

ORDINANCE NO. 2861

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, REPEALING ARTICLE II ENTITLED "CABLE TELEVISION FRANCHISES" AND CREATING A NEW ARTICLE II ENTITLED "CABLE TELEVISION ORDINANCE"; PROVIDING FOR SHORT TITLE; DEFINITION OF TERMS; PROVIDING FOR THE REQUIREMENT OF A FRANCHISE AND FOR CONTENT OF FRANCHISE APPLICATIONS, INCLUDING EVALUATION AND REVIEW AND NOTICE AND PUBLIC HEARINGS; PROVIDING GENERAL REQUIREMENTS, INSURANCE, SURETY, SECURITY FUND AND BOND REQUIREMENTS, INDEMNIFICATION REQUIREMENTS AND TRANSFER, MODIFICATION AND ASSIGNABILITY RESTRICTIONS; REQUIRING COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES AND THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING REGULATIONS FOR THE OPERATION AND MAINTENANCE OF A CABLE SYSTEM, INCLUDING MINIMUM FACILITIES AND SERVICES, TECHNICAL STANDARDS AND ACCESS CHANNELS AND FACILITIES; REQUIRING SERVICE TO SCHOOLS AND PUBLIC BUILDINGS; PROVIDING FOR EMERGENCY USE OF FACILITIES; PROVIDING SAFETY REQUIREMENTS; PROVIDING CONDITIONS FOR STREET OCCUPANCY; PROVIDING FOR EQUAL EMPLOYMENT PRACTICES; PROVIDING FOR CITY RIGHTS IN FRANCHISE AND RESERVATION OF RIGHTS; PROVIDING FORFEITURE AND LIQUIDATED DAMAGES PROVISIONS; PROVIDING FOR THE RENEWAL OF FRANCHISES; REQUIRING THE DESIGNATION OF CHANNEL CAPACITY FOR PUBLIC, EDUCATIONAL AND GOVERNMENTAL USE; PROVIDING FOR RATES AND CHARGES TO SUBSCRIBERS; REQUIRING CUSTOMER SERVICE STANDARDS AND PROVIDING FOR SUBSCRIBER PRIVACY, MANDATORY CONTINUITY OF SERVICE AND PERFORMANCE EVALUATION; REQUIRING FRANCHISE FEE, REPORTS AND RECORDS AND ADMINISTRATION; PROVIDING FOR THE REMOVAL OF FACILITIES; PROVIDING A SEVERABILITY CLAUSE, A FORCE MAJEURE CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, the Federal Cable Communications Policy Act of 1984, provides that cable service may not be provided without a franchise; and

WHEREAS, subsequent to the adoption of the City of Riviera Beach Cable Ordinance No. 2335 the Federal Communications Policy Act of 1934 was further amended by the 1992 Cable Act and the Telecommunications Act of 1996; and

WHEREAS, due to judicial decisions, revisions to Federal Communications Commission rules, and changes and developments in cable television technology and services the scope and substance of municipal regulatory authority over cable television franchises has been modified; and

WHEREAS, the City Council of the City of Riviera Beach had granted two (2) non-exclusive franchises to operate cable systems within the City both of which are now expired; and

WHEREAS, the City Council anticipates that it may receive requests for renewal of one or both of the existing franchises by current franchisees, requests for transfers of franchises and for the grant of new franchises; and

WHEREAS, the City Council of the City of Riviera Beach, Florida, deems it necessary to revise the City Code of the City of Riviera Beach, Florida, by creating a new Article II entitled "Cable Television Ordinance" to replace the existing Article II, entitled "Cable Television Franchises" and other inconsistent ordinances to take into account the afore-described changes and developments and to better ensure that use of City Streets by cable systems serves the public interest.

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

Section 10A. Article II entitled "Cable Television Franchises" is hereby repealed, and a new Article II is hereby created, which shall read as follows:

Section 10-31. **Short title.**

This Ordinance shall be known and may be cited as The City of Riviera Beach Cable Television Ordinance.

Section 10-31.1.1. **Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and "may" is permissive. Words not otherwise defined herein or in any Franchise agreement that might be granted hereunder shall be given the meaning set forth in the Communications Act of 1934, as amended, 47 U.S.C. § 521 et seq., and as hereinafter amended (collectively the "Communications Act"), and, if not defined therein, their common and ordinary meaning.

- (a) "Access Channel" means any channel on a cable system set aside without charge by the Franchisee for educational and/or local governmental use.
- (b) "Affiliate" means any person who owns or controls, is owned or controlled by, or is under common ownership or control with a Franchisee.

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(c) **"Applicant"** means any person submitting an Application as defined herein.

(d) **"Application"** means any proposal, submission or request to (1) construct and operate a cable television system within the City; (2) sell, assign or otherwise transfer a Franchise or transfer control of the Franchisee; (3) renew a Franchise; (4) modify a Franchise; or (5) seek any other relief from the City pursuant to this Ordinance, a Franchise agreement, the Cable Communications Act, or other applicable law. An application includes an applicant's initial proposal, submission or request, as well as any and all subsequent amendments or supplements to the proposal and relevant correspondence, and all written and oral representation and/or made or provided by Franchisee whether in writing, in a public hearing, or in any other type of communication between the Franchisee and the City's officers, staff, agents and attorneys.

(e) **"Basic Cable Service" or "Basic Service"** means any service tier which includes the retransmission of local television broadcast signals, and educational, or governmental access channels.

(f) **"Communications Act or Cable Act"** means the Communications Act of 1934, and amendments thereto including, but not limited to Cable Communications Policy Act of 1984, 47 U.S.C. § 521 *et seq.*, and the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460, and the Telecommunications Act of 1996 as those Acts may hereinafter be amended.

(g) **"Cable Service"** means (a) the one-way transmission to subscribers of (i) video programming service; or (ii) other programming service, and (b) subscriber interaction, if

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any, which is required for the selection or use of such video programming or other programming service.

(h) **"Cable System," "Cable Television System," or "System,"** means any facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the City. Such term does not include (i) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (ii) a facility that serves subscribers without using any public rights-of-way; (iii) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, 47 U.S.C. § 201 et seq., except that such facility will be considered a cable system to the extent it is used in the transmission of video programming, directly to subscribers unless the extent of such use is solely to provide interactive on demand service; (iv) an open video system that complies with Section 653 of the Telecommunications Act of 1996; and (v) any facilities of any electric utility used solely for operating as an electric utility system. The foregoing definition of "cable system" shall not be deemed to circumscribe the valid authority of the City to regulate the activities of any other communications system or provider of communications services including, but not limited to, telephony and open video systems.

(i) **"City"** means the City of Riviera Beach, Florida, a municipal corporation of the State of Florida, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

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(j) **"Control of a Franchisee or Applicant"** means possession of the ability to direct or cause the direction of the management or policies of a Franchisee or applicant, or the operation of a franchisee's system, either directly or indirectly, whether through ownership of voting securities, by contract or understanding, or in any other manner.

(k) **"Fair Market Value"** means the price that a willing buyer would pay to a willing seller for a going concern but with no value allocated to the Franchise itself.

(l) **"FCC"** means the Federal Communications Commission, or any successor governmental entity thereto.

(m) **"Franchise"** means the right granted by the City to a Franchisee in a Franchise agreement to construct, maintain and operate a cable system to provide cable services under, on, and over Streets, roads and any other public ways, rights-of-ways, or easements within all or specified areas of the City. The term does not include any license or permit that may be required by this Ordinance or other laws, ordinances or regulations of the City for the privilege of transacting and carrying on a business within the City or for disturbing or carrying out any work on any Street.

(n) **"Franchise Agreement"** means a contract entered into in accordance with the provisions of this Ordinance between the City and a Franchisee that sets forth the terms and conditions under which the Franchise will be exercised.

(o) **"Franchise Area"** means the entire area within the legal boundaries of the City and such other areas as may hereinafter be annexed or incorporated by the City or, alternatively, that area designated in a Franchise agreement.

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(p) **"Franchisee"** means any person granted a Franchise pursuant to this Ordinance who has entered into a Franchise agreement with the City.

(q) **"Gross Revenues"** means all revenues derived directly or indirectly by the cable operator, from or in direct or indirect connection with the provision of cable services. Gross revenues, in accordance with G.A.A.P., shall include but not be limited to monthly fees charged subscribers for any cable service, including but not limited to, basic, optional, premier, per-channel, or per-program service; installation, disconnection, reconnection or charge of service fees; wiring fees; leased channel fees; revenues from rental or sales of converters or other equipment local advertising revenues; revenues from program guides; revenues from home shopping channels and revenues from Internet access and high speed data transmission provided through any portion of the cable system. This provision shall be read broadly to prevent the avoidance of franchise fees by a cable operator through arrangements with affiliates. Gross revenues shall not include any taxes on services furnished by the cable operator which are imposed directly on any subscriber or user by the state, or other governmental unit and which are collected by the cable operator on behalf of said governmental unit.

(r) **"Institutional Network"** means a voice, data and/or video communications system constructed, operated and/or maintained by the Franchisee for the City, the transmissions on which are generally available only to, and intended to be sent and received by, persons other than cable subscribers generally.

(s) **"Interconnection"** means the electronic connection of two or more cable systems for the purpose of sharing access channel programming or other signals.

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(t) **"Law"** means all duly enacted and applicable Federal, State, County and City laws, ordinances, codes, rules, regulations and orders.

(u) **"Leased Access Channel"** means a channel designated in accordance with Section 612 of the Communications Act, 47 U.S.C. § 532, for commercial use by persons unaffiliated with the Franchisee.

(v) **"Overbuild"** means a cable system constructed to serve subscribers in an area of the City actually served by an existing franchised cable system.

