

ORDINANCE NO. 3021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, ZONING, OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES BY ADDING THE DEFINITION OF "PLATTED LOT SIZE" TO SECTION 31-1, DEFINITIONS; DELETING THE MINIMUM PROPERTY SIZE/DENSITY FOR THREE, FOUR, FIVE OR MORE UNIT DWELLINGS IN THE RM-15 AND RMH-15 ZONING DISTRICTS AND ADDING NEW MINIMUM PROPERTY SIZE REQUIREMENTS IN SECTIONS 31-198 AND 31-223, RESPECTIVELY; AND BY DELETING SECTION 31-577(1)a-c, OFF STREET PARKING AND REPLACING THIS SECTION WITH NEW OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL USES ; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, chapter 166 of the Florida Statutes provides the procedures for the adoption of Ordinances; and

WHEREAS, the proposed zoning amendments will provide for increased open space, improved internal code consistency, increased parking requirements to reduce on-street overflow, and minimum lot sizes for town home developments; and

WHEREAS, on October 12,2006, the Planning and Zoning Board held a public hearing to consider the amendment and voted to recommend approval to the City Council.

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

SECTION 1. That Chapter 31, Section 31-1, entitled "Definitions" of the City of Riviera Beach Code of Ordinances is amended as follows:

Platted Lot Size means the minimum size of a buildable lot. For single family residential, see minimum property size per zoning classification, and for fee-simple town home (or similar type) multi-family residential,the minimum platted lot size is 15 feet x 50 feet. For other multi-family residential, see minimum property size per zoning classification. Properties developed according to these standards shall be required to establish a property owners association for the continued maintenance of common areas. Note: Applicable density and setback regulations are regulated per specific zoning classification.

\* \* \*

**SECTION 2.** That Chapter 31, Section 31-198, entitled "Property development standards" of the RM-15 zoning regulations of the City of Riviera Beach Code of Ordinances is amended as follows:

The property development standards in the RM-15 multi-family dwelling district are as follows:

(1) Minimum property size/density:

- a. Single-family dwelling: 5,000 square feet.
- b. Two-family dwelling: 5,500 square feet.
- c. Three-family dwelling: ~~6,500~~ 7,000 square feet.
- d. Four-family dwelling: ~~7,500~~ 8,500 square feet.
- e. ~~Five~~ family dwelling: 10,000 square feet.
- f. Six Five or more units and sites greater than 10,000 square feet shall be density based, and shall be expressed in terms of maximum number of residential dwelling units permitted per acre of land. Maximum permitted density shall be 15 dwelling units per acre.

(2) Minimum property width:

- a. One-family, two-family, three family and four family dwellings: 50 feet at the building line.
- b. Three-family and four-family dwellings: 60 feet at the building line.
- b.c. Five-family units and greater: ~~75~~ 70 feet at the building line.

\* \* \*

**SECTION 3.** That Chapter 31, Section 31-223, entitled "Property development standards" of the RMH-15 zoning regulations of the City of Riviera Beach Code of Ordinances is amended as follows:

The property development standards in the RMH-15 multi-family/hotel dwelling district are as follows:

(1) Minimum property size/density:

- a. Single-family dwelling: 5,000 square feet.
- b. Two-family dwelling: 5,500 square feet.
- c. Three-family dwelling: ~~6,500~~ 7,000 square feet.
- d. Four-family dwelling: ~~7,500~~ 8,500 square feet.
- e. ~~Five~~ family dwelling: 10,000 square feet.
- e.f. Six Five or more units and sites greater than 10,000 square feet

shall be density based, and shall be expressed in terms of maximum number of residential dwelling units permitted per acre of land. Maximum permitted density shall be 15 dwelling units per acre. Hotel/motel units shall be permitted at a density of 30 units per acre.

(2) Minimum property width:

- a. One-family, two-family, three family and four family dwellings: 50 feet at the building line.
- b. Three-family and four-family dwellings: 60 feet at the building line.
- ~~b.c.~~ Five-family units and greater: 75 70 feet at the building line.

(3) Maximum building height: 35 feet or three stories.

- b. For projects of five units or more, the maximum building height may be increased to 45 feet if the project utilizes ground floor parking underneath the main structure, allowing the provision of increased landscape area along the street (minimum of 20% increased plant materials required).

\* \* \*

SECTION 4. That Chapter 31 , Section 31-577, entitled "Off-street parking ratios" of the City of Riviera Beach Code of Ordinances is amended as follows:

(1) *Residential uses.* For all residential uses:

- a. Single family All residential units shall have at least two parking spaces per unit, including PUD residential developments.
- b. For individual ~~two~~ ,three and four unit residential structures on a single lot, there shall be ~~provided~~ not less than 1.5 off street parking spaces per unit on the same lot therewith, or on a lot contiguous thereto.
- c. For any structure or development ~~with five~~ or more units, including all PUD residential developments, at least ~~two~~ parking spaces for each residential dwelling unit shall be provided.
- ~~b.d.~~ Parking for units for the elderly shall provide at least 0.8 parking spaces per unit. Units for the elderly shall include independent living units and assisted living units.

\* \* \*

**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 the extent of such conflict.

**SECTION 7.** Specific authority is hereby granted to codify this Ordinance.

**SECTION 8.** This Ordinance shall take effect 10 days after adoption.

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ORDINANCE NO. 3021  
PAGES

PASSED AND APPROVED on the first reading this 1ST day of NOVEMBER  
2006 "

PASSED AND ADOPTED on second and final reading this 15TH day of NOVEMBER  
-----, 2006.

