures; providing the City with appropriate easements for said facilities; and providing the City with a deed to said water and wastewater facilities at no cost to the City of Rivera Beach. The City of Riviera Beach Utilities Department shall operate and maintain said water and wastewater facilities and provide water and wastewater service upon receipt of all fees and charges, upon completion of construction and upon receipt of said deed.

SECTION 9. Pursuant to Section 190.012(1)(b), Florida Statutes, the District shall have the power to acquire, construct, operate, maintain, improve and/or replace surface water management facilities and appurtenances thereto.

SECTION 10. Pursuant to Section 190.004(4), Florida Statutes, the charter for the District shall be Sections 190.006 through 190.041 Florida Statutes, including the special powers provided by Section 190.012, Florida Statutes.

SECTION 11. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

SECTION 12. The District shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048.F.S., as amended from time to time, and shall be included in every contract for sale and in every recorded deed.

SECTION 13. The District shall disclose the fact that this is a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the District;

SECTION 14. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 15. This Ordinance shall take effect upon filing with the Department of State.

EFFECTIVE DATE: Filed with the Department of State, State of Florida, on the 02 day of June, 2004 at m.

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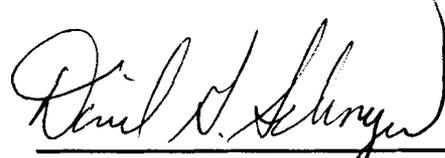
PASSED and APPROVED on first reading this 19th day of May, 2004.

PASSED and ADOPTED on second and final reading this 02 day of June
2004.

APPROVED:



MICHAEL D. BROWN,
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)

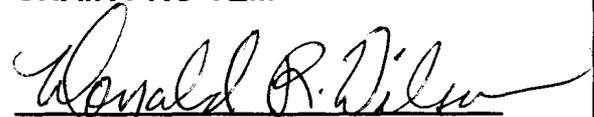


ANN ILES
CHAIR PRO-TEM

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON
COUNCILPERSON

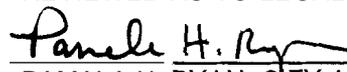


JUDY L. DAVIS
COUNCILPERSON



ELI ABETH "LIZ" WADE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CITY ATTORNEY

DATE: 5/12/04

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MOTIONED BY: A. ILES

SECONDED BY: E. WADE

MOTIONED BY: D. WILSON

SECONDED BY: E. WADE

1ST READING

2ND & FINAL READING

D.SCHNYER AYE

A.ILES AYE

D. WILSON AYE

J. DAVIS AYE

E. WADE AYE

AYE

AYE

AYE

AYE

AYE

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

6/02/04
Date



Carrie E. Ward, MMC ₁
City Clerk

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EXHIBIT A
LEGAL DESCRIPTION

THOUSAND OAKS COMMUNITY DEVELOPMENT DISTRICT

Legal Description:

Parcel 34a and 34B.

A parcel of land located in the Northeast $\frac{1}{4}$ of Section 30, Township 42South, Range 43 East and being more particularly described as follows:

Being all of the Northeast $\frac{1}{4}$ of said Section 30, lying west of the West Right of Way line of Congress Avenue as recorded in O.R. Book 10644 Page 693, Public Records of City of Riviera Beach, Florida, less the North 75 feet thereof.

Parcel Identification Number 56434230000001010

ORDINANCE NO. 2969

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, ENTITLED "ZONING," ARTICLE I, OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 31-4, ENTITLED "HEARINGS GENERALLY; NOTICE; DEPOSITS," AND ARTICLE III, SECTION 31-61, ENTITLED "REVIEW PROCEDURES FOR SPECIAL EXCEPTIONS," TO CLARIFY THE TYPE OF NOTICE REQUIRED FOR ZONING HEARINGS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach wishes to amend the notice requirements applicable to zoning hearings conducted by the Planning and Zoning Board and the City Council; and

WHEREAS, the City Council expressly determines that the adoption of this Ordinance is in furtherance of the City's municipal home rule powers and serves a proper municipal purpose in accordance with Chapter 166, Florida Statutes and Section 2, Article VIII of the Florida Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, as follows:

SECTION 1. That Chapter 31, Article I, section 31-4 of the City's Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Section 31-4. Hearings generally; notice; deposits.

(a) The planning and zoning board shall sit as a zoning board to hear all applications for the determination, establishment, amendment, supplementing or changing of zoning classifications and regulations. The zoning board shall recommend the boundaries of the various original districts and the appropriate regulations to be enforced therein. The zoning board shall make a preliminary report and hold public hearings thereon as required by law before submitting its final report; the city council shall not hold its public hearings or take action until it has received a final report of the planning and zoning board.

(b) At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city, and if there is no newspaper published in the city, then three notices shall be posted in at least three conspicuous places within the city.

including city hall.

(b) Notice of all public hearings conducted pursuant to this section shall be advertised as required by section 166.041, Florida Statutes, as may be amended.

(c) In addition, the planning director shall provide to the city clerk a list of property owners, of whom shall be mailed copies of such notice at their last known address, owning property within 300 feet of the property to be affected, notifying the property owners of such public hearing and such requested change or changes. Such notices shall be sent by first class mail, with the proper amount of postage attached thereto to insure their delivery.