(w) **"Person"** means any individual, corporation, partnership, association, joint venture, organization or legal entity of any kind, and any lawful trustee, successor, assignee, transferee or personal representative thereof, but shall not mean the City.

(x) **"Service Tier"** means a category of cable service provided by a Franchisee and for which a separate charge is made by the Franchisee.

(y) **"State of the Art"** shall mean that technology or those services made available on an operational, non-experimental basis by a multiple system operator to subscribers in any community in the State of Florida with a population equivalent to or smaller than that of the City of Riviera Beach.

(z) **"Street or Streets"** means the surface, the air space above the surface and the area below the surface of any public Street, highway, road, boulevard, concourse, driveway, freeway, thoroughfare, parkway, sidewalk, bridge, tunnel, park, waterway, dock, bulkhead, wharf, pier, court, lane, path, alley, way, drive, circle, easement, or any other public right-of-way or public place, including public utility easements dedicated for compatible uses, or any other property in which the City holds any kind of property interest or over which the City exercises

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any type of lawful control, including but not limited to any public right-of-way controlled by Palm Beach County of the State of Florida located within the territorial limits of the City of Riviera Beach, and any temporary or permanent fixtures or improvements located thereon, as may be ordinarily necessary and pertinent to construct and operate a cable system.

(aa) "**Subscriber**" means any person who lawfully receives cable service delivered over the cable system.

(bb) "**Subscriber Base**" means the total number of residential and commercial subscribers within the City. For purposes of calculating subscribers served under bulk contracts, the Franchisee shall count each subscriber served as one subscriber or shall use equivalency measures provided by applicable law.

(cc) "**System Malfunction**" means any cable system equipment, facility or signal failure or malfunction that results in the loss of any audio or video service on one or more channels to one or more subscribers. A malfunction is major if it affects fifty (50) or more subscribers.

(dd) "**Transfer of a Franchise**" means any transaction in which (a) an ownership or other interest in a Franchisee or its cable system is transferred from one person or group of persons to another person or group of persons so that control of a Franchisee is transferred; or (b) the rights and/or obligations held by a Franchisee under a Franchise agreement are transferred or assigned to another person or group of persons. A transfer shall be considered "pro-forma" when it involves a transfer to a person, group of persons or business entity wholly owned by the Franchisee and will not result in a change of control or ownership of the Franchisee.

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(ee) **"Two-Way Capability"** means the incorporation into a cable system of all appropriate design and engineering characteristics and features so that two-way transmission, including but not limited to, addressability, over the system can be implemented and activated.

(ff) **"Video Channel or Channel"** means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel, including the associated audio signal, as television channel is defined by the FCC by regulation or otherwise.

Section 10-31.1.2. Intent and Purposes

(a) It is the intent of the City and the purpose of this Ordinance to promote the public health, safety, and general welfare by providing for the grant of one or more franchises for the construction and operation of a Cable System within the City; to provide for the regulation, to the extent provided for by Law, of each Cable System within the City in the public interest; to provide for the payment of fees and other valuable consideration by a Franchisee to the City for the use of Streets by its Cable System; to promote the widespread availability of quality Cable Service to City residents and businesses, the City, and other public institutions; to encourage the development of cable and other communications technology and Cable Systems as a means of communication between and among members of the public, City businesses, the City, and other public institutions; to promote competitive cable rates and services; to promote the safe and efficient use of City Streets; to enhance and maximize the communicative potential of Streets used by cable systems; and to encourage the provision of a diversity of information sources to City residents, businesses, the community, the City, and other public institutions by cable technology.

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(b) Recognizing the continuing development of communications technology and uses, it is the policy of the City to encourage experimentation and innovation in the development of Cable System uses, services, programming and techniques that will be of general benefit to the community to the extent all such experiments and innovations are consistent with applicable laws.

(c) It is the intent and policy of the City to exercise the maximum authority permitted by law over public rights-of-way within the City. Therefore no Person may construct or operate a Cable System or any other communications or telecommunications transmission facility for the purpose of providing non-cable services including, but not limited to, open video systems and telephony service in the City without specific authorization from the City for such non-cable services unless otherwise expressly authorized by prevailing Law.

Section 10-31.1.3. Grant of Authority; Franchise.

(a) The City may grant one or more non-exclusive franchises in accordance with this Ordinance.

(b) No Person may construct or operate a Cable System or any other communications transmission facilities over, on, or under public Streets in the City without a Franchise granted by the City unless otherwise expressly authorized by applicable Law, and no Person may be granted a cable television Franchise without having entered into a Franchise agreement with the City pursuant to this Ordinance.

(c) Unless otherwise expressly authorized by applicable Law, any Franchise granted pursuant to this Ordinance is solely for the provision of Cable Service and shall not be construed to authorize the provision of telephone, non-cable video or other telecommunications service.

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However, any Person including but not limited to a Franchisee shall, unless otherwise prohibited by applicable Law, submit an application to the City for the privilege of providing other telecommunications services including, but not limited to telephone service and/or non-cable video programming services.

Section 10-31.1.4. Franchise Characteristics.

(a) A Franchise authorizes use of City Streets for installing cables, wires, lines, optical fiber, underground conduit, ducts, conductors, amplifiers, vaults, and other facilities as necessary and pertinent to operate a Cable Television System within a specified area of the City, but does not expressly or implicitly authorize the Franchisee to provide service to, or install cables, wires, lines, underground conduit, or any other equipment or facilities upon private property without owner consent (except for use of compatible easements pursuant to Section 621 of the Communications Act, 47 U.S.C. § 541(a)(2)), or to use publicly or privately owned conduits without a separate agreement with the owners.

(b) A Franchise is non-exclusive and will not expressly or implicitly preclude the issuance of other franchises to operate cable systems within the City, or affect the City's right to authorize use of City Streets to other persons to operate cable systems or for other purposes as it determines appropriate.

(c) All privileges prescribed by a Franchise shall be subordinate to any prior lawful occupancy of the Streets, and the City reserves the right to reasonably designate where a franchisee's facilities are to be placed within the Streets.

(d) A Franchise shall be a privilege which is in the public trust and is personal to the original Franchisee. No transfer of a Franchise shall occur without the prior consent of the City

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and unless application is made by the Franchisee, and City approval obtained, pursuant to Section 10-31.1.7 hereof and the Franchise agreement.

(e) A Franchise granted to an applicant pursuant to this Ordinance to construct, operate and maintain a cable television system within the City, shall be deemed to constitute both a right and an obligation on the part of the Franchisee to provide the services and facilities of a cable television system as required by the provisions of this Ordinance and the Franchise. All provisions of the Franchisee's application and all written and oral representations and or material provided by Franchisee in its applications, public hearing, or in any correspondence by the City and Franchisee or the Franchisee and any other person shall be deemed to be material and made for the purpose of inducing the City to grant the franchise in the form accepted.

(f) Notwithstanding anything to the contrary, in the event that Franchisee, its parent, affiliate or subsidiary elects to offer to subscribers video programming services through any means or method not included within the definition of a cable system, including but not limited to an "open video system", Franchisee shall remain subject to all terms and conditions of the cable television Franchise granted pursuant to this Ordinance.

Section 10-31.1.5. Franchisee Subject to Other Laws; Police Power; No Waiver.

(a) A Franchisee shall at all times be subject to and shall comply with all applicable Federal, State and City laws. A Franchisee shall at all times be subject to all lawful exercise of the police power of the City, the eminent domain power of the City and any other powers granted the City by the Constitution of the State of Florida.

(b) Except as may be specifically provided in this Ordinance or under the terms of a Franchise agreement and subject to the Communications Act, the failure of the City, upon one or

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more occasions, to exercise a right or to require compliance or performance under this Ordinance or a Franchise agreement shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance.

Section 10-31.1.6. Interpretation of Franchise Terms.

(a) The provisions of this Ordinance shall apply to all franchises granted on or after the effective date hereof, including awards of initial franchises, modifications, transfers or renewals of franchises.

(b) The provisions of this Ordinance shall apply to a Franchise agreement as if fully set forth in the Franchise agreement, and the express terms of this Ordinance will prevail over conflicting or inconsistent provisions in a Franchise agreement unless such Franchise agreement expresses an explicit intent to waive a requirement of this Ordinance.

(c) This Ordinance is not intended to create private rights of a contractual nature enforceable against the City.

(d) Except as to matters which are governed by Federal Law or regulation, a Franchise agreement will be governed by and construed in accordance with the laws of the State of Florida.

Section 10-31.1.7. Applications for Grant, Renewal, Modification or Transfer of Franchises.

(a) A written application shall be filed with the City for (i) grant of an initial Franchise; (ii) renewal of a Franchise under either the formal or informal procedures in accordance with Section 626 of the Communications Act, 47 U.S.C. 546; (iii) modification of a Franchise agreement; (iv) a transfer of a Franchise; or (v) any other relief from the City pursuant to this Ordinance or a Franchise agreement. In the case of any application submitted pursuant to

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this section, except an application for an initial grant, the City Manager may waive submission of certain information required herein, upon request of the Franchisee.

(b) To be acceptable for filing, a signed original of the application shall be submitted together with five (5) copies, and shall be accompanied by the required application filing fee as set forth in subsection (i) hereof, conform to any applicable request for proposals, and contain all required information. All applications shall include the names and addresses of persons authorized to act on behalf of the Applicant with respect to the application.

(c) All applications accepted for filing shall be made available by the City for public inspection. Where said application contains information designated in writing by the Applicant as proprietary, the City shall not make such information available to the public to the extent it is permitted to keep the information confidential pursuant to applicable Law.