APPROVED:



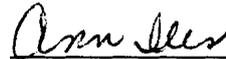
MICHAEL D. BROWN,  
MAYOR

(MUNICIPAL SEAL)

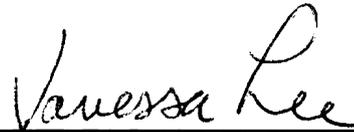
ATTEST:



CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK



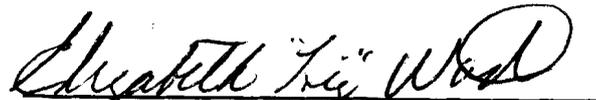
ANN ILES  
CHAIRPERSON



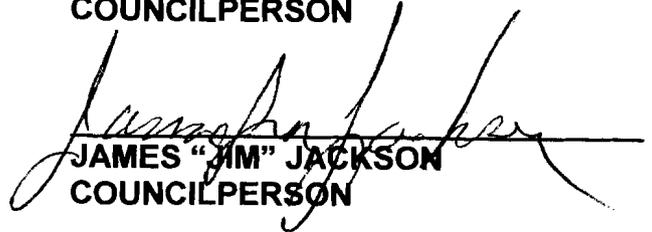
VANESSA LEE  
CHAIR PRO TEM



NORMA DUNCOMBE  
COUNCILPERSON



ELIZABETH "LIZ" WADE  
COUNCILPERSON



JAMES "JIM" JACKSON  
COUNCILPERSON

1<sup>ST</sup> READING

MOTIONED BY: N. DUNCOMBE

SECONDED BY: V. LEE

A. ILES AYE

V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON AYE

2<sup>ND</sup> & FINAL READING

MOTIONED BY: E. WADE

SECONDED BY: N. DUNCOMBE

A. ILES AYE

V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

J. JACKSON NAY

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 10/25/06

ORDINANCE NO. 3022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II, SECTION 14-24 OF THE CITY CODE ENTITLED "RETIREMENT BENEFITS" BY REVISING THE VESTING SCHEDULE FOR EMPLOYEES IN THE GENERAL EMPLOYEES PENSION PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach maintains a retirement system for its general employees; and

WHEREAS, the City Council has determined that a revised vesting schedule is beneficial to its general employees and appropriate.

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

SECTION 1. That Article II, section 14-24 of the City's Code of Ordinances is hereby amended as follows (underlined portions are added; stricken portions are deleted):

\* \* \*

Sec. 14-24. Retirement benefits.

(e) *Vesting.* If a member terminates his employment, either voluntarily or by lawful discharge, and is not at such time eligible for either a normal, early or disability retirement benefit under this system, he shall be entitled to a percentage of his accrued benefit, payable at his regular normal retirement age (65), according to the following schedule:

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**FROM:**

<i>Completed Years of Continuous Service</i>	<i>Annual Vested Increment in Accrued Retirement Benefit</i>	<i>Cumulative Vested Interest</i>
0-8	0	0
8	50	50
9	40	60
10	40	70
11	40	80
12	40	90
13	40	100

**TO:**

Vesting schedule (accelerated partial vesting beginning at 8 years of service)

<i>Completed Years of Continuous Service</i>	<i>Annual Vested Increment in Accrued Retirement Benefit</i>	<i>Cumulative Vested Interest</i>
<u>0-7</u>	<u>0</u>	<u>0</u>
<u>8</u>	<u>50</u>	<u>50</u>
<u>9</u>	<u>25</u>	<u>75</u>
<u>10</u>	<u>25</u>	<u>100</u>

\* \* \*

**SECTION 2.** This ordinance shall be effective immediately upon adoption. The accrued benefits of members who are partially vested based on the current vesting schedule shall not be impaired by the new vesting schedule.

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SECTION 3. 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 and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 4. 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 5. 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 6. Specific authority is hereby granted to codify this Ordinance.

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ORDINANCE NO. 3022  
PAGE 4

**PASSED AND APPROVED** on the first reading this 15th day of November 2006.

**PASSED AND ADOPTED** on second and final reading this 20th day of December 2006.

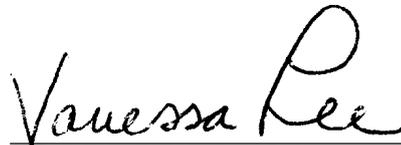
**APPROVED:**

  
MICHAEL D. BROWN  
MAYOR

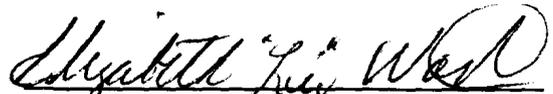
  
ANN ILES  
CHAIRPERSON

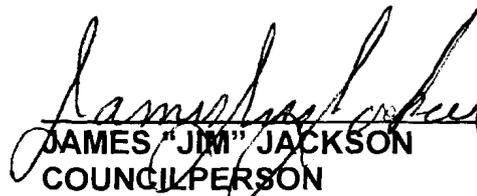
(MUNICIPAL SEAL)  
ATTEST:

  
E. WARD.

  
VANESSA LEE  
CHAIR PRO TEM

  
NORMA DUNCOMBE  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

  
JAMES "JIM" JACKSON  
COUNCILPERSON

ORDINANCE NO. 3022  
PAGES

1<sup>ST</sup> READING

2<sup>ND</sup> & FINAL READING

MOTIONED BY: N. Duncombe

MOTIONED BY: E. Wade -

SECONDED BY: E. Wade

SECONDED BY: N. Duncombe

A. ILES	<u>aye</u>
V. LEE	<u>out</u>
N. DUNCOMBE	<u>aye</u>
E. WADE	<u>aye</u>
J. JACKSON	<u>aye</u>

A. ILES	<u>aye</u>
V. LEE	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
E. WADE	<u>aye</u>
J. JACKSON	<u>out</u>

CERTIFICATION OF PUBLICATION

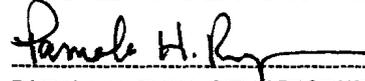
I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper or general circulation within the City of Riviera Beach as required by the **applicable Florida Statutes**.