(c) In addition to the notice requirements of subsection (b) above, all non-city initiated rezoning petitions shall be subject to the following additional notice requirements:

(1) Mail Notice

- a. Petitioners shall mail notice of the public hearing to all property owners within 300 feet of the property affected by the proposed rezoning at least fifteen (15) days prior to the public hearing.
- b. The list of property owners shall be derived from the most recent official tax roll of Palm Beach County, and the applicant shall provide an affidavit attesting to the completeness of the property owner's list.
- c. Notice shall be provided by first class U.S. Mail, with the proper amount of postage attached to ensure delivery.
- d. At a minimum, the notice shall contain the time, date and location of the public hearing, the location of the property affected and the substance of the proposed rezoning.

(2) Posting of Property

- a. The petitioner shall post signs on the property at least fifteen (15) days prior to any public hearing.

- b. The signs posted on the property shall be subject to criteria for size, contents and visibility established by the community development director.
- c. Signs shall be able to withstand normal weather events, and at least one sign shall be posted per 500 lineal feet of all property located along a public right-of-way, with a minimum of one sign per frontage.
- d. An affidavit, including photographs, attesting to the date of installation and number of signs installed shall be provided at least five days prior to the required public hearing.

(d) Before the clerk shall mail notices or advertise in such newspapers, he shall request a deposit of \$250.00 from such applicant to pay the expenses of such advertisement and postage charges. In cases where the minimum deposit shall not be sufficient for the actual cost of the advertising and postage, the applicant shall be required to pay the balance due, within 10 days of notification by the city clerk. This balance shall be collected by the city prior to the applicant's final scheduled date for a public hearing before the appropriate board. If the applicant failed to comply with the aforementioned stipulation, the city's building official" shall not" issue a permit, until such time as all fees and charges are satisfied with the city clerk. All such costs paid to the city clerk are nonrefundable.

(d) The petitioner shall be responsible for payment of all advertising, mailing and posting costs required by this section. Petitioner shall deposit funds with the community development department in accordance with City of Riviera Beach's adopted fee schedule, as amended from time to time, prior to the date of the advertisement and mailing and shall pay the balance of the costs, if any, before the matter is heard by the appropriate board.

SECTION 3. That Chapter 31, Article III, section 31-61 of the City's Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 31-61. Review procedures for special exceptions.

* * *

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PAGE 4

(b) *Public hearings required.* A public hearing shall be held by the planning and zoning board and city council in accordance with the public hearing procedures ~~and~~ notice requirements in section ~~31-38~~ 31-4, prior to any decision regarding a request for special exception.

* * *

SECTION 4. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach.

SECTION 5. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 6. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 7. This Ordinance shall take effect upon its adoption by the City Council.

PASSED and APPROVED on first reading this day of , 2004.

PASSED and ADOPTED on second and final reading this day of _
2004.

[The Remainder of this Page Intentionally Left Blank]

ORDINANCE NO. 2969
PAGES

PASSED and APPROVED on first reading this 19th day of May, 2004.

PASSED and ADOPTED on second and final reading this 02 day of June, 2004

APPROVED:

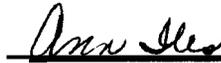


MICHAEL D. BROWN,
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)



ANN ILES
CHAI PRO-TEM

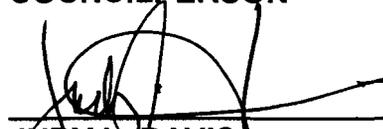
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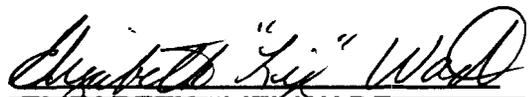
DONALD R. WILSON
COUNCILPERSON



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



JUDY L. DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CI TTORNEY

DATE: 5/12/04

ORDINANCE NO. 2969
PAGE 6

MOTIONED BY: E. Wade

MOTIONED BY: D. Wilson

SECONDED BY: J. Davis

SECONDED BY: E. Wade

1ST READING

2ND & FINAL READING

D. SCHNYER aye

aye

A. ILES aye

aye

D. WILSON aye

aye

J. DAVIS aye

aye

E. WADE aye

aye

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PAGE 7

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

July 1, 2004
Date

Carrie E. Ward, MMC
City Clerk

ORDINANCE NO. 2970

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE ZONING MAP FOR 1.91 ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF 1-95 AND BLUE HERON BOULEVARD BY CHANGING THE ZONING CLASSIFICATION FROM PALM BEACH COUNTY INDUSTRIAL/COMMERCIAL TO CITY OF RIVIERA BEACH "GENERAL COMMERCIAL (CG)"; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving less than ten (10) contiguous acres; and

WHEREAS, the subject property is currently assigned Palm Beach County Industrial/Commercial zoning classification; and

WHEREAS, on May 13, 2004, the Planning and Zoning Board reviewed the proposed zoning change from Palm Beach County Industrial/Commercial to City of Riviera Beach "General Commercial (CG)" zoning classification, and forwarded a recommendation to the City Council; and

WHEREAS, the proposed zoning classification for the subject property was reviewed for consistency with the City of Riviera Beach Comprehensive Plan Future Land Use Map and was found to be consistent by the City Council sitting as the Local Governing Body whom held a Public Hearing on this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. That the City of Riviera Beach Zoning Map is hereby amended from Palm Beach County Industrial/Commercial to City of Riviera Beach "CG" General Commercial for the following subject property located on 1.91 acres of land located on the southeast corner of 1-95 and Blue Heron Boulevard:

LEGAL DESCRIPTION

(PARCEL 1)

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN NORTH 01°34'06" EAST ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 1345.31