(d) An application for the grant of a new Franchise may be filed pursuant to a request for proposals issued by the City or on an unsolicited basis. The City, upon receipt of an unsolicited application, may issue a request for proposals. If the City elects to issue a request for proposals upon receipt of an unsolicited application, the Applicant may submit an amended application in response to the request for proposals, or may inform the City that its unsolicited application should be considered in response to the request for proposals, or may withdraw its unsolicited application. An application which does not conform to the requirements of a request for proposals may be considered non-responsive and denied on that basis.

(e) An application for the grant of an initial Franchise shall contain, at minimum, the following information:

(1) Name and address of the Applicant and identification of the ownership and control of the Applicant, including: the names and addresses of all persons with five percent

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(5%) or more ownership interest in the Applicant, including the names and addresses of parents or subsidiaries holding such ownership interests directly or indirectly; the persons who control the Applicant; all officers and directors of the Applicant; and any other Cable System ownership interest of each named Person;

(2) An indication of whether the Applicant, or any Person controlling the Applicant, or any officer, director or Person with five percent (5%) or more ownership interest in the Applicant, has been adjudged bankrupt, had a cable or telecommunications Franchise or license revoked, or been found by any court or administrative agency to have violated a security or antitrust Law, or to have committed a felony, or any crime involving moral turpitude; and, if so, identification of any such Person and a full explanation of the circumstances;

(3) A demonstration of the applicant's technical, legal and financial ability to construct and/or operate the proposed Cable System, including identification of key personnel;

(4) A statement prepared by a certified public accountant regarding the applicant's financial ability to complete the construction and operation of the Cable System proposed;

(5) A description of the applicant's prior experience in Cable System ownership, construction and operation, and identification of communities in which the Applicant or any Person controlling the Applicant or having more than a five percent (5%) ownership interest in Applicant has, or has had, a cable or telecommunications Franchise or license or any interest therein;

(6) Identification of the area of the City to be served by the proposed Cable System, including a description of the service area's boundaries;

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(7) A description of the services and physical facilities proposed, including Channel capacity, performance characteristics, headend, and access facilities; upon request, the Applicant shall make information on technical design available for inspection;

(8) Where applicable, a description of the construction of the proposed System, including an estimate of plant mileage and its location, the proposed construction schedule, a description, where appropriate, of how services will be converted from existing facilities to new facilities, and information on the availability of space in conduits including, where appropriate, an estimate of the cost of any necessary rearrangement of existing facilities;

(9) If Applicant is currently operating a Cable System within the City, a description of the existing System and capacity and the operator's plans to upgrade the System;

(10) If Applicant or applicant's parent, or any subsidiary or Affiliate of Applicant is currently operating a SMATV System or Open Video System within the City, a list of all such locations;

(11) For informational purposes, the proposed rate structure, including projected charges for each Service Tier, installation, converters, and other equipment or services, and the applicant's ownership interest in any proposed services including, but not limited to, program and data to be delivered over the Cable System;

(12) A demonstration of how the applicant's proposal will reasonably meet the future cable-related needs and interests of the community, including a description of how the proposal will meet the needs described in any recent community needs assessment conducted by or for the City;

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(13) A description of any non-cable telecommunications services offered or proposed to be offered by the Applicant or its parent, Affiliate or subsidiary and Franchisee's plan with respect to the availability of such services to subscribers in the City;

(14) Pro forma financial projections for the first five (5) years of the Franchise term, including a statement of projected income, and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules;

(15) If an Applicant proposes to provide Cable Service to an area already served by an existing cable Franchisee, the identification of the area where the Overbuild would occur, the potential Subscriber density in the area which would encompass the Overbuild, and the ability of the Streets to accommodate an additional System;

(16) Any other information as may be reasonably necessary to demonstrate compliance with the requirements of this Ordinance and information that the City may request of the Applicant that is relevant to the City's consideration of the application; and

(17) An affidavit or declaration of the Applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the proposal meets all Federal and state Law requirements.

(f) An application for modification of a Franchise agreement shall include, at minimum, the following information:

(1) The specific modification requested;

(2) The justification for the requested modification, including the impact of the requested modification on subscribers and others, and the financial impact on the Applicant if the modification is approved or disapproved;

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(3) A statement whether the modification is sought pursuant to Section 625 of the Communications Act, 47 U.S.C. § 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47 U.S.C. § 545;

(4) Any other information necessary for the City to make an informed determination on the application for modification; and

(5) An affidavit or declaration of the Applicant or authorized officer certifying the truth and accuracy of the information in the application, and certifying that the application is consistent with all Federal and state Law requirements.

(g) An application for renewal of a Franchise shall comply with the requirements of Section 10-31.1.23 hereof.

(h) An application for approval of a transfer of a Franchise shall comply with the requirements of Section 10-31.1.24 hereof.

(i) To be acceptable for filing, an application shall be accompanied by a filing fee in the following amount, as appropriate:

- | | | |
|----|---|----------|
| 1) | For a new or initial Franchise: | \$15,000 |
| 2) | For renewal of a Franchise: | \$10,000 |
| 3) | For a transfer of a Franchise
(other than a pro forma transfer): | \$5,000 |
| 4) | For a pro forma transfer of a Franchise: | \$2,000 |
| 5) | For modification of a Franchise agreement
pursuant to 47 U.S.C. § 545: | \$2,000 |
| 6) | For any other relief: | \$1,000 |

The purpose of the filing fee is to defray a portion of the City's cost in processing an application. The filing fee is therefore intended to be a charge incidental to the awarding or

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enforcing of a Franchise within the meaning of Section 622(g)(2) (D) of the Communications Act, 47 U.S.C. § 542(g)(2)(D), and may not be deducted from the Franchise fee imposed in a Franchise agreement or passed through to subscribers.

Section 10-31.1.8. Grant of Franchises.

(a) The City may grant a cable Franchise for a period not to exceed ten (10) years to serve the City.

(b) In evaluating an application for a Franchise, the City may consider, among other things, the following factors: the applicant's technical, financial, and legal qualifications to construct and operate the proposed System; the adequacy of the proposed construction arrangements, facilities, equipment, and services based on the public convenience, safety and welfare; the applicant's experience in constructing and operating cable systems and providing Cable Service in other communities, if any; the ability of City Streets to accommodate the proposed System; the potential disruption to users of City Streets and any resultant inconvenience to the public; and whether the proposal will meet reasonably anticipated community needs and serve the public interest. Evaluation by the City shall not be based on the content of the programming the Applicant proposes to provide.

(c) The City may, and if required by applicable Law shall, hold a public hearing to consider an application or applications. The Applicant(s) shall be notified of the hearing no less than ten (10) days in advance and shall be given an opportunity to be heard. Based upon the application(s), the testimony presented at the public hearing, any recommendations of the City Manager or staff, and any other information relevant to the application(s), the City shall decide by resolution whether to grant or deny a Franchise .

Section 10-31.1.9. Commencement of Service.

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Upon the grant of a Franchise,

(a) Prior to the date of the Council's consideration of the grant of the franchise, the Applicant shall file an acceptance of the Franchise accompanied by any and all payments due. All bonds, certificates of insurance or other obligations as required in a Franchise agreement shall be filed by the Franchisee with the City within forty five (45) calendar days from the date of the City Resolution approving the Franchise Agreement. This period may be extended for good cause by the City Manager. If the final executed acceptance is not filed with the City within thirty (30) calendar days from the date of the City Resolution, or if the period is not extended by the City, the Franchise grant will be null and void without further action by the City. The City may, at its option, grant Franchisee an extension not to exceed thirty days. The grant of such extension(s) will not confer on Franchisee the right to an automatic acceptance, transfer, modification or renewal.

(b) Applications for the grant of an initial Franchise, a renewed Franchise, a Franchise agreement modification, or a Franchise transfer may be subject to a processing fee in addition to the filing fee in an amount not to exceed the reasonable and justifiable out-of-pocket costs to the extent that the filing fee does not cover the costs incurred by the City in considering the application, including consulting and legal costs. Prior to the date of consideration of the resolution approving or denying the Franchise agreement or modification or transfer thereof by the City Council, the City shall notify the Franchisee of the estimated amount of any processing fee. Such fee shall be due and payable on the date of the grant of the Franchise with forty-five days of the grant, the City shall notify the Franchisee of any additional processing fees. If the remainder of processing fee is not paid to the City within thirty (30) calendar days of the date of the City notice to the Franchisee, any approval granted by said resolution will be null and void.

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This processing fee is therefore intended to be a charge incidental to the awarding or enforcing of a Franchise within the meaning of Section 622(g) (2) (D) of the Communications Act, 47 U.S.C. § 542(g) (2) (D), and may not be deducted from the Franchise fee imposed in a Franchise agreement.

Section 10-31.1.10. Insurance; Surety; Indemnification.

(a) A Franchisee shall maintain, and by its acceptance of the Franchise specifically agrees that it will maintain, throughout the entire term of the Franchise including any renewals thereof, the following liability insurance coverage insuring the City and the Franchisee: worker's compensation and employer liability insurance to meet all requirements of Florida Law and comprehensive general liability insurance with contractual coverage with respect to the construction, operation and maintenance of the Cable System, and the conduct of franchisee's business in the City, in the minimum amounts of \$1,000,000 combined single limit including, for bodily injury or death, broad form property damage liability, and infringement of copyrights.

(b) All insurance policies shall be qualified to do business in the State of Florida; shall be with companies with a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; and in a form approved by the City Manager or designee. The City may require coverage and amounts in excess of the above minimums where necessary to reflect changing liability exposure and limits or where required by Law.

(c) A Franchisee shall keep on file with the City certificates of insurance evidencing payment of the required premiums and evidencing that the City, its officers, boards, Council, commissioners, agents and employees are listed as additional insureds. Upon reasonable notice and request, Franchisee shall make all insurance policies available for City inspection.