1/20/2006  
DA E  
1/1

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

[PHR: 10.31.2006]

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA H. RYAN, CITY ATTORNEY

DATE: 11/1/06 -

ORDINANCE NO: 3023

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 AMENDMENT 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 hearing, duly noticed, on July 20, 2006, with respect to said conformity with the Comprehensive Plan and voted to recommend approval of the amendment; 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 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 CRA Master Plan Map amendment is attached as Exhibit "A" and the amended Table 8.2 (PC-04) is attached as Exhibit "B".

**SECTION 2.** The City Council, having held a pUblc 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, hereby approves the amendment to the 2001 Inlet Harbor City of Riviera Beach Redevelopment Plan as provided in Exhibit "A" and Exhibit "B".

**SECTION 3.** 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 4.** 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 5.** 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 6.** All Ordinances or parts of Ordinances in conflict are hereby repealed.

**SECTION 7.** This Ordinance shall take effect immediately upon its final adoption.

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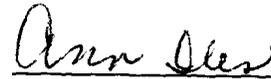
PASSED AND APPROVED on the first reading this 2nd day of August, 2006.

PASSED AND ADOPTED on second and final reading this 17<sup>th</sup> day of January, 2007.

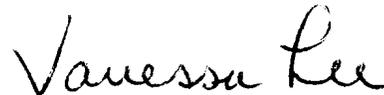
APPROVED:



MICHAEL D. BROWN  
MAVOR



ANN ILES  
CHAIRPERSON



VANESSA LEE  
CHAIR PRO TEM

(MUNICIPAL SEAL)

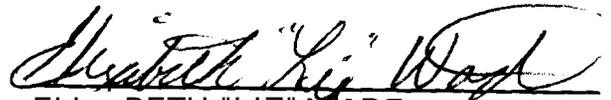
ATTEST:



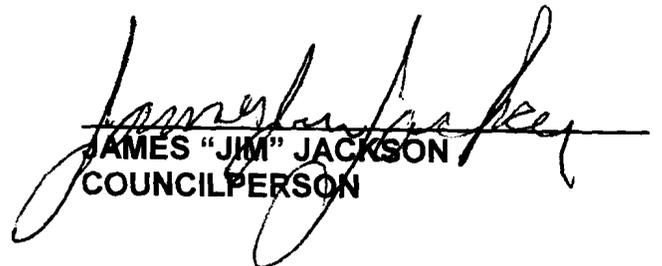
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK



NORMA DUNCOMBE  
COUNCILPERSON



ELI BETH "LIZ" WADE  
COUNCILPERSON



JAMES "JM" JACKSON  
COUNCILPERSON

ORDINANCE NO. 3023  
PAGE     

1<sup>ST</sup> READING

MOTIONED BY: E. WADE      —

SECONDED BY: V. LEE      —

A. ILES                      AYE

. LEE                         AYE

N. DUNCOMBE              NAY

E. WADE                    AYE

. JACKSON                  AYE

2<sup>ND</sup> & FINAL READING

MOTIONED BY: V. LEE      —

SECONDED BY: E. WADE      —

A. ILES                      AYE

V. LEE                        AYE

N. DUNCOMBE              NAY

E. WADE                    AYE

J. JACKSON                 NAY

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/9/07      —

ORDINANCE NO. 3023  
PAGE 5

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.

1/17/2007  
Date

  
Carrie E. Ward, Master Municipal Clerk  
City Clerk

ORDINANCE NO. 3024 \_ \_ \_ \_

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING SECTION 14-27 ADMINISTRATION, SUBSECTION (2) OF ARTICLE IV, CHAPTER 14, OF THE CITY'S CODE OF ORDINANCES RELATING TO THE GENERAL EMPLOYEES PENSION PLAN TO PROVIDE FOR THE EXCHANGE OF WORDS FROM "MAY" TO "SHALL" BE RESIDENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, two (2) retirees who are participants in the General Employees Pension Plan petitioned City Council at a regular monthly meeting to revise the pension ordinance to provide that appointed board members "shall" reside in the City; and

WHEREAS, the City Council voted to approve the retiree's recommendation.

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

SECTION 1. That Section 14-27 entitled "Administration", Subsection (2) of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by deleting the following stricken through word and inserting the underline word:

*Sec. 14-27. Administration*

\* \* \*

*(2) The appointed members shall be appointed by the mayor with the approval of a majority of the city council. They ~~may~~ shall be residents of the city and shall not be employees of the city. Following the effective date of this section, each appointed position shall be appointed for a three-year term of office upon the respective expiration of the terms of office then in effect.*

SECTION 2. This change shall be effective following the expiration of the current term of the appointed members.

SECTION 3. 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.

ORDINANCE NO. 3024

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SECTION 4. If any word, phrase, clause, subsection or sections 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 5. 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 the extent of such conflict.

SECTION 6. Specific authority is hereby granted to codify of this ordinance.