FEET TO A POINT ON THE CENTER LINE OF BLUE HERON BOULEVARD; THENCE SOUTH 87°40'36" EAST ALONG THE CENTER LINE OF BLUE HERON BOULEVARD 593.81 FEET; THENCE SOUTH 02°19'24" WEST 119.00 FEET TO THE POINT OF BEGINNING ON THE SOUTH RIGHT OF WAY LINE OF SAID BLUE HERON BOULEVARD, SAID POINT BEING ALSO THE BEGINNING OF THE LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD NO.9 (INTERSTATE HIGHWAY NO. 95); THENCE SOUTH 87°40'36" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, BLUE HERON BOULEVARD 200.00 FEET; THENCE SOUTH 02°19'24" WEST 200.00 FEET; THENCE NORTH 87°40'36" WEST 460.99 FEET TO A POINT ON THE LIMITED ACCESS RIGHT OF WAY LINE, SAID STATE ROAD NO.9 (INTERSTATE HIGHWAY NO. 95); THENCE NORTH 08°35'55" EAST, ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE 100.60 FEET; THENCE NORTH 58°38'00" EAST STILL ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE 180.28 FEET; THENCE SOUTH 87°40'36" EAST STILL ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE 100.00 FEET TO THE POINT OF BEGINNING, AND BEING ENTIRELY IN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4, SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

Section 2. That the Director of Community Development is hereby authorized and directed to update the City's Zoning Map in accordance with the changes described by this Ordinance.

Section 3. If any word, phrase, clause, subsection or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any remaining portions of this Ordinance.

Section 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

Section 5. That this Ordinance shall not be codified.

Section 6. That the effective date of this zoning change shall be 31 days after adoption.

*****THE REMAINING PAGE IS LEFT BLANK INTENTIONALLY*****

PASSED AND APPROVED on first reading this 2nd day of June, 2004.

PASSED AND ADOPTED on second and final reading this 16 day of June, 2004.

APPROVED:



MICHAEL D. BROWN,
MAYOR

{MUNICIPAL SEAL}

ATTEST:



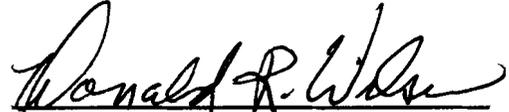
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DAVID G. SCHNYER
CHAIRPERSON



ANN ILES,
CHAIR PRO-TEM



DONALD R. WILSON,
COUNCILPERSON



JUDY L. DAVIS,
COUNCILPERSON

absent

ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: E. Wade

SECONDED BY: J. Davis

1ST READING

D.SCHNYER aye

A.ILES aye

D. WILSON aye

J. DAVIS aye

E. WADE aye

MOTIONED BY: D. Wilson

SECONDED BY: J. Davis

2ND & FINAL READING

aye

aye

aye

aye

absent

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/26/04

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PAGES

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the **proposed** enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach required by applicable Florida Statutes.

June 16, 2004
Date



Carrie E. Ward, MMe, City Clerk

ORDINANCE NO. 2971

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO BUILDING CODES, REGULATIONS AND PROCEDURES; AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, "BUILDING AND TECHNICAL CODES," OF THE CITY CODE OF ORDINANCES BY UPDATING AND REVISING SECTION 22-31, "CODES ADOPTED," SECTION 22-32, "COUNTY AMENDMENTS ADOPTED," SECTION 22-33, "SCHEDULE OF PERMIT FEES," AND SECTION 22-34, "CONSTRUCTION NOT IN COMPLIANCE WITH CODES PROHIBITED," AND ADOPTING A NEW SECTION 22-35, "ABATEMENT OF UNSAFE BUILDINGS;" AMENDING CHAPTER 28, "SIGNS," OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 28-38, "REMOVAL, REPAIR OR ALTERATION," AND SECTION 28-40, "APPEALS;" AMENDING CHAPTER 29, "STREETS AND SIDEWALKS," OF THE CITY CODE OF ORDINANCES, BY AMENDING SECTION 29-31, "APPEALS;" AMENDING CHAPTER 31, "ZONING," ARTICLE II, "BOARD OF ADJUSTMENT," OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 31-18, "POWERS AND DUTIES;" PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, empowers municipalities to provide for the health, safety and general welfare, including the enactment and enforcement of construction and related technical codes and regulations; and

WHEREAS, the Florida Legislature recently adopted a statewide Florida Building Code and mandated that all local governments implement and enforce the provisions of this statewide code; and

WHEREAS, effective March 1, 2002, the Florida Building Code supplanted all locally adopted building codes, but reserved to local governments the ability to adopt administrative amendments to the Florida Building Code and housing or building maintenance codes for their respective jurisdictions; and

WHEREAS, the City Council of the City Riviera Beach desires to amend the City Code to recognize the implementation of the Florida Building Code and adopt administrative amendments to the Code; and

WHEREAS, the Florida Building Code no longer provides for a Building Board of

Adjustment and such a Board does not currently exist within the City; and

WHEREAS, the City Council desires certain administrative appeals relating to building and construction formerly heard by the Building Board of Adjustment to be heard by the Zoning Board of Adjustment; and

WHEREAS, because unsafe buildings and structures posing a threat to the public health, safety and welfare exist within the City's corporate limits, the City Council further desires to adopt and implement a procedure for the abatement of unsafe buildings and structures; and

WHEREAS, the City Council expressly determines that the adoption of this Ordinance is in furtherance of the City's municipal home rule powers and serves a proper municipal purpose in accordance with Chapter 166, Florida Statutes and Section 2, Article VIII of the Florida Constitution.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 22, Article II, section 22-31 of the City Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 22-31. Building Codes adopted.