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(d) All insurance policies shall name the City, its officers, boards, Council, commissioners, agents and employees, as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless thirty (30) days prior written notice thereof has been given to the City. A Franchisee shall not cancel any required insurance policy without submission of proof that the Franchisee has obtained alternative insurance satisfactory to the City which complies with this Ordinance.

(e) A Franchisee shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its officials, boards, Council, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses arising out of the willful or negligent acts or omissions of the Franchisee or its officers, agents, employees or contractors relating to construction, maintenance or operation of its Cable System, the conduct of franchisee's business in the City, provided, however, that franchisee's obligation hereunder shall not extend to any claims caused by the misconduct or gross negligence of the City, its officials, boards, commissioners, agents or employees. This provision includes, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit or proceedings; and claims arising out of copyright infringements or a failure by the Franchisee to secure consents from the owners, authorized distributors, or providers of programs to be delivered by the Cable System, claims arising out of Section 638 of the Communications Act, 47 U.S.C. 558, and claims against the Franchisee for invasion of the right of privacy, defamation of any Person, firm or corporation, or the violation or infringement of any copyright, trade mark, trade name, service mark or patent, or of any other right of any Person, firm or corporation. Nothing in this section shall prohibit the

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City from participating in the defense of any litigation by its own counsel and obtaining indemnification of the reasonable costs associated therewith.

Section 10-31.1.11. Security Fund.

(a) Prior to a Franchise becoming effective, the City shall require a Franchisee to post with the City a cash security deposit to be used as a security fund to ensure the franchisee's faithful performance of and compliance with all provisions of this Ordinance, the Franchise agreement, and other applicable Law, and compliance with all orders, permits and directions of the City, and the payment by the Franchisee of any claims, liens, fees, or taxes due the City which arise by reason of the construction, operation or maintenance of the System. The amount of the security fund shall be the amount that the City determines, under circumstances existing at the time, that is necessary to protect the public, to provide adequate incentive to the Franchisee to comply with this Ordinance and the Franchise agreement, and to enable the City to effectively enforce compliance therewith. The Franchise agreement shall provide for the procedures to be followed with respect to the security fund.

(b) In any Franchise agreement entered into pursuant to this Ordinance the City may agree that a Franchisee may, in lieu of the security fund, file and maintain with the City a bond with an acceptable surety in an amount sufficient to indemnify the City against any losses it may suffer in the event the Franchisee fails to comply with one or more of the provisions of its Franchise. Said bond shall be obtained at the sole expense of the Franchisee and remain in effect for the full term of the Franchise plus at minimum an additional six (6) months thereafter. The Franchisee and its surety shall be jointly and severally liable under the terms of the bond for any damages or loss suffered by the City as a result of the franchisee's nonperformance, including the

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full amount of any compensation, indemnification or cost of removal of any property of the Franchisee in the event of default, a reasonable allowance for attorney's fees and costs, up to the full amount of the bond. The bond shall provide for thirty (30) days prior written notice to the City of any intention on the part of the Franchisee to cancel, fail to renew, or otherwise materially alter its terms. Neither the filing of an indemnity bond with City, nor the receipt of any damages recovered by the City thereunder, shall be construed to excuse faithful performance by the Franchisee or limit the liability of the Franchisee under the terms of its Franchise for damages, either to the full amount of the bond or otherwise.

(c) The rights reserved to the City with respect to the security fund or an indemnity bond are in addition to all other rights of the City, whether reserved by this Ordinance or authorized by other Law or the Franchise agreement, and no action, proceeding or exercise of a right with respect to such security fund or indemnity bond will affect any other right the City may have.

Section 10-31.1.12. Construction Bond.

(a) Prior to any Cable System construction, upgrade, or other work in the Street, a Franchisee shall establish in the City's favor a construction bond in an amount specified in the Franchise agreement or other authorization as necessary to ensure the franchisee's faithful performance of the construction, upgrade, or other work, and restoration of any property distributed by such work.

(b) In the event a Franchisee subject to such a construction bond fails to complete the Cable System construction, upgrade or other work in the Streets in a safe, timely and competent manner in accord with the provisions of the Franchise agreement, there shall be recoverable,

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jointly and severally from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the Franchisee, or the cost of completing or repairing the System construction, upgrade or other work in the Streets, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond. The City may also recover against the security fund any amount recoverable but exceeding that available under the bond.

(c) Twelve (12) months from the date of completion and activation of the System construction, upgrade or other work in the Streets and payment of all construction obligations of the Cable System to the satisfaction of the City, the City shall eliminate the bond. However, the City may subsequently require a new bond or an increase in the amount of the existing bond for any subsequent construction, upgrade or other work in the Streets.

(d) The construction bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the City Attorney; and shall contain the following endorsement:

"This bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

(e) The rights reserved by the City with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the City may have under this Ordinance, the Franchise agreement, or at Law or equity.

Section 10-31.1.13. Minimum Facilities and Services.

(a) The following minimum requirements for facilities and services apply to all franchises granted by the City. The City may require in a Franchise agreement that a Franchisee

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exceed these minimum requirements where it determines, under circumstances existing at the time of the application, that the additional requirements are necessary to meet the City's future cable related needs and interests or to serve the public interest.

(1) Any Cable System constructed, upgraded, reconstructed, or rebuilt after the effective date of this Ordinance shall have a minimum capacity of 750 MHZ or the equivalent thereof providing no less than seventy-eight (78) video channels available for immediate or potential use. A Franchise agreement may provide for a larger minimum Channel capacity requirement.

(2) The City may require in a Franchise agreement that a Franchisee provide access channels, facilities and other support for public, educational and/or governmental use, including but not limited to an access channel dedicated to the City and, provision of an Institutional Network for the use of the City.

(3) The City may require any Cable System operating pursuant to a Franchise granted, renewed, modified, or transferred on or after the effective date hereof, to cablecast City Council meetings live to all subscribers.

(4) A Cable System shall provide leased access channels as required by Federal Law.

(5) A Franchisee shall provide no less than one service outlet and one on-line access connection to all City buildings and all public and private schools within its Franchise area at no cost to the City or school involved, and shall charge not more than its time and material costs for any additional service outlets or equipment provided to such facilities. Where available monthly education guides shall be provided at no cost to all connected schools.

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(6) The System shall be installed and operated with an emergency alert system in the City of Riviera Beach in compliance with the rules of the Federal Communications Commission; provided, however, that, notwithstanding any such FCC rules, the System shall be configured such that in the event of a local emergency as reasonably determined by the City of Riviera Beach, Palm Beach County, and to the extent permitted by FCC regulations, audio and video Signals distributed over the System for the delivery of appropriate Signals necessitated by such emergency. Palm Beach County and the Franchisee has negotiated procedures, which govern activation of the emergency alert system. In the event of an emergency, however, the City or Palm Beach County may take such actions, as it deems necessary to protect the health, safety, and welfare of the residents of the City or Palm Beach County.

(7) A Franchisee shall provide to its subscribers information regarding the availability of equipment capable of decoding closed circuit captioning information for the hearing impaired.

(8) Standard installation shall consist of a drop, not exceeding one hundred twenty five (125) feet from the cable plant to the nearest part of a subscriber's residence. Residential drops in excess of one hundred twenty five (125) feet may be charged according to the franchisee's rate schedule.

(b) Except for cable systems in operation on the effective date hereof a Franchise Agreement shall require that a Franchisee make Cable Service available to every dwelling within the City of Riviera Beach.

(c) In the event a Franchisee lawfully operating in a Franchise area that is less than the entire City desires to provide service to an area of the City already being served by a

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franchised cable operator, then the Franchisee wishing to expand service shall agree to construct and operate its System on terms no more favorable and no less burdensome than those pursuant to which the existing operator is subject.

(d) Upon request of the City, a Franchisee shall interconnect its System to any or all other cable systems operating within the City. Where technically and economically feasible a Franchisee shall interconnect with systems in any adjacent community for the purpose of transmitting education and government programming.

(e) Notwithstanding anything to the contrary, unless expressly provided otherwise in a Franchise Agreement, a Franchisee shall at all times during the term of any Franchise granted, modified, renewed or transferred pursuant to this Ordinance make available to subscribers in the City at minimum the level of quality, technology products and services made available by that Franchisee or its affiliate to any other subscribers in the Palm Beach County, Florida.

Section 10-31.1.14. Technical Standards.

(a) Any Cable System within the City shall at minimum satisfy the technical standards of the FCC or other applicable Federal or state technical standards, including any such standards as hereinafter may be amended or adopted. Antennas, supporting structures, and outside plant used in the System shall be designed to comply with all generally accepted industry practices and standards and with all Federal, State, County, City and/or utility laws, ordinances, rules and regulations now or hereafter enacted.

(b) All construction, installation and maintenance shall comply with the National Electrical Safety Code, the National Electric Code, and all local codes, laws and accepted industry practices, and as hereinafter may be amended or changed.

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(c) At the times required by FCC rules, or other applicable law the Franchisee shall perform at its expense proof of performance tests designed to demonstrate compliance with the requirements of this Ordinance, the Franchise agreement, and FCC requirements. The Franchisee shall provide the proof of performance test results promptly to the City. The City, upon reasonable notice, shall have the right to inspect the Cable System facilities during and after their construction to ensure compliance with the requirements of the Franchise agreement, this Ordinance, and FCC standards. A Franchisee has the right to be present at all such inspections.

(d) The Franchisee shall provide the City ten (10) business days advance written notice when a proof of performance test required in subsections (c) above is scheduled so that the City may have an observer present.

(e) A Franchisee shall not design, install or operate its facilities in a manner that will interfere with the signals of any broadcast station, the facilities of any public utility, the Cable System of another Franchisee, or individual or master antennas used for receiving television or other broadcast signals.