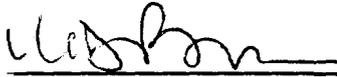
APPROVED ON FIRST **READING JANUARY 17, 2007.**

ADOPTED ON FEBRUARY **7, 2007.**

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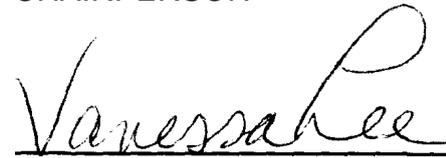
ORDINANCE NO. 3024  
PAGE 3

APPROVED:

  
\_\_\_\_\_  
MICHAEL D. BROWN  
MAYOR

  
\_\_\_\_\_  
ANN ILES  
CHAIRPERSON

MUNICIPAL SEAL

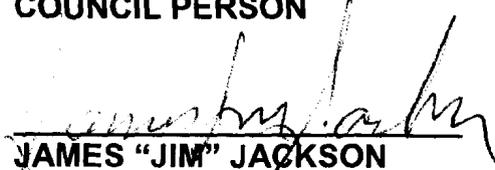
  
\_\_\_\_\_  
VANESSA LEE  
CHAIR PRO TEM

ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
NORMA DUNCOMBE  
COUNCIL PERSON

  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE  
COUNCIL PERSON

  
\_\_\_\_\_  
JAMES "JIM" JACKSON  
COUNCIL PERSON

ORDINANCE NO. 3024  
PAGE 4

1<sup>ST</sup> READING

MOTIONED BY: E. Wade

SECONDED BY: V. Lee

A. ILES	<u>aye</u>
V. LEE	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
E. WADE	<u>aye</u>
J. JACKSON	<u>aye</u>

2<sup>ND</sup> & FINAL READING

MOTIONED BY: E. Wade

SECONDED BY: V. Lee

A. ILES	<u>aye</u>
V. LEE	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
E. WADE	<u>aye</u>
J. JACKSON	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan  
PAMALA H. RYAN, CITY ATTORNEY

DATE: 1/9/07

ORDINANCE NO. 3024  
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 as required by the applicable Florida Statutes.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Carrie E. Ward, Master Municipal Clerk  
City Clerk

ORDINANCE NO. 3025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING ORDINANCE NUMBER 3016 WHICH AMENDED ARTICLE XIII, SECTION 3 OF THE CITY CHARTER ENTITLED "RENTAL OF BEACH PROPERTY" BY CHANGING THE NUMBER OF YEARS THAT THE CITY MAY ENTER INTO A LEASE AGREEMENT ON BEACH PROPERTY; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on October 4, 2006, the City Council passed Ordinance number 3016 which changed the maximum number of years from 50 to 99 that the City could enter into a lease agreement affecting municipal beach property; and

**WHEREAS**, citizens of the City, in accordance with certain charter provisions, circulated a referendum petition and gathered voter signatures, thereafter requesting that the City Council reconsider ordinance number 3016 and repeal it; and

**WHEREAS**, the City Council determined that the petition did not meet the provisions of the City Charter, and upon rejecting the petition, filed a declaratory action to allow the circuit court to make a final determination as to the sufficiency of the petition; and

**WHEREAS**, citizens also circulated two charter amendments in accordance with Florida Statutes, limiting the number of years to 50 that the City could enter into a lease agreement and placing a height limitation on City-owned beach property; and

**WHEREAS**, a citizen filed a Writ of Mandamus with the Court, and the Court determined on February 8, 2007, that although consideration of ordinance number 3016 would not be submitted to the voters, the charter amendment limiting the number of years that the City could enter into a lease agreement affecting beach property and the height limitation amendment would be submitted to the voters at the March 13, 2007 municipal election; and

**WHEREAS**, at the election, the voters approved both charter amendments; however, the declaratory action is still outstanding; and

**WHEREAS**, the City Council has now determined that it is in the best interest of the City to dismiss the declaratory action regarding ordinance number 3016 and repeal said ordinance.

ORDINANCE NO. 3025  
PAGE -2-

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

SECTION 1. That Ordinance number 3016 which amended Article XIII, section 3 of the City's Charter entitled "Rental of Beach Property" by changing the number of years that the City may enter into a lease agreement on City owned beach property is hereby REPEALED.

SECTION 2. 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 3. 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 4. This Ordinance shall take effect upon its final adoption by the City Council.

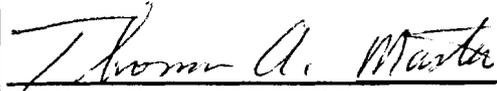
PASSED and APPROVED on first reading this 2nd day of May 2007.

PASSED and ADOPTED on second and final reading this 16th day of May, 2007.

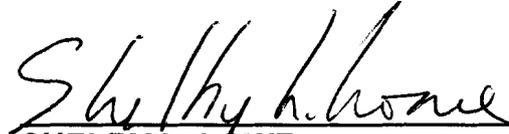
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ORDINANCE NO. 3025  
PAGE -3-

APPROVED:



**THOMAS A. MASTERS**  
MAYOR



**SHELBY L. LOWE**  
CHAIRPERSON

ATTEST:



**LYNNE L. HUBBARD**  
CHAIR PRO TEM



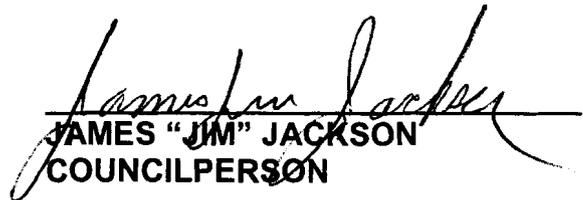
**CARRIE E. WARD,**  
MASTER MUNICIPAL CLERK  
CITY CLERK



**NORMA DUNCOMBE**  
COUNCILPERSON



**CEDRICK THOMAS**  
COUNCILPERSON



**JAMES "JIM" JACKSON**  
COUNCILPERSON

ORDINANCE NO. 3025  
PAGE -4-

1<sup>ST</sup> READING

MOTIONED BY: J. Jackson

SECONDED BY: C. Thomas

S. LOWE	<u>aye</u>
L. HUBBARD	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
C. THOMAS	<u>aye</u>
J. JACKSON	<u>aye</u>