(a) The City hereby adopts as building codes for the city, the below listed editions of the Southern Building Code Congress International, Ins., and the National Elestrisal Code:

- (1) Standard Building Code, 1997 edition.
- (2) Standard Meshanisal Code, 1997 edition.
- (3) Standard Gas Code, 1997 edition.
- (4) Standard Plumbing Code, 1994 edition.
- (5) International Property Maintenanse Code, 2000 edition.
- (6) National Elestrisal Code, 1999 edition.
- (7) Standard ~~Swimming~~ Pool Code, 1999 edition.

- (8) Standard Unsafe Building Abatement Code, 1985 edition.
- (9) Standard Excavation and Grading Code, 1975 edition.

(a) The Florida Building Code, as adopted by the state legislature, is hereby incorporated by reference as the building code for the City of Riviera Beach, Florida, with the amendments set forth in this article.

(b) A copy Three copies of the above referenced codes-shall be kept on file in the building division's office of the city and shall be available for public inspection upon request. Such codes are herein incorporated by reference and made part of this Code, subject only to specific additions, deletion or amendments set out within this Code.

SECTION 2. That Chapter 22, Article II, section 22-32 of the City Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 22-32. County Administrative amendments adopted to Florida Building Code. Chapter 1. "Administration."

(a) The following ~~mode countywide~~ amendments to the codes adopted in section 22 31 are hereby adopted and incorporated herein as part of the minimum building standards for the city:

- (1) Model Building Code Enforcement Administrative Code, 1997 edition.
- (2) Amendments to the Standard Building Code, 1997 edition.
- (3) Amendments to the Standard Mechanical Code, 1997 edition.
- (4) Amendments to the Standard Gas Code, 1997 edition.
- (5) 2nd Amendments to the Standard Plumbing Code, 1994 edition.
- (6) Amendments to the National Electrical Code, 1999 edition.

(a) The city hereby amends and supplements Chapter 1 of the Florida Building Code by the adoption or deletion of the following sections of said chapter. Chapter 1, as hereby amended and supplemented and as set

forth below, shall be in full force and effect within the city:

101.3.3 Permitting and Inspection. The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan or their adequacy. No jurisdiction nor any involved employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

101.4.2.3.2 Unsafe buildings. Unsafe buildings shall be abated as set forth in section 22-36 of the city code of ordinances.

101.4.2.5 Deleted.

101.4.8 Appendices. Appendices A through E are hereby adopted and incorporated into this code.

102 BUILDING DIVISION

102.1 Establishment. There is hereby established a division to be called the building division and the person in charge to be known as the building official.

102.2 Employee qualifications.

102.2.1 Building official qualifications. The building official shall be licensed as a building code administrator by the State of Florida. The building official shall be appointed or hired by the city and shall be bound by the applicable personnel rules of the city, if an employee, or by the terms of the contract appointing him or her, if an independent contractor.

102.2.2 Employee qualifications. The city may appoint or hire such number of officers, inspectors, plans examiners, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as an inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner in the appropriate trades as established by the

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State of Florida.

103 POWERS AND DUTES OF BUILDING OFFICIAL

103.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code, and shall not have the effect of waiving requirements specifically provided for in this code.

103.2 Right of entry.

103.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, the building official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

103.2.2 When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

103.3 Stop work orders. Upon notice from the building official,

work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

103.4 Revocation of permits.

103.4.1 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

103.4.2 Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

103.5 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

104 PERMITS

104.1.1 When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official

and obtain the required permit for the work. Permit applicants shall be properly qualified under the laws regulating the certification and licensing of contractors, or be exempt therefrom. A permit shall be required for, but not limited to, the following as determined by the building official:

Buildings/Structures - Construct, erect, enlarge, alter, move, remove, relocate, demolish or change the occupancy of any building, or portion thereof.

Service Systems - Install, enlarge, alter, repair, improve, remove, convert or replace any electrical, gas, mechanical, or plumbing system work or cause the same to be done.

Roofing - Install, replace, or resurface roofing, or make repairs.

Windows & Doors - Install or replace windows or doors including frames, shutters, awnings, canopies, or similar items.

Barriers & Signs - Erect or replace fences, walls, signs, or sign structures.

Antennas, Mast or Poles - Install or replace masts, towers for television or radio receiving-transmitting antenna extending more than 10ft above the last anchorage, satellite dish antennas, flag poles, exterior lighting or similar items.

Pools - Install swimming pool, wading pool, or spas, above or below ground, unless otherwise exempted.

Fuel Tanks - Install or replace gasoline, fuel, oil, bottled gas, oxygen, nitrous oxide, or similar liquid or gaseous storage tanks, pumps, and related equipment, above or below ground in a capacity of more than 5 gallons.

Surfaces - Construct, replace or resurface asphalt or concrete driveways, parking areas, hardstands, or sidewalks.

Marine Facilities - Install or replace docking mooring facilities for private or commercial watercraft, groins, sea walls, jetties, revetments, or similar structures and facilities related thereto.

Fire Prevention/Suppression - Install, replace, or relocate fire

sprinkler, fire alarm, smoke detection, or similar fire prevention and protection systems and related equipment or appurtenances.

EXCEPTIONS:

Ordinary minor repairs, installation or replacement may be made with the approval of the building official without a permit. Installation shall be done in accordance with the manufacturer's specification when not in conflict with this or the technical Codes.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or the technical codes or any other laws or ordinances of the applicable governing body.