Section 10-31.1.15. Access Channels and Facilities.

(a) Applications for an initial Franchise, renewal, modification or transfer may, and, at the City's request, shall include proposals for the provision of access channels and equipment and facilities and financial support relating to such channels and production of cable programming sufficient to meet community needs.

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(b) Any Franchisee shall, at minimum, make available to the City at no cost to the City one channel for the exclusive use of the City of Riviera Beach for education and/or government non-commercial programming as designated by the City.

(c) A Franchisee granted an initial Franchise, renewal, modification or transfer on or after the date hereof shall provide, at the request of the City, studio, facilities, equipment, technical services and financial support for production of live and video-taped municipal programs, including but not limited to, live cablecasting of City Council meetings, as agreed in a Franchise Agreement.

(d) Applications for an initial grant, renewal or transfer Franchise may and, at the City's request, shall include proposals for the provision of an Institutional Network interconnecting City, educational institutions, and/or other public facilities.

(e) A Franchise Agreement may allow Franchisee to provide to the City financial support

in lieu of some or all of the obligations imposed pursuant to this Section.

Section 10-31.1.16. Franchise Fee.

(a) A Franchisee, as compensation for the privilege granted under a Franchise pursuant to this Ordinance for the use of the City's Streets to construct and operate a Cable System, shall pay to the City a Franchise fee in an amount up to a maximum of five percent (5%) of the franchisee's Gross Revenues derived from the operation of its Cable System within the City during the term of its Franchise. In the event the Communications Act or other applicable Law is amended to permit the City to assess a Franchise fee of a greater amount than that specified above, a Franchisee shall pay the maximum amount permitted by such amendment to

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the Communications Act or other applicable Law. However, the City Council shall hold a public hearing to consider any such increase prior to requiring the Franchisee to assess the greater amount.

(b) A Franchisee shall pay the Franchise fee due to the City on a quarterly basis. Payment for each quarter shall be made to the City not later than forty five (45) calendar days after the end of each calendar quarter.

(c) A Franchisee shall file with the City, within sixty (60) days after the expiration of each calendar year or portion thereof during which its Franchise is in force, a financial statement setting forth the computation of Gross Revenues used to calculate the Franchise fee for the preceding year or portion thereof and a detailed explanation of the method of computation. The statement shall be certified by a duly authorized corporate officer. The Franchisee will bear the cost of the preparation of such financial statements.

(d) Any acceptance by the City of any Franchise fee payment shall not be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the City may have for additional sums payable.

(e) The Franchise fee payment is not a payment in lieu of any other tax, fee or assessment.

(f) The City, or its representative, may from time to time but not more than once in any twelve (12) month period, and upon reasonable notice, inspect, copy and audit any and all books and records of the Franchisee relevant to the determination of Gross Revenues and the computation of Franchise fees due, and may re-compute any amounts determined to be payable under the Franchise. In the case of any Franchise granted, renewed, modified or transferred on

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or after the effective date hereof the cost of the audit will be borne by the Franchisee if, as a result of the audit, the City determines that the Franchisee has underpaid the Franchise fees owed in an amount equal to or exceeding four percent (4%) of the Franchise fees actually paid. A Franchisee shall make all books and records necessary to satisfactorily perform the audit readily available to auditors in Palm Beach County for inspection. Such information shall not be made available to the public pursuant to Section 10-31.1.17(d).

(g) In the event that a Franchise fee payment is not received by the City on or before the due date set forth in subsection C above, or is underpaid, any Franchisee granted an initial Franchise, renewal, modification or transfer on or after the date hereof will be charged interest from the due date at an interest rate equal to three percent (3%) above the interest rate for three-month Federal Treasury Bills at the most recent United States Treasury Department sale of such Treasury Bills occurring prior to the date of the due date of the Franchise fee payment. In addition, the Franchisee will pay a late charge of eighteen percent (18%) per annum of the amount of the unpaid or underpaid Franchise fee payment, provided, however, that such rate does not exceed the maximum amount allowed under Florida Law. Any interest and/or late charges paid by Franchisee is intended to be a charge incidental to the enforcing of a Franchise within the meaning of Section 622 (g)(2)(D) of the Communications Act, 47 U.S.C. §542 (g)(2)(D), and may not be deducted from the Franchise fee imposed by this Ordinance or any Franchise agreement.

(h) When a Franchise terminates for whatever reason, the Franchisee shall file with the City within ninety (90) calendar days of the date it ceases operations in the City, a financial statement, audited by an independent certified public accountant and certified by the franchisee's

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chief or other duly authorized financial officer, showing the Gross Revenues received by the Franchisee since the end of the previous fiscal year. Adjustments will be made at that time for Franchise fees due to the date that the franchisee's operations ceased.

Section 10-31.1.17. Reports and Records.

(a) Any Franchisee granted an initial Franchise, renewal, modification or transfer on or after the effective date of this Ordinance shall upon request of the City, within six (6) months of the close of its fiscal year, provide the City an annual report that includes at minimum the following information:

(1) A summary of the previous year's activities in development of the System, including but not limited to, services initiated or discontinued, number of subscribers for each tier or type of service (including gains and losses), homes passed, and miles of cable distribution plant in service. The summary shall also include a comparison of any construction, including System upgrades, during the year with any projections previously provided to the City, as well as rate and charge increases and/or decreases for the previous fiscal year.

(2) Audited financial statements, including a statement of income, balance sheet, and a statement of sources and applications of funds. At minimum, corporate statements shall be audited by an independent certified public accountant and statements applicable to the local system shall be certified by the Franchisee's chief financial officer or other duly authorized financial officer of the Franchisee. The statement shall include notes that specify all significant accounting policies and practices upon which it is based. A comparative statement shall be provided comparing the current year with the previous year. Additionally, a Franchisee shall file with the City a financial statement setting forth the computation of Gross Revenues used to

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calculate the Franchise fee for the preceding year or portion thereof and a detailed explanation of the method of computation.

(3) (a) Full and complete plats, maps and records showing the exact locations of its facilities located within the public Streets, ways and Easements of the City; (b) A copy of updated plats, maps and records depicting the location of all cable plants, showing areas served and locations of all trunk lines and feeder lines in the City. When available, such maps will be provided to the City in digitized format at franchisee's expense.

(4) A summary of Subscriber or resident complaints, identifying the number and nature of complaints and their disposition. Where complaints involve recurrent System problems, the nature of each problem and the corrective measures taken shall be identified. More detailed information concerning complaints shall be submitted upon request of the City.

(5) A summary of the number of outages, number of planned outages, number of outages during prime viewing hours (8:00 p.m. - 11:00 p.m. daily), and number of outages by duration.

(6) Upon written request, if the Franchisee is a corporation, a list of officers and members of the board of directors; the officers and members of the board of directors of any parent corporation; and if the Franchisee or its parent corporation's stock or ownership interests are publicly traded, a copy of its most recent annual report.

(7) Upon written request, if the Franchisee is a partnership, a list of the partners, including any limited partners, and their addresses; and if the general partner is a corporation, a list of officers and members of the board of directors or the corporate general partner, and the officers and directors of any parent corporation; and where the general partner or

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its parent corporation's ownership interests are publicly traded, a copy of its most recent annual report.

(8) Upon written request, a list of all persons holding five percent (5%) or more ownership interest in the Franchisee and any parent corporation..

(9) A copy of the franchisee's rules and regulations applicable to subscribers of the Cable System..

(10) Upon written request, Franchisee shall permit the City Manager or his designee to inspect records to determine the number of senior citizen, economically disadvantaged or handicapped subscribers receiving any rate discounts, the number of multiple dwelling buildings and units therein receiving any discount pursuant to Section 10-31.1.20(a) hereof, and the amount of any such discounts for specific services if Franchisee offers separate rates or discounts for those categories of subscribers and duration of any such contracts.

(11) A full schedule and description of services, service hours and location of the franchisee's customer service office or offices available to subscribers in the City, and a schedule of all rates, fees and charges for all services provided over the Cable System..

(b) A Franchisee shall provide the following documents to the City as received or filed, without regard to whether the documents are filed by the Franchisee or an Affiliate:

(1) Annual report of the Franchisee or its parent or any Affiliate of Franchisee which controls Franchisee and issues an annual report;

(2) Upon written request of the City, copyright filings reflecting the operation of the System;

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(3) Upon written request of the City, FCC Forms 325, Annual Report of Cable Television Systems, and 395A, Cable Television Annual Employment Report, for the System, or their successor forms;

(4) Upon written request of the City, any filing made at the FCC or any state or federal agency regarding the franchisee's Cable System, including proof-of-performance tests and radio frequency signal leakage tests.

(5) Any and all pleadings, petitions, applications, communications, reports and documents (collectively referred to as "filings") submitted by or on behalf of the Franchisee or an Affiliate to the FCC or any county, state or federal agency, court or regulatory city council which filings may impact the franchisee's operations within the City or that may impact the City's rights or obligations under this Ordinance or the Franchise Agreement issued pursuant to this Ordinance, and any and all responses, if any to the above mentioned filings.

(6) Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy.

(7) Notwithstanding anything to the contrary, the Franchisee agrees to provide the City, within thirty (30) days of filing or receipt of such, any document that may impact the construction, operation or maintenance of the franchisee's Cable System.

(c) A Franchisee shall within fifteen days of receipt of a request from the City make a complete set of books and records available for inspection, copying and audit by the City in Palm Beach County, for purposes of ascertaining compliance with requirements of this Ordinance and the Franchise agreement.

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(d) Upon written request by the Franchisee and to the extent allowed by applicable Law, information of a proprietary nature submitted by the Franchisee to the City pursuant to this Ordinance or a Franchise agreement will not be made available for public inspection to the extent permitted by Law.