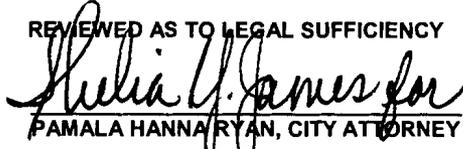
2<sup>ND</sup> & FINAL READING

MOTIONED BY: J. Jackson

SECONDED BY: C. Thomas

S. LOWE	<u>aye</u>
L. HUBBARD	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
C. THOMAS	<u>aye</u>
J. JACKSON	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/26/07

ORDINANCE NO. 3026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE V, ENTITLED "PUBLIC NUISANCE ABATEMENT" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND CONFLICT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 11, Entitled "Nuisances" currently regulates nuisances and their abatement; and

WHEREAS, Florida Statutes have been amended and now authorize much broader enforcement powers than the City's existing Code allows for; and

WHEREAS, the City Council of the City of Riviera Beach believes that amending Chapter 11 is necessary to protect the residents of the City from nuisances to the fullest extent permissible under state law; and

WHEREAS, the Police General Counsel will prosecute violators of the Ordinance.

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

Section 1. That Chapter 11, Article V, entitled "Public Nuisance Abatement" of the Code of Ordinances of the City of Riviera Beach is hereby amended to read:  
*(Deletions shown by ~~strike through~~ and additions shown by underline)*

Sec. 11-181. Creation; of public nuisance abatement board. applicability; jurisdiction.

Pursuant to F.S. Ch. 166 and section 893.138, as amended from time to time, the City Council of the City of Riviera Beach creates the City of Riviera Beach Public Nuisance Abatement Board. The Board shall have authority to hold hearings and assess fines against violators and issue orders having the force of law in accordance with the terms and conditions herein set and under F.S. Ch 166 and section 893.138. The jurisdiction of the public nuisance abatement board shall not be exclusive. Any alleged violations of this Code may be pursued by appropriate remedy in court at the option of the city manager or the city manager's designee.

Sec. 11-182. Intent.

(a) It is the intent of this article to establish the Public Nuisance Abatement Board to promote, protect, and improve the health, safety and welfare of the citizens of the City by providing an equitable, expeditious and effective method to abate public nuisances.

(b) This article is not intended to restrict the right of any person to proceed under F.S. 60.05 for an injunction against any public nuisance.

Sec. 11-183. Certain conditions, activities, and actions are declared public nuisances.

The City Council of Riviera Beach hereby declares that:

- (1) Any place or premises that has been used on more than two occasions within a six month period, as a site of unlawful sale, manufacture, cultivation, or delivery of controlled substances is a public nuisance.
- (2) A place or building used by a criminal street gang for the purpose of conducting a pattern of criminal street gang activity is a place of public nuisance.
- (3) Any place, structure, building, premises or location that has been used on more than two occasions within a six month period as a site for violation of F.S. 796.07, relating to prostitution, assignation or lewdness as defined in F.S. 796.07, is a place of public nuisance.
- (4) Any place, premises or location that has been used on two or more occasions within a six-month period as a site for prostitution is a place of nuisance.
- (5) Any building, premises or structure which has been used on more than two occasions within a six-month period as a site to traffic or deal in stolen property, as defined in F.S. 812.019, is a place of public nuisance.
- (6) Any place, premises or location that has been used on one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance is a place of public nuisance.
- (7) Any building, premises or structure which has been used on more than two occasions within a six month period, as a site to traffic in stolen property is a place of public nuisance.

Sec. 11-184. Definitions.

*Board* or board shall mean the Riviera Beach Public Nuisance Abatement Board.

*Controlled substance* shall include those substances defined in F.S., Ch. 893 and also includes any substances sold in lieu of a controlled substance in violation of F.S. 817.563 or any imitation controlled substance defined in F.S. 817.564.

*Council* shall mean the Riviera Beach City Council.

*Criminal street gang* means a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols and have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.

*Criminal street gang member* is a person who is a member of a criminal street gang as defined above and who meet two or more of the following criteria:

1. Admits to criminal street gang membership.
2. Is identified as a criminal street gang member by a parent or guardian.
3. Is identified as a criminal street gang member by a documented reliable informant.
4. Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and association with known criminal street gang members.
5. Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
6. Has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity.
7. Is identified as a criminal street gang member by physical evidence such as photographs or other documentation.
8. Has been stopped in the company of known criminal street gang members four or more times.

*Operator* shall mean tenant, lessee, occupant, or person having control or possession of the place, structure, premises, vessel, conveyance or location which is the subject of a complaint filed with the Nuisance Abatement Board. Police Department or Code Enforcement Division.

*Owner* shall mean the owner of the place, structure, premises, conveyance or location which is the subject of a complaint filed with the Nuisance Abatement Board Police Department or Code Enforcement Division.

*Party* shall mean a complainant, owner, or operator.

*Pattern of criminal street gang activity* means the commission or attempted commission of, or solicitation or conspiracy to commit, two or more felony or three or more misdemeanor offenses, or one felony and two misdemeanor offenses, or the comparable number of delinquent acts or violation of law which would be felonies or misdemeanors if committed by an adult on separate occasions within a three year period.