Building. Building permits may not be required for replacement or repair work having value of less than \$1,000.00, providing, however, that such work will not effect the structural integrity, fire rating, exit access or egress requirements. In the case of roofing repairs a permit may not be required for work having a value of less than \$500.00.

Mechanical. Permits may not be required for the following mechanical work:

1. any portable heating appliance.
2. any portable ventilation equipment.
3. any portable cooling unit.
4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
5. replacement of any part which does not alter its approval or make it unsafe.
6. any portable evaporative cooler.
7. any self-contained refrigeration system containing 10 lb or less of refrigerant and actuated by motors of 1 horsepower or less.
8. Replacement components like originals upon approval of building official.

Electrical, Gas & Plumbing. In a 1 & 2 Family Dwelling, a permit may not be required for the following:

1. Repair, installation or replacement of common household fixtures to existing energy supply lines and outlets. Existing energy supply lines shall not be altered or extended.
2. Repair or replacement of common household electrical switches and outlets on the load side of the electrical source.
3. Repair, installation or replacement of common household plumbing fixtures to existing supply lines and outlets. Existing supply lines shall not be altered or extended. This does not include water heaters.
4. Replacement components like originals upon approval of building official.

104.2.1.2 Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal.

104.2.1.3 Quality Of Plans. Plans shall be drawn to a minimum 1/8th inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish, through city policy, standards for plans and specifications, in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management.

104.2.4 Site Drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey, or other survey, prepared by a qualified surveyor whenever the boundary lines cannot be determined in the field.

104.4.5 Special Foundation Permit. When an application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his or her discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his or her own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet provisions of the technical codes.

104.5.1 Permit Intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing to the building official and justifiable cause demonstrated. Extensions shall be in writing by the building official if granted.

104.5.2 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations supervise such work. In addition, the architect and engineer shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his or her stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person not properly licensed as an engineer or architect conducting plans review is qualified as a plans examiner under part XII of Chapter 468, Florida Statutes, and that any person not properly licensed as an engineer or architect conducting inspections is qualified as a building inspector under Part III of Chapter 468, Florida Statutes.

104.6.2 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees, plus penalty fees

up to 300 percent of the usual permit fee, as decided by the building official.

104.6.4 Building Permit Valuation. If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, normal site work (excavation and backfill for buildings), architectural and design fees, overhead and profit.

105 INSPECTIONS

105.1 Existing Building Inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He or she shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the technical codes.

105.2 Manufacturers And Fabricators. When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

105.3 Resident Inspection Services. The building official may make, or cause to be made by others, the inspections required by this section 105. He or she may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service. The building official may require the owner to employ an inspection service in the following instances:

1. for buildings or additions of Type I or Type II construction
2. for all major structural alterations
3. where the concrete design is based on compressive strength (fc) in excess of 3,000 pounds per square inch
4. for pile driving
5. for buildings with area greater than 20,000 square foot
6. for buildings more than 2 stories in height
7. for buildings and structures of unusual design or methods of construction

Such inspector shall be present at all times that work is in progress on the structural frame. Such inspector shall be a registered architect, or engineer, or other person licensed under Chapter 468, Florida Statutes. Such inspectors shall be responsible for compliance with this Code and shall submit weekly progress reports of the daily inspections to the building official.

At the completion of the construction work or project, such inspector shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this Code and in accordance with the permitted drawing. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued.

105.6 Required inspections. The building official upon notification from the permit holder or his agent shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. A survey may be required before inspection is approved.

BUILDING

2. Framing inspection: To be made after the roof, all framing, fire blocking and bracing is in place, all

concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:

- window/door framing
- vertical cells/columns
- lintel/tie beams (including truss layout)
- framing/trusses/bracing/connectors
- draft stopping/fire blocking
- curtain wall framing
- energy insulation
- accessibility

SITE DEBRIS

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding fourteen (14) days.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

105.14 Failure To Obtain Required Inspections. The cost of investigations, testing, certification or additional fees shall be borne by the applicant. In addition, the building official may refuse to issue a building permit or issue a permit with specific conditions if the local authorized hearing board, through a public hearing which affords due process, has found the contractor guilty of a willful building code violation, fraud or disregard for inspection requirements, and limit permitting privileges.

107 TESTS

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.

108 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining provisions of this code.

109 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, removed or demolished a building, structure, electrical, gas mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state law.

* * *

SECTION 3. That Chapter 22, Article II, section 22-33 of the City Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 22-33. Schedule of permit fees.

(a) Permit fees shall be based on the estimated value as defined in subsection (b) of this section and multiplied by the following percentage rates. Primary or master permits will include the cost of all sub-permits, provided the necessary information is completely detailed on the plans and the total cost of such improvements is included in the estimated value. (Reference: Current Building Valuation Data as listed in the Southern Building Code International Code Council publication, quarterly.)