Section 10-31.1.18. Customer Service Requirements.

(a) A Franchisee shall maintain all parts of its System in good condition and in accordance with standards generally observed by the cable television industry. Sufficient employees shall be retained to provide safe, adequate, and prompt service for all of its customers and facilities.

(b) Business Office.

(1) A Franchisee shall maintain an office and service center located within the City or within five (5) miles of the City limits to which subscribers may telephone without incurring added message units or toll charges. This business office shall be at minimum open from 8:30 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday and at least one evening per week or such comparable hours as may be agreed with the City Manager. Where a Franchisee does not maintain an office within the City, Franchisee shall maintain a payment location within the City where subscribers can make payments in person. This business office shall be so operated that complaints and requests for repairs or adjustments may be received by telephone twenty-four (24) hours per day, seven (7) days per week including holidays. The office shall be adequately equipped and staffed to enable subscribers to pay bills and to pick up and return all cable television customer premises equipment during office hours.

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(c) Franchisee shall maintain a publicly listed local, toll-free telephone number and employ a sufficient number of telephone lines, personnel and answering equipment or service to allow reasonable access by subscribers and members of the public to contact the Franchisee on a full-time basis, twenty-four (24) hours per day, seven (7) days per week including holidays. Knowledgeable, qualified Franchisee representatives will be available to respond to customer telephone inquiries, Monday through Friday from 8:30 a.m. to 8:00 p.m.; and on Saturday from 8:30 a.m. until 5:00 p.m. With respect to those calls received during the hours which Franchisee is not required to provide qualified Franchisee representatives under this subsection, an answering machine or service capable of receiving and recording service complaints shall be employed. Franchisee shall comply with the telephone answer time standards set forth in Subsection (d) below.

(d) Franchisee shall answer all customer service and repair telephone calls made under normal operating conditions within thirty (30) seconds, including wait time and within an additional thirty (30) seconds to transfer the call. Customers shall receive a busy signal less than three (3) percent of the time. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

(e) A Franchisee shall employ and maintain sufficient qualified personnel and equipment to be available (i) to accept payments; (ii) to exchange or accept converters or other equipment; (iii) to initiate service installations, undertake normal repairs, and initiate action with respect to Subscriber service complaints on Monday through Friday, from 8:30 a.m. to 6:00 p.m., and on Saturday from 8:00 a.m. through 5:00 p.m.; and (iv) to enable a service technician to respond to any service call received between 8:00 a.m. and 7:00 p.m., Monday through

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Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays, by the end of the next day, seven (7) days a week including holidays.

(f) Franchisee must meet each of the following standards no less than ninety-five (95) percent of the time under normal operating conditions as measured on a quarterly basis:

(1) Standard installation work shall be performed within seven (7) calendar days after an order has been placed except in those instances where a Subscriber specifically requests an installation date beyond the seven (7) calendar day period. "Standard" installations are up to one hundred and twenty five (125) feet from the existing distribution System. If scheduled installation is neither started nor completed as scheduled, the Subscriber will be telephoned by an employee of the Franchise the same day. Evening personnel shall also attempt to call subscribers at their homes between the hours of 5:30 and 8:00 p.m. If the call to the Subscriber is not answered, an employee of the Franchisee shall telephone the Subscriber the next day;

(2) Franchisee will respond to service interruptions promptly and in no event later than twenty-four (24) hours after the interruption becomes known. Other service problems will be responded to promptly and in no event later than forty-eight (48) hours after the problem becomes known. All service interruptions, and service problems within the control of Franchisee, will be corrected within seventy-two (72) hours after receipt of a complaint;

(3) The appointment window alternatives made available for installations, service calls, repairs, and other installation activities will be either a specific time, a four-hour time block during normal business hours, or at the election and discretion of the Subscriber, "all day";

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(4) Franchisee may not cancel an appointment with a Subscriber after the close of business on the business day prior to the scheduled appointment; and

(5) If at any time an installer or technician is running more than 30 minutes late for a scheduled appointment, an attempt to contact the customer will be made and the appointment rescheduled as necessary at a time which is convenient for the customer.

(g) Subscribers who have experienced two (2) missed installation or service appointments due to the fault of Franchisee shall receive installation free of charge. If the installation was to have been provided free of charge or if the appointment was for service or repair, the Subscriber shall receive a credit or cash refund of no less than Twenty Dollars (\$20).

(h) Disconnection.

(1) Voluntary Disconnection.

a. A Subscriber may terminate service at any time.

b. A Franchisee shall promptly disconnect any Subscriber who so requests from the franchisee's Cable System. No period of notice prior to voluntary termination of service may be required of subscribers by any Franchisee. So long as the Subscriber returns equipment within three (3) business days of the disconnection, no charge may be imposed by any Franchisee for such voluntary disconnection, or for any cable services delivered after the date of disconnect request.

c. A Subscriber may be asked, but not required, to disconnect the franchisee's equipment and return it to the business office.

d. Any security deposit and/or other funds due the Subscriber shall be refunded on disconnected accounts after the converter has been recovered by the Franchisee.

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The refund process shall take a maximum of thirty (30) days from the date disconnection was requested to the date the customer receives the refund.

(2) Involuntary Disconnection. If a Subscriber fails to pay a monthly Subscriber or other fee or charge, the Franchisee may disconnect the subscriber's service outlet; however, such disconnection shall not be effected until forty-five (45) days after the due date of the monthly Subscriber fee or other charge, and ten (10) days advance written notice of intent to disconnect to the Subscriber in question. If the Subscriber pays within forty-five (45) days of the due date and after notice of disconnection has been given, the Franchisee shall not disconnect. After disconnection, upon payment by the Subscriber in full of all proper fees or charges, including the payment of the reconnection charge, if any, the Franchisee shall promptly reinstate service.

(3) Nothing in this Ordinance shall be construed to prevent the Franchisee from removing its property from a subscriber's premises upon the termination of service consistent with applicable law. At the subscriber's request, a Franchisee shall remove all of its facilities and equipment from the subscriber's premises within seven (7) calendar days of the subscriber's request. Where removal is impractical, such as with buried cable or internal wiring, facilities and equipment may be disconnected and abandoned rather than removed, unless there is a written agreement stating otherwise, provided, however, that such agreement must be consistent with applicable Law and FCC rules.

(i) Franchisee shall intentionally interrupt service only for good cause and for the shortest time possible. Franchisee shall use its best efforts to insure that such interruptions shall occur only during the hours of 1:00 a.m. to 6:00 a.m. Franchisee shall maintain a written log for all intentional service interruptions.

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(j) Franchisee shall promptly notify the City Manager's office if a service interruption affects two hundred or more subscribers for a time period greater than four hours.

(k) Franchisee shall cause all its field employees to wear a picture identification badge indicating their employment by Franchisee. This badge shall be clearly visible to the public.

(l) A Franchisee shall develop written procedures for the investigation and resolution of all Subscriber or City resident complaints, including, but not limited to, those regarding the quality of service and equipment malfunction, which procedures shall be subject to the review and approval by the City Manager. A Subscriber or City resident who has not been satisfied by following the franchisee's procedures may file a written complaint with the City Manager, who will investigate the matter and, in consultation with the Franchisee as appropriate, attempt to resolve the matter. A franchisee's good faith or lack thereof in attempting to resolve Subscriber and resident complaints in a fair and equitable manner may be considered in connection with the franchisee's renewal application. Franchisee shall maintain a complete list of all complaints not resolved within seven (7) days of receipt and the measures taken to resolve them. This list shall be compiled in a form to be approved by the City Manager. It shall be compiled on at minimum, a quarterly basis. The list for each calendar month shall be supplied to the City Manager no later than the 15th day of the next month. Franchisee shall also maintain a list of all complaints received, which list will be available to the City Manager.

(m) Franchisee shall permit the City Manager or designee to inspect and test the system's technical equipment and facilities upon reasonable notice. Any notice of not less than three (3) business days shall be considered reasonable.

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(n) Franchisee shall abide by the following requirements governing communications with customers, bills and refunds:

(1) Each Franchisee shall provide to subscribers written information in each of the following areas at the time of installation, at least once annually, and at any future time upon request by the Subscriber:

- a. How to use the Cable Service;
- b. Installation and service maintenance policies;
- c. The products and services offered;
- d. Prices and service options;
- e. Channel positions of programming carried on the System;
- f. The franchisee's procedures for the receipt and resolution of customer complaints, the franchisee's address and telephone number to which complaints may be reported, and the hours of operation;
- g. The telephone number and address of the City's office and the County's office designated to handle cable television complaints and inquiries;
- h. The availability of a "lock-out" device;
- i. The availability of an input selector, or A/B switch, and identification of those local broadcast stations not carried on franchisee's System; and
- j. The franchisee's information collection and disclosure policies for the protection of a subscriber's privacy.

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(2) In addition, each Franchisee shall provide written notice in its monthly billing, at the request of the City Manager, of any City meeting regarding requests or applications by the Franchisee for renewal, transfer or modification of its license. Said notices shall be made at franchisee's expense and said expense shall not be considered part of the Franchise fee assessed pursuant to this Ordinance and shall not be regarded as a Franchise fee, as the term is defined in Section 622 of the Communications Act, 47 U.S.C. Section 542.

(3) Franchisee's bills will be clear, concise and understandable.

(4) Refund checks will be issued promptly, but no later than the earlier of thirty (30) days or the customer's next billing cycle following the resolution of a refund request, or the return of the equipment supplied by the Franchisee if service is terminated.

(5) Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(6) A Franchisee shall provide subscribers, the City Manager, and the City Council with at least thirty (30) days advance written notice of any changes in rates, charges, Channel lineup, or initiations or discontinuations or changes of service or services offered over the Cable System.