*Public Nuisance* shall mean any place, premises, location, building or structure upon which or within which the conditions, activities or actions described in Sec. 11-183 occur.

*Secretary* shall mean the person appointed to perform the clerical and administrative duties and such duties as provided herein necessary to carry out the activities of the Public Nuisance Abatement Board.

Sec. 11-185. Jurisdiction.

The Public Nuisance Abatement Board shall have jurisdiction throughout the incorporated area of the City.

Sec. 11-186. Organization.

- (a) The Council shall sit as the Public Nuisance Abatement Board. The chairperson and vice-chairperson of the City Council shall be the chairperson and vice-chairperson, respectively, of the Public Nuisance Abatement Board. A majority of the members of the City Council shall constitute a quorum. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any order.
- (b) The City Attorney shall provide legal counsel to the Board.

- (c) The Council shall assign the clerical and secretarial duties as provided herein of the Public Nuisance Abatement Board to the City Clerk's office. The Council will also assign administrative assistance as may be reasonably required by the Board for proper performance of its duties to the Police Department, Code Enforcement Division.

Sec. 11-187. Initiation of procedures.

- (a) Any employee, officer, or resident of the City may file a complaint with the Police Department or Code Enforcement Division, ~~of~~ Nuisance Abatement Board with regard to any public nuisances described in Section 11-183. No member of the Public Nuisance Abatement Board may file a complaint: with the Board. Each complainant must provide a written copy of ~~their~~ his/her complaint to the Police Department or Code Enforcement Division. The complainant must also provide a copy of the complaint, after giving not less than three (3) days written notice of such complaint, to the owner of the place or premises at his or her respondent's last known address, at least ten days prior to the next scheduled hearing date of the Board to determine the date the complaint will be heard. The Police Department, Code Enforcement Division, shall notify the Public Nuisance Abatement Board of the complaint and request a hearing; said hearing to be held not less than three (3) days after was provided written notice by the complainant. The Police General Counsel or other Police Department, Code Enforcement Division designee, shall prosecute violators of the Ordinance.
- (b) The Police Department or Code Enforcement Division, shall give written notice of every hearing to the respondent(s), owner(s), and operator(s) at the last known address at least five (5) days prior to the scheduled hearing. Notice shall include the following:
  - (1) The time, date, place and nature of the hearing;
  - (2) A reference to the City's Public Nuisance Abatement Board Ordinance;
  - (3) A short and plain statement summarizing the incidents which form the basis of the complaint;
  - (4) A statement that "Failure to attend may result in an order being issued adverse to your interests";
  - (5) A statement that all parties may be represented by counsel;

- (6) A statement that all parties shall be given an opportunity to present evidence in support of their position, submit rebuttal evidence, and conduct cross examination; and
- (7) A conspicuous statement reflecting the requirements of F.S, Ch. 286 that a person deciding to appeal any decision of the Public Nuisance Abatement Board will need to ensure that a verbatim record of the proceedings is made.
- (8) All notices required by this part shall be provided to the owner(s), operator(s), or occupant(s) by:
  - (a) Certified mail, return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the City by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsection (9) and by first class mail directed to the addresses furnished to the City with a properly executed proof of mailing or affidavit confirming the first class mailing;
  - (b) Hand delivery by a law enforcement officer, code inspector, or other person designated by the City;
  - (c) Leaving the notice at the owner's, operator's, or occupant's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or
  - (d) In the case of commercial premises, leaving the notice with the manager or other person in charge.
- (9) In addition to providing notice as set forth in subsection (8), at the option of the Police Department or Code Enforcement Division, notice may also be served by posting, as follows:
  - a) Notice may be posted at least ten (10) days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two (2) locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall.

(b) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice and the date and places of its posting.

(c) Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (8).

(10) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (8), together with proof of posting as provided in subsection (9), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the owner, operator, or occupant actually received such notice.

(c) Meetings of the Public Nuisance Abatement Board may also be scheduled by the Chairperson, by written notice signed by at least three (3) Board members, or by the Board at any meeting. All meetings shall be open to the public and minutes shall be kept.

Sec. 11-188. Conduct of hearings.

- (a) The Public Nuisance Abatement Board shall adopt rules for the conduct of its hearings. All hearings and proceedings shall be open to the public and minutes shall be kept. All testimony shall be taken under oath and shall be recorded.
- (b) The Public Nuisance Abatement Board shall proceed to hear complaints on the agenda for the day scheduled for the public hearings. Before the Public Nuisance Abatement Board may hear a complaint, the Board must make a finding that the notice requirements as set forth in Section 11-87 have been satisfied. In no case shall the Public Nuisance Abatement Board proceed to hear any complaint unless the notice requirements set forth in Section 11-187 have been met.
- (c) Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The Public Nuisance Abatement Board may consider any evidence, including evidence of the general reputation of the place or premises. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affair shall be admissible whether or not such evidence would be admissible in a state court.