TABLE INSET:

Percentage Rate	Estimated Value
2	\$ 0.00 -- \$ 25,000.00 plus
1	\$ 25,001.00 -- \$ 250,000.00 plus
0.5	\$ 250,001.00 -- \$1,000,000.00 plus
0.25	\$1,000,001.00 -- \$2,000,000.00 plus

Street Excavation	<u>\$100.00</u> <u>\$200.00</u>
Moving Building	<u>\$100.00</u> <u>\$200.00</u>
Building Demolition	<u>\$100.00</u> <u>\$200.00</u>
Construction Trailers	<u>\$ 40.00</u> <u>\$100.00</u>
Copies per page	\$.15
Microfilm per page	<u>\$ 1.00</u>
<u>Building Board of Adjustment</u>	<u>\$100.00</u>
Occupational License Inspection	<u>\$ 40.00</u> <u>\$ 50.00</u>
Failure to call for final inspection each permit	<u>\$ 40.00</u> <u>\$ 50.00</u>
Reinspection Fee	<u>\$ 40.00</u> <u>\$ 50.00</u>
Temporary Electrical Power Fee	<u>\$ 40.00</u> <u>\$ 50.00</u>
City agents assigned as resident inspectors:	
Threshold buildings per hour	<u>\$ 26.00</u> <u>\$ 30.00</u>
Residential projects per hour	<u>\$ 22.00</u> <u>\$ 25.00</u>
<u>Plan Digitizing Fee</u>	
<u>Residential Single Family</u>	<u>\$ 25.00</u>
<u>Commercial per Million Dollars of Value</u>	<u>\$ 50.00</u>

SECTION 4. That Chapter 22, Article II, section 22-34 of the City Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 22-34.

(a) No construction shall be done within the corporate limits of the city except in accordance with the codes adopted in section 22 31 this article and ~~the all other~~ applicable provisions of this Code. No construction of any type shall be commenced until the building division and any other appropriate agency with jurisdiction issues all required permits. Any person who commences construction without all required permits shall be subject to code enforcement proceedings in accordance with chapter 2 of this Code.

(b) Any person whose construction or building-related work and work practices do not conform with the provisions of this Code shall, upon written notice from the building official, make required changes or corrections for conformity with this Code. If such changes or corrections

have not been made within ten calendar days after notice from the building official, no more building permits shall be issued to such person unless and until compliance with this Code occurs.

SECTION 5. That Chapter 22, Article II of the City Code of Ordinances is amended to add a new section 22-35 to read as follows (new language is underlined):

Sec. 22-35. Abatement of unsafe buildings.

(a) *Purpose.* This section is hereby declared to be remedial in nature. The purpose of this section is to secure the public health, safety and welfare by ensuring that all buildings and structures within the city are structurally sound and that such premises provide adequate egress, sanitation, light and ventilation for the protection of life and property and are free from fire and other hazards incidental to their construction, alteration, use and occupancy.

(b) *Scope.* The provisions of this code shall apply to all unsafe buildings and structures, as herein defined, and shall apply equally to new and existing conditions.

(c) *Unsafe buildings and structures.* An unsafe building or structure means any building, structure or property that endangers the life, health, property or safety of the general public and has any of the following conditions:

(1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or non-working condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3) The stress in any material, member, or portion thereof, due to all imposed loads, including dead loads, exceeds the working stresses allowed in the city's building code for new buildings, which was in effect at the time of the issuance of the certificate of occupancy or completion.

(4) A building structure or portion thereof has been damaged to the extent that the structural integrity of the building or structure is

less than it was prior to the damage and is less than the minimum requirement established by the city's building code for new buildings, which was in effect at the time of the issuance of the certificate of occupancy or completion.

(5) Any exterior appendage or portion of a building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the building code for new buildings, which was in effect at the time of the issuance of the certificate of occupancy or completion.

(6) Any building, structure or portion thereof is manifestly unsafe for any reason or is unsanitary for the purpose for which it is being used.

(7) Any building, structure or portion thereof, as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse.

(8) Any building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the building code.

(9) Any building, structure, property or portion thereof is in such a condition as to constitute a public nuisance.

(10) Any building, structure, property or portion thereof is unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to the existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(d) *Enforcement.* The provisions of this section shall be enforced by the building official.

(e) *Right of entry for inspection.*

(1) The building official or his/her authorized designee, in accordance with the provisions of this subsection, may enter any building or premises at all reasonable times to make an inspection or enforce any of the provisions of this section. In cases of emergencies or exigent circumstances where extreme hazards are

known to exist, the building official may enter the building, structure, or premises at any time.

(2) When attempting to enter a building, structure or premises that is occupied, the building official or his/her authorized designee shall first identify him or herself, display proper credentials and request entry. If the building, structure, or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge of the building and request entry. If entry is refused, or if the owner or other persons having charge of an unoccupied building cannot be located, the building official shall have recourse to every remedy provided by law to secure entry, including an inspection warrant.

(3) When the building official or his/her authorized designee shall have obtained permission to enter, secured an inspection warrant, or obtained another remedy provided by law to secure entry, no person shall fail, after proper credentials are displayed, to promptly permit entry into the building, structure or premises by the building official or his/her authorized designee for the purpose of inspection and examination pursuant to this section. Any person violating this section may be prosecuted within the limits of the law.

(f) *Inspection.* The building official shall inspect, or cause to be inspected, any building, structure or portion thereof which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion thereof, and has determined that such building, structure or portion thereof is unsafe, he/she shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition, or any combination thereof.

(g) Whenever the building official has determined that such structure, property or portion thereof is unsafe, the building official shall prepare a written notice of violation and notice of pending administrative action to the owner of record as identified by a search of the public records in and for the Palm Beach County. Should the building official and the city engineer or their designees jointly determine that the structure, property or portion thereof presents an immediate and genuine threat to the safety of individuals or the public at large, the city may take any action necessary to abate such threat, including, but not limited to, the demolition of the structure without providing the procedural safeguards set forth below.