(o) A Franchisee shall, upon an affected subscriber's request, provide a pro-rated 24-hour credit to the subscriber's account for any period of four hours or more within a 24-hour period during which a Subscriber experienced an outage of service or substantial impairment of service, whether due to a System malfunction or other cause.

(p) Billing.

(1) The franchisee's first billing statement after a new installation or service change shall be pro-rated as appropriate and shall reflect any security deposit.

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(2) The franchisee's billing statement must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(3) The franchisee's billing statement must show a specific payment due date not earlier than twenty (20) days after the date the statement is mailed. Any balance not received by the due date may be assessed a late charge consistent with applicable Law. The late charge will appear on the following month's billing statement.

(a) A franchisee may impose a monthly fee for any delinquent balance owed by a subscribers of cable or related services, subject to the following:

i. At least 10 days before the date the fee is imposed, the subscriber shall be given written notice on the bill or by separate notice, of (A) the number of days after which the fee will be imposed if the balance is not paid; and (B) the amount of the fee that will be imposed; and

ii. The fee for delinquent payment shall not exceed \$5 per month, which is deemed a reasonable to be imposed by the franchisee but in no event shall exceed eighteen percent per annum on the unpaid balance or the maximum amount of interest allowed by Law, whichever is less.

iii. If a customer disputes a bill on or before the due date, the Franchisee shall waive a late fee during the period until a final resolution of the dispute is agreed upon between the Franchisee and the City.

(b). Subscribers shall not be charged a late fee or otherwise penalized for any failure by the Franchisee, its employees, or contractors, including failure to timely or correctly bill the Subscriber, or failure to properly credit the Subscriber for a payment timely made.

(4) The Franchisee must notify the Subscriber that he or she can remit payment in Person at the franchisee's office in the City and inform the Subscriber of the address of that office.

(q) Alteration of Service.

A Franchisee may not substantially alter the service being provided to a Subscriber (including by re-tiering, restructuring a tier or otherwise) without the express affirmative permission of such Subscriber, unless it complies with this subsection.

(1) If a Franchisee wishes to alter the service being provided to a Subscriber (including by re-tiering, restructuring a tier or otherwise) in such a way that the Subscriber will no longer be able to obtain the same package of services then the Franchisee must provide the Subscriber with thirty (30) days notice of such alteration, explain the substance and the full effect of the alteration, and provide the Subscriber the right within the sixty (60) day period following notice, to opt to receive any combination of services offered by the Franchisee.

(2) Except provided herein, no charge may be made for any service or product which the Subscriber has not affirmatively indicated, in a manner separate and apart from payment of the regular monthly bill, that he or she wishes to receive.

(r) Franchisee shall certify in writing to the City as of January 1 of each year based upon internal due diligence by the Franchisee that to the best of Franchisee's knowledge it is in

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substantial compliance with the standards set forth in this Section 10-31.1.18. Said certification to be made as of a date within thirty (30) days of January 1st. At the request of the City, the Franchisee shall submit such documentation, as may be required, to demonstrate franchisee's compliance with this Section 10-31.1.18. This documentation shall be submitted within thirty (30) days of the Franchisee's receipt of the City's request.

(s) Responsibility for the administration of this ordinance and any Franchise granted hereunder and for the resolution of all complaints against a Franchisee regarding the quality of service, equipment malfunctions, and related matters, including the authority to order refunds or fees is hereby delegated to the City Manager, or his designee, who is empowered, among other things, to adjust, settle, or compromise any controversy arising from operations of the Franchisee, either on behalf of the City, the Franchisee or any Subscriber, in accordance with the best interests of the public. In cases where requests for service have been ignored or unfilled or for whatever reason are unsatisfactory, the City Manager shall have the power to require the Franchisee to provide service if in the opinion of the City Manager such request for service is reasonable. Provided, that any person aggrieved by a decision of the City Manager, including Franchisee, may appeal the matter to the City Council for hearing and determination. The City Council may accept, reject or modify the decision of the City Manager, and may adjust, settle or compromise any controversy arising from the operations of the Franchisee under any Franchise granted pursuant to this Ordinance. No adjustment, settlement, or compromise, whether instituted by the City Manager or by the City Council shall be contrary to the provisions of this Ordinance or any Franchise agreement issued pursuant to this ordinance.

Section 10-31.1.19. Subscriber Privacy.

A Franchisee shall at all times protect the privacy of all subscribers to the full extent required by Section 631 of the Communications Act, 47 U.S.C. § 551 and state Law.

Section 10-31.1.20. Discrimination Prohibited.

(a) No Franchisee may in its rates or charges, or in the availability of the services or facilities of its System, or in any other respect, make or grant undue preferences or advantages to any Subscriber, potential Subscriber, or group of subscribers or potential subscribers, nor subject any such persons or group of persons to any undue prejudice or any disadvantage, provided, however, that a Franchisee may offer promotional or discount rates to certain, but not all, subscribers for a limited time without violating the provisions of this Section 10-31.1.20. A Franchisee shall not deny, delay, or otherwise burden service or discriminate against subscribers or users on the basis of age, race, creed, religion, color, sex, handicap, national origin, marital status, or political affiliation, except for discounts for senior citizens, the economically disadvantaged or handicapped that are applied in a uniform and consistent manner. A Franchisee may also offer bulk discounts to multiple dwelling buildings to the extent such discounts are otherwise permissible by Law.

(b) A Franchisee shall not deny Cable Service to any potential Subscriber because of the income of the residents of the area in which the Subscriber resides.

(c) A Franchisee shall not refuse to employ, nor discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of age, race, creed, religion, color, sex, handicap, national origin, marital status, sexual orientation or political affiliation. The Franchisee shall comply with Federal, state and local laws and regulations governing equal employment opportunities, as the same may be from time to time amended.

Section 10-31.1.21. Use of Streets.

(a) Any pavements, sidewalks, curbing or other paved area taken up or any excavations made by a Franchisee shall be done under the direction of the City under permits

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issued for work by the proper officials of the City or where necessary the County,, and shall be done in such manner as to give the least inconvenience to the inhabitants of the City. A Franchisee shall, at its own cost and expense, and in a manner approved by the City, replace and restore any such pavements, sidewalks, curbing or other paved areas in as good a condition as before the work involving such disturbance was done, and shall also make and keep full and complete plats, maps and records showing the exact locations of its facilities located within the public Streets, ways, and easements of the City.

(b) Except to the extent required by Law, a Franchisee shall, at its expense, protect, support, temporarily disconnect, relocate, or remove, any of its property when required by the City by reason of traffic conditions, public safety, Street construction, Street resurfacing or widening, change of Street grade, installation or sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of municipal or public utility improvements; provided, however, that the Franchisee shall, in all such cases, have the privilege of abandoning any property in place.

(c) A Franchisee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting same, and the Franchisee shall have the authority to require such payment in advance, except in the case where the requesting person is the City, in which case no such payment shall be required. The Franchisee shall be given not less than fourteen calendar (14) days advance notice to arrange for such temporary wire changes.

(d) A Franchisee shall have the authority to trim the trees or other natural growth upon and overhanging the Streets so as to prevent the branches of such trees from coming in contact with the wires, cables and other equipment of the Franchisee, except that, at the option of

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the City, such trimming may be done by it or under its supervision and direction at the expense of the Franchisee.

(e) A Franchisee shall use, with the owner's permission, existing underground conduits or overhead utility facilities whenever feasible. Copies of agreements for use of conduits or other facilities shall be filed with the City as required by the Franchise agreement or upon City request.

(f) All wires, cable lines, and other transmission lines, equipment and structures shall be installed and located to cause minimum interference with the rights and convenience of property owners. The City may issue such rules and regulations concerning the installation and maintenance of a Cable System installed in, on, or over the Streets, as may be consistent with this Ordinance and the Franchise agreement.

(g) All safety practices required by Law shall be used during construction, maintenance and repair of a Cable System. A Franchisee shall not place facilities, equipment or fixtures where they will interfere with any gas, electric, telephone, water, sewer or other utility facilities, or obstruct or hinder in any manner the various utilities serving the residents of the City of their use of any Street or any other public rights-of-way.

(h) A Franchisee shall, at all times:

(1) Install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the City's Building Code and Electrical Safety Ordinances and any other applicable Building or Electrical Safety Code, and in such manner that they will not interfere with any installations of the City.

(2) Keep and maintain in a safe, suitable, substantial condition, and in good order and repair, all structures, lines, equipment, and connections in, over, under, and upon the Streets, sidewalks, alleys, and public ways or places of the City, wherever situated or located.

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(i) On Streets where electrical and telephone utility wiring is located underground, either at the time of initial construction of a Cable System or at any time thereafter, a Franchisee's cable shall also be located underground at the Franchisee's expense. Between a Street and a subscriber's residence, a franchisee's cable must be located underground if both electrical and telephone utility wiring are located underground. If either electric or telephone utility wiring is aerial, a Franchisee may install aerial cable except where a property owner or resident requests underground installation and agrees to bear the additional cost of such installation over and above the cost of aerial installation.

(j) In the event the use of any part of a Cable System is discontinued for any reason so as to result in franchisee's failure to provide service to any portion of its Franchise area for a continuous period of twelve (12) months, or in the event such System or property has been installed in any Street without complying with the requirements of this Ordinance or a Franchise agreement, or the Franchise has been terminated, canceled or expired, the Franchisee, within thirty (30) days or such longer time period as may be determined by the City in its sole discretion after written notice by the City, shall commence removal from the Streets of all such property as the City may require.

(k) The City may extend the time for the removal of franchisee's equipment and facilities for a period not to exceed one hundred eighty (180) days, and thereafter such equipment and facilities may be deemed abandoned.