- (d) Each party shall have the following rights:
  - (1) To call and examine witnesses.
  - (2) To introduce documentary evidence, exhibits, or physical evidence.
  - (3) To cross examine opposing witnesses on any relevant matter.
  - (4) To impeach any witness.
  - (5) To submit rebuttal evidence.
  - (6) To be represented by counsel.
- (e) The owner of the place or premises in question may introduce evidence as to any remedial measures taken to ameliorate the conditions which led to the public nuisance complaint.
- (f) All findings of the Public Nuisance Abatement Board shall be based on a preponderance of the evidence. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible in a civil action. The burden of proof shall be on the complaining party.
- (g) At the conclusion of the hearing, the Public Nuisance Abatement Board shall issue findings of fact and conclusions of law with respect to the issues before it.
- (h) If the Public Nuisance Abatement Board finds that a public nuisance does exist on a place or premises, the Board may declare the place or premises in question a public nuisance. Upon such declaration, the Board may enter an order immediately prohibiting:
  - (1) The maintaining of the nuisance;
  - (2) The operating or maintaining of the place or premises including the closure of the place or any part thereof; if prior notice and a reasonable opportunity to cure has been provided at a previous hearing; or
  - (3) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

- (i) The Board may also find other measures for public nuisances which may be appropriate to the nuisance, including, but not limited to, continuing jurisdiction over the place or premises for a period of one year, imposition of fines not to exceed \$250.00 per day for an initial violation and fines not to exceed \$500.00 per day for recurring public nuisances; payment of reasonable costs, including reasonable attorney's fees associated with investigations of and hearings on public nuisances; the recording of orders on public nuisances that may become liens against the real property that is the subject of the order, and payment of reasonable costs and attorney fees incurred in any action to enforce an order of foreclosure based upon same.
  
- (j) An order entered under this section shall expire after one year or at such earlier time as is stated in the order.

**Sec. 11-189. Enforcement**

- (a) The Board, upon notification that a nuisance has not been abated or, upon finding that a recurring public nuisance exists, may order the owner or operator to pay a fine in an amount specified in this section for each day the nuisance continues past the date set by the Board for abatement, or, in the case of a recurring nuisance, for each day the recurring nuisance continues past the date of notice to the owner or operator of such recurring nuisance. If a finding of a recurring nuisance has been made as provided herein, a hearing shall not be necessary for issuance of the order imposing the fine.
  
- (b) A fine imposed pursuant to this section shall not exceed \$50.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. The total fines imposed pursuant to this section shall not exceed \$15,000.00.
  
- (c) A certified copy of an order imposing a fine or other penalties may be recorded in the public records and thereafter shall constitute a lien against the land on which the nuisance exists. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of the state, including execution and levy against the personal property of the owner or operator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the owner or operator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine pursuant to this section runs in favor of the City and the City may Execute a satisfaction or release of lien entered pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the Board may authorize the foreclosure of the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.

- (d) If the Board should find that the nuisance is based upon a stolen property nuisance against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against this or the property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.
- (e) In addition to the foregoing, the Public Nuisance Abatement Board may authorize the City Attorney to file a complaint under F.S. 60.05 seeking a permanent injunction against any place, property or premises found to be a public nuisance. The Board may further authorize the City Attorney to institute enforcement proceedings under F.S. 120.69 and seek any other appropriate relief as may be provided or permitted. However, this subsection does not subject the City or the Board created by the City to any other provisions of F.S., Ch. 120.

Sec. 11-190. Appeal.

An aggrieved party, including the local governing body, may appeal a final administrative order of the Board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

Section 3. 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 portion 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, be and the same are hereby repealed to the extent of such conflict.

Section 5. Specific authority is hereby granted to codify this Ordinance.

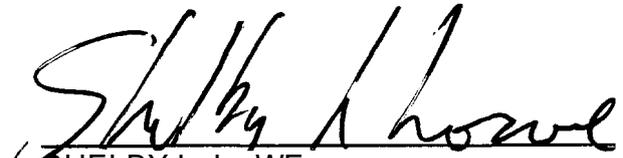
Section 6. That this Ordinance shall be in full force and effect immediately upon its final passage and adoption.

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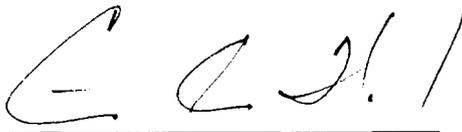
PASSED AND APPROVED on first reading this 1ST day of AUGUST, 2007.

PASSED AND ADOPTED on second and final reading this 15TH day of August, 2007.

APPROVED:   
THOMAS A. MASTERS, MAYOR

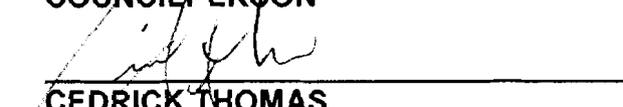
  
SHELBY L. LOWE  
CHAIRPERSON

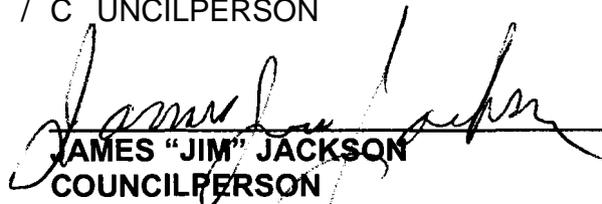
  
L. N. L. HUBBARD  
CHIEF PERSON PRO-TEM

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK

  
NORMA DUNCOMBE  
COUNCILPERSON

ATTEST:

  
CEDRICK THOMAS  
COUNCILPERSON

  
JAMES "JIM" JACKSON  
COUNCILPERSON

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

S. LOWE \_\_\_\_\_

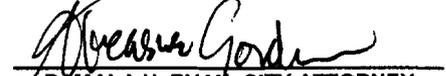
L. HUBBARD \_\_\_\_\_

N. DUNCOMBE \_\_\_\_\_

C. THOMAS \_\_\_\_\_

J. JACKSON \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA H. RYAN, CITY ATTORNEY  
CITY OF RIVIERA BEACH

DATE: 7/11/07

ORDINANCE NO. 3026

PAGE -12-

MOTIONED BY: J. JACKSON

MOTIONED BY: J. JACKSON

SECONDED BY: N. DUNCOMBE

SECONDED BY: L. HUBBARD

1<sup>ST</sup> READING

2<sup>ND</sup> & FINAL READING

S. LOWE

AYE

AYE

L. HUBBARD

AYE

AYE

N. DUNCOMBE

AYE

AYE

C. THOMAS

AYE

AYE

J. JACKSON

AYE

AYE

ORDINANCE NO. 3027

ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 2412, SECTION 3-106, EMERGENCY PROCUREMENT BY ADDING SUBSECTION {1} ADDRESSING THE DEFINITION OF EMERGENCY PURCHASES IN THE WAKE OF A LOCALLY DESIGNATED DISASTER TO AUTHORIZE THE CITY MANAGER AND PURCHASING DIRECTOR CONTRACTUAL AND SPENDING AUTHORITY DURING THE FIRST THIRTY {30} DAYS FOLLOWING A DISASTER WITH REPORTING REQUIREMENTS TO THE CITY COUNCIL AND INCORPORATING THE USE OF THE CITY'S INSURANCE UNDERWRITER AS PART OF THE DUE DILIGENCE PROCESS IN SELECTING VENDORS FOR REPAIR WORK; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Riviera Beach experienced Hurricane Frances, Hurricane Jeanne and Wilma; and

**WHEREAS**, the City of Riviera Beach public facilities sustained a wide range of damages; and

**WHEREAS**, in order to increase the City's efficiency of responding to these needs, the amendment to the Procurement Ordinance 2412 increases the City Manager or his designee (Purchasing Director) contractual and purchasing authorization within the first thirty (30) days following the locally declared disaster with a reporting requirement to the City Council; and

**WHEREAS**, it is in the public's and the City's interest to fully restore the City's facilities; and

**WHEREAS**, the City Manager, in consultation with the Purchasing Director, and the City's Insurance Carrier, can insure that repairs are completed in a cost effective and efficient manner.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:**

ORDINANCE NO. 3027

-2-

SECTION 1. Ordinance 2412, Section 3-106, Emergency Procurement, is amended by adding subsection (1), "During the aftermath of a locally designated disaster emergency, procurement procedures shall authorize the City Manager and the City Manager's designee, the Purchasing Director, to contract and make payment for repairs to damaged City facilities for a thirty (30) day period following the disaster emergency. The City Manager will report to the City Council on expenditures following the disaster. Further, the City Manager and the City Manager's designee, the Purchasing Director, may utilize the resources of the City's insurance underwriter as part of the City's due diligence process in identifying vendors to complete repairs in the most timely and cost effective manner. These emergency procurement procedures will be in effect until repairs on City owned facilities are completed."

SECTION 2. 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, and the sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 3. 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 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, be and the same are hereby repealed to extent of such conflict.

SECTION 5. Specific authority is hereby granted to codify this Ordinance.

SECTION 6. That this Ordinance shall be in full force and effect immediately upon its final passage and adoption.

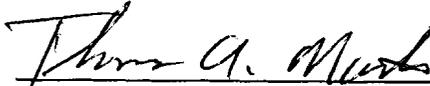
PASSED AND APPROVED on the first reading this 1st day of August 2007 -

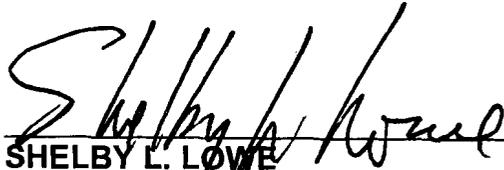
PASSED AND ADOPTED on second and final reading this 15th day of August 2007

ORDINANCE NO. 3027

-3-

APPROVED:

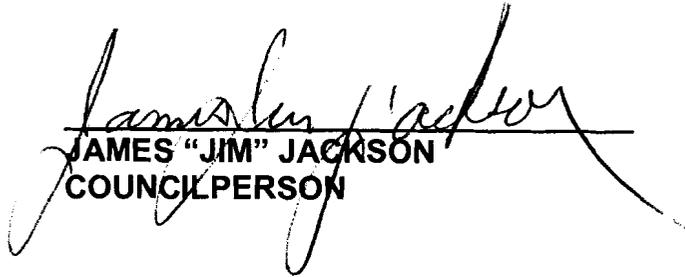
  
\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

  
\_\_\_\_\_  
SHELBY L. LOWE  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
LYNNE L. HUBBARD  
CHAIR PRO TEM



  
\_\_\_\_\_  
JAMES "JIM" JACKSON  
COUNCILPERSON

ORDINANCE NO. 3027  
~~4.~~

1<sup>ST</sup> READING

MOTIONED BY: C. THOMAS

SECONDED BY: N. DUNCOMBE

S. LOWE	<u>AYE</u>
L. HUBBARD	<u>AYE</u>
N. DUNCOMBE	<u>AYE</u>
C. THOMAS	<u>AYE</u>
J. JACKSON	<u>AYE</u>

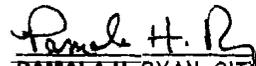
2<sup>ND</sup> & FINAL READING

MOTIONED BY: J. JACKSON

SECONDED BY: L. HUBBARD

S. LOWE	<u>AYE</u>
L. HUBBARD	<u>AYE</u>
N. DUNCOMBE	<u>AYE</u>
C. THOMAS	<u>AYE</u>
J. JACKSON	<u>AYE</u>

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA H. RYAN, CITY ATTORNEY

DATE: 8/1/07