(1) The notice of violation shall contain, but not be limited to, the following information:

a. The street address and legal description or property control number of the building, structure, or property.

b. A statement indicating the building or structure has been declared unsafe by the building official and a summary of the conditions that led to the building official's determination.

c. A statement advising that if the following required action as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed.

1. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within thirty (30) days and continued to completion within such time as the building official determines.

2. If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.

3. If the building or structure is to be demolished, the notice shall require that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the building official. If the building is occupied, the notice shall require that the premises be vacated within sixty (60) days.

d. State that the building official may cause the work to be done and after such repair, reconstruction, alteration, removal or demolition by or on behalf of the building official, the city may record a special assessment lien against the owner in accordance with this section to recover the costs incurred by the city in performing the work.

e. State that if the property owner or other interested party wishes to: (1) contest in whole or in part the material allegations in the notice; (2) assert that the time period as set forth in the notice poses an undue hardship; (3) assert that the true intent and meaning of the code has been misconstrued or misinterpreted; or (4) make any other

argument. the parties have a right to a hearing. Any request for a hearing must be made in writing within fifteen (15) days of receipt of notice of violation or the right to hearing is waived.

(2) A notice of pending administrative action shall be recorded with the county clerk of court, served upon the property owner and other interested party as indicated below and contain the name of the property owner, the specific violations of the city code that are applicable to the property, the property address and legal description.

(h) Service of notice of violation and notice of pending administrative action. The notice shall be served either personally or by certified mail, postage pre-paid, return receipt requested, to each owner at the address as it appears in the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt. In the event the certified mail is unclaimed or refused, the notice shall be posted at the property for (10) days and shall be re-sent by first class mail documented by a properly executed proof of mailing and posting or affidavit confirming the first class mailing and posting. For properties that are posted, the notice shall be deemed received at the expiration of the ten (10) day posting period.

(j) Placard posted. Every notice to vacate, in addition to complying with the above, shall be posted at each exit and entrance to the building or structure and shall essentially state:

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.

Such notice shall remain posted until the required repairs are made or demotion is completed. It shall be unlawful for any person to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

CD Hearing.

(1) The city council shall appoint a special master to conduct all hearings contemplated by this section. The special master shall serve at the pleasure of the city council and may be removed by the city council at any time, with or without cause.

(2) A hearing before the special master shall offer the property owner and other legally interested parties a reasonable opportunity to be heard on any matter or issue that is relevant to the proceeding. The property owner or interested parties may appear at the hearing in person or through an attorney or other designated representative. Failure of any person to appear at any hearing scheduled in accordance with this section shall constitute a waiver of that person's right to a hearing.

(3) The special master may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued by the special master at the request of any party involved in the hearing.

(4) All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(k) Implementation.

(1) If no hearing is requested in accordance with section (g)(1) e above, the building official may take action to repair or reconstruct the building, structure or portion thereof or to cause the building or structure to be removed or demolished if required by the notice.

(2) If a hearing is requested, and the special master determines:

a. That the condition exists as set forth in the notice of violation, and that the remedial action required in the notice has not been voluntarily completed by the property owner, or other legally interested party, the special master shall issue a written order authorizing the building official to repair, reconstruct the building, structure or portion thereof or to cause the building or structure to be removed or demolished.

b. That the condition, as set forth in the notice of violation does not exist or has been corrected as required by the notice of violation, the notice of violation shall be dismissed by written order of the special master.

(3) The building official may, upon written request of the property owner, grant an extension of time as the building official may determine to be reasonable to complete the required remedial action. If the extensions of time, in total, exceed one hundred twenty (120) days, the special master, without further public hearing, must also approve the extension.

(l) *Appeal.* An aggrieved party, including the city, may appeal a final order of the special master by filing a petition for writ of certiorari with the circuit court. Said appeal must be filed within thirty (30) days from the effective date of the special master's written order.

(m) *Interference.* No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the special master. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

(n) *Performance of work.* The repair or demolition of an unsafe building or structure as required in the notice by the building official or the final decision by the special master shall be performed in an expeditious and workmanlike manner in accordance with the requirements of the city Code and all other applicable codes and accepted engineering practice standards.

(o) *Recovery of costs.*

(1) Whenever a building or structure is repaired or demolished in accordance with the provisions of this code and the cost of such repair or demolition is borne by the city, all costs incurred by the city, including the cost incurred in the searching of the public records to determine the record owners and interested parties in serving the notice as specified above, shall be assessed to the owner of the affected land or premises and shall become a lien against such land or premises as provided in this section.

(2) The building official shall certify the costs borne by the city, as described above, and shall serve such cost certification upon the property owner by certified mail return receipt requested. This cost certification is a demand for payment from the property owner.

(p) *Right to challenge costs and charges.*

(1) Within fifteen (15) days from the property owner's receipt of the building official's cost certification, provided in subsection (o)

above, the property owner shall have the right to request a hearing before the special master to show cause, if any, why the costs and charges incurred by the city, under this section are excessive or unwarranted or why such costs should not constitute a lien against said land, provided that nothing contained in this section is to be construed to disturb or permit a review of the order by the special master issued under subsection (h) above.

(q) *Lien created.*

(1) If the owner fails to make payment within fifteen (15) days from the expiration of the appeal period provided for in subparagraph (p) above or from the date of any order entered by the special master under subsection (h) above, the amount of the certified costs shall be assessed by the special master against the affected land and such assessment shall create and constitute a lien against such land, payable to the city.

(2) Said assessment shall bear interest at the current legal rate of interest per annum as provided by law and shall constitute a lien upon the land from the date of the assessment and shall be collectible in the same manner as liens for taxes and special assessments and with the same attorney's fee, penalties for default in payment, and under the same provisions as to sale and forfeiture, provided, however, that no lien created pursuant to the provisions of this section may be foreclosed on property that is homestead under section 4, Article X of the State Constitution.

(3) Collection of such assessments, with such interest and with a reasonable attorney's fee, may also be made by the city council by proceedings in a court of competent jurisdiction to foreclose the lien of the assessment in the manner in which a lien for mortgages is foreclosed under the laws of the state and it shall be lawful to join in any complaint for foreclosure anyone (1) or more lots or parcels of land, by whomever owned, if assessed under the provisions of this section.

(4) Property subject to lien may be redeemed at any time prior to sale by its owner by paying the total amount due under the corresponding assessment lien including interest, court costs, advertising costs and reasonable attorney's fees.

(r) *Authority to expend funds.* Nothing contained herein shall require the city council to appropriate or expend any funds to carry out the purpose of this section. The authority granted herein is permissive and

shall not be construed to impose an obligation on the building official or the city to condemn any building or structure.

(s) Emergency powers. Nothing herein precludes exercise of emergency powers otherwise available in the face of imminent threat to public safety.

(t) Provisions supplemental and in addition to other powers. The provisions of this section shall not be deemed to repeal or modify any city ordinance or provision of the city code relating to the condemning of buildings and structures but the provisions herein shall be supplemental and in addition to the powers that may be exercised by the city council, its officers and employees.

SECTION 6. That Chapter 28, "Signs," Article II, section 28-38 of the City Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 28-38. Removal, repair or alteration.

(a) If any sign is abandoned, nonconforming, insecure or in danger of falling or otherwise unsafe in the opinion of the building official, the owner or the person maintaining the sign or the owner of the property upon which such sign exists shall upon written notice from the building official forthwith in the case of immediate danger and in any case within ten days, secure the sign in a manner approved by the building official in conformity with the provisions of this chapter or remove such sign. If such order is not complied with within ten days, the building official shall order the removal of such sign at the expense of the owner or lessee thereof.

(b) The notice shall be in accordance with established procedure for legal notice to the owner, agent or person in control of such sign.

(c) The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the building official as provided hereinafter, and to appear before the zoning board of adjustments and appeals at a specified time and place to show cause why he should not comply with such notice.

* * *

SECTION 7. That Chapter 28, "Signs," Article II, section 28-40 of the City Code of Ordinances is amended to read as follows (additional language is underlined and

deleted language is stricken through):

Sec. 28-40. Appeals.

(a) Any person aggrieved by any decision of the building official in regard to the mode, manner or method of construction, erection or alteration of a sign may appeal such decision to the building zoning board of adjustment and appeals.

* * *

SECTION 8. That Chapter 29, "Streets and Sidewalks," Article II, of the City Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 29-31. Appeals.

Appeals may be taken by any person aggrieved by any decision of the city engineer or the director of community development and environmental control in the enforcement of this article to the zoning board of building adjustments and appeals as provided by this Code.

SECTION 9. That Chapter 31, "Zoning," Article II, "Board of Adjustment," of the City Code of Ordinances is amended to read as follows (additional language is underlined and deleted language is stricken through):

Sec. 31-38. Powers and duties.

The board shall have only the following powers set forth in this section:

- (1) *Administrative review.* The board may hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any regulations in the land development code, the sign code, the subdivision code, or any other code provisions as may be determined by the city council.
- (2) *Hear and decide requests for variances.* The board may hear and authorize upon application such variance from the terms of the ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would

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result in unnecessary and undue hardship. Variances can only be granted if all criteria are met.

SECTION 10. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach.

SECTION 11. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 12. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 13. Specific authority is hereby granted to codify this Ordinance.

SECTION 14. This Ordinance shall take effect upon its adoption by the City Council.

PASSED and APPROVED on first reading this 2nd day of June, 2004.

PASSED and ADOPTED on second and final reading this 16th day of June, 2004.

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APPROVED:

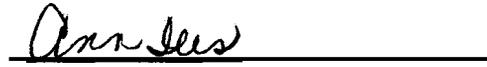


MICHAEL D. BROWN,
MAYOR



DAVID G. SCHNYER,
CHAIRPERSON

(MUNICIPAL SEAL)

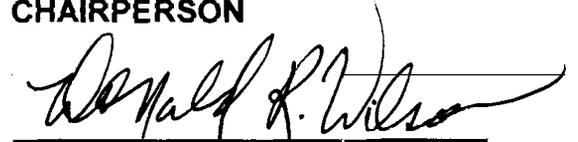


ANN ILES,
CHAIRPERSON

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON,
COUNCILPERSON



JUDY L. DAVIS,
COUNCILPERSON

ABSENT
ELIZABETH "LIZ" WADE,
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CITY ATTORNEY

DATE: 5/24/04

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PAGE 28

MOTIONED BY: D. WILSON

MOTIONED BY: D. WILSON

SECONDED BY: E. WADE

SECONDED BY: A. ILES

1ST READING

2ND & FINAL READING

D. SCHNYER	<u>AYE</u>
A. ILES	<u>AYE</u>
D. WILSON	<u>AYE</u>
J. DAVIS	<u>AYE</u>
E. WADE	<u>AYE</u>

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<u>AYE</u>
<u>ABSENT</u>

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

6/16/04
Date


Carrie E. Ward, Master Municipal Clerk
City Clerk