(l) In the event of such removal or abandonment, the Franchisee shall restore the area to as good a condition as prior to such removal or abandonment.

Section 10-31.1.22. Enforcement Remedies.

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(a) In addition to any other remedies available at Law or Equity, the City may apply any one or combination of the following remedies in the event a Franchisee violates this Ordinance, its Franchise agreement or applicable local, state or Federal Law:

(1) Impose liquidated damages in an amount of not less than Three Hundred dollars (\$300.00) per day or part thereof per violation, or as expressly provided below or in a Franchise agreement. Payment of liquidated damages by the Franchisee will not relieve the Franchisee of its obligation to comply with the Franchise agreement and the requirements of this Ordinance.

(i) In the event of a material failure to complete the system construction or reconstruction, unless the Council specifically approves the resulting delay or default by motion or resolution, due to the occurrence of conditions beyond the Company's control, Company shall pay Five Hundred Dollars (\$500.00) per day for each day, or part thereof, the deficiency continues.

(ii) In the event of a failure to provide upon written request, date, documents, reports, information, or to cooperate with the City during an application process or cable system review, Company shall pay One Hundred Dollars (\$100.00) per day, or part thereof, each violation occurs or continues.

(2) Revoke the Franchise pursuant to the procedures specified in Section 10-31.1.25 hereof.

(3) In addition to or instead of any other remedy, the City may seek legal or equitable relief from any court of competent jurisdiction.

(b) Whenever the City finds that a Franchisee granted a franchise pursuant to this Ordinance has allegedly violated one (1) or more terms, conditions or provisions of a franchise, a written notice shall be given to Franchisee. The written notice shall describe in reasonable detail the alleged violation so as to afford Franchisee an opportunity to remedy the violation. Franchisee shall have thirty (30) days subsequent to receipt of the notice in which to either correct the violation or diligently be acting toward correction of the problem. Franchisee may, within ten (10) business days of receipt of notice, notify the City that there is a dispute as to whether a violation or failure has, in fact, occurred. Such notice by Franchisee to the City shall specify with particularity the matters disputed by Franchisee and shall stay the running of the above-described time.

(1) The City shall hear the Franchisees dispute at a regularly or specially scheduled meeting. Company shall have the right to subpoena and cross-examine witnesses. The City shall determine if Franchisee has committed a violation and shall make written findings of fact relative to its determination. If a violation is found, Company may petition for reconsideration.

(2) If after hearing the dispute the claim is upheld by the City, Franchisee shall have ten (10) business days from such a determination to remedy the violation or failure.

(3) In determining which remedy or remedies are appropriate, the City shall take into consideration the nature of the violation, the person or persons bearing the impact of the violation, the nature of the remedy required in order to prevent further violations, and such other matters as the City determines are appropriate to the public interest.

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(4) The time for Franchisee to correct any alleged violation may be extended by the City if the necessary action to correct the alleged violation is of such a nature or character to require more than thirty (30) days within which to perform provided Franchisee commences the corrective action within the thirty (30) day period and thereafter uses reasonable diligence to correct the violation.

(c) Failure of the City to enforce any requirements of a Franchise agreement or this Ordinance shall not constitute a waiver of the City's right to enforce that violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

Section 10-31.1.23. Renewal of Franchise.

Renewal shall be conducted in a manner consistent with Section 626 of the Communications Act, 47 U.S.C. 546. The following additional requirements shall apply:

(a) Upon completion of the review and evaluation process set forth in Section 626(a)(1)(2) of the Communications Act, 47 U.S.C. 546, should that process be invoked, the City shall notify the Franchisee that it may file a renewal application. The notice shall specify the information to be included in the renewal application and the deadline for filing the application, which shall be no earlier than twenty-one (21) calendar days following the date of the notice.

(1) The application shall comply with the requirements of Section 10-31.1.7(a), (b), (c), (d), and (i) hereof and provide the specific information requested in the notice. If the Franchisee does not submit a renewal application by the date specified in the City's notice to the Franchisee given pursuant to this subsection, the Franchisee will be deemed not to be seeking renewal of its Franchise.

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(2) Upon receipt of the renewal application, the City shall publish notice of its receipt and make copies available to the public. The City, following prior public notice, may hold one or more public hearings on the renewal application.

(b) In the event a public hearing on the renewal application is held, or in the event that the City Council considers the renewal application without a public hearing, the City Council will either:

(1) Pass a resolution agreeing to renew the Franchise, subject to the negotiation of a Franchise agreement satisfactory to the City and the Franchisee; or

(2) Pass a resolution that makes a preliminary assessment that the Franchise should not be renewed.

(c) If a preliminary assessment is made that a Franchise should not be renewed, at the request of the Franchisee or on its own initiative, the City will commence a proceeding in accordance with Section 626(c) of the Communications Act, 47 U.S.C. §546(c) to address the issues set forth in Section 626(c)(1)(A)-(D) of the Communications Act, 47 U.S.C. §546(c)(1)(A)-(D).

(d) Any request to initiate a renewal process or proposal for renewal not submitted within the time period set forth in Section 626(a) of the Communications Act, 47 U.S.C. § 546(a), shall be deemed an informal proposal for renewal and shall be governed in accordance with Section 626(h) of the Communications Act, 47 U.S.C. § 546(h). The City may hold one or more public hearings or implement other procedures under which comments from the public on an informal proposal for renewal may be received. Following such public hearings or other

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procedures, the City Council shall determine whether the Franchise should be renewed and the terms and conditions of any renewal.

(e) If the City Council grants a renewal application, the City and the Franchisee shall agree on the terms of a Franchise agreement, pursuant to the procedures specified in of this Ordinance, before such renewal becomes effective.

(f) If renewal of a Franchise is lawfully denied, the City may acquire ownership of the Cable System or effect a transfer of ownership of the System to another person upon approval of the City Council. Any such acquisition or transfer shall be at Fair Market Value determined on the basis of the Cable System valued as a going concern but with no value allocated to the Franchise itself.

(g) If renewal of a Franchise is lawfully denied and the City does not purchase the Cable System or approve or effect a transfer of the Cable System to another Person, the City may require the former Franchisee to remove its facilities and equipment at the former franchisee's expense. If the former Franchisee fails to do so within a reasonable period of time, the City may have the removal done at the former franchisee's and/or surety's expense.

Section 10-31.1.24. Transfers.

(a) No transfer of a Franchise or any rights contained in a Franchise agreement shall occur without prior approval of the City.

(b) An application for a transfer of a Franchise shall meet the requirements of Section 10-31.1.7 hereof, and provide complete information on the proposed transaction, including details on the legal, financial, technical and other qualifications of the transferee, and on the potential impact of the transfer on Subscriber rates and service. Except in the case of a pro

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forma transfer, the application shall provide, at a minimum, the information required in subsections 10-31.1.7(e)(1)-(5) and (e)(14) with respect to the proposed transferee. The information required in subsections 10-31.1.7(e)(6)-(e)(13) shall also be provided whenever the proposed transferee expects material changes to occur in those areas.

(c) An application for approval of a pro forma transfer of a Franchise shall be considered granted on the ninety-first (91) calendar day following the filing of such application with the City unless, prior to that date, the City notifies the Franchisee to the contrary. An application for approval of a pro forma transfer of a Franchise shall clearly identify the application as such, describe the proposed transaction, and explain why the Applicant believes the transfer is pro forma. Unless otherwise requested by the City within thirty (30) calendar days of the filing of an application for a pro forma transfer, the Applicant shall be required only to provide the information required in subsections 10-31.1.7(e)(1), (3) and (14) with respect to the proposed transferee.

(d) In making a determination on whether to grant an application for a transfer of a Franchise, the City Council shall consider the legal, financial, technical and other qualifications of the transferee to operate the System; whether the incumbent cable operator is in compliance with its Franchise agreement and this Ordinance and, if not, the proposed transferee's commitment to cure such noncompliance; and whether operation by the transferee would adversely affect cable services to subscribers, or otherwise be contrary to the public interest.

(e) No application for a transfer of a Franchise shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this Ordinance and the Franchise

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agreement, and that it will assume the obligations and liabilities of the previous Franchisee under this Ordinance and the Franchise agreement.

(f) Approval by the City of a transfer of a Franchise does not constitute a waiver or release of any of the rights of the City under this Ordinance or the Franchise agreement, whether arising before or after the date of the transfer.

Section 10-31.1.25. Revocation or Termination of Franchise.

(a) A Franchise may be revoked by the City Council for a franchisee's failure to construct, operate or maintain the Cable System as required by this Ordinance or the Franchise agreement, or for any other material violation of this Ordinance or material breach of the Franchise agreement. To invoke the provisions of this subsection (a), the City shall give the Franchisee written notice, by certified mail at the last known address, that Franchisee is in material violation of this Ordinance or in material breach of the Franchise agreement and describing the nature of the alleged violation or breach. If within thirty (30) calendar days following receipt of such written notice from the City to the Franchisee, the Franchisee has not cured such violation or breach, or has not commenced corrective action and such corrective action is not being actively and expeditiously pursued, the City may give written notice to the Franchisee of its intent to revoke the Franchise, stating its reasons.

(b) Prior to revoking a Franchise under subsection (a) hereof, the City Council shall hold a public hearing, upon thirty (30) calendar days notice, at which time the Franchisee and the public shall be given an opportunity to be heard. Following the public hearing the City Council may determine whether to revoke the Franchise based on the evidence presented at the hearing, and other evidence of record. If the City Council determines to revoke a Franchise, it shall issue

Revised June 20, 2000

a written decision setting forth the reasons for its decision. A copy of such decision shall be transmitted to the Franchisee.

(c) Notwithstanding subsections (a) and (b) hereof, any Franchise may, at the option of the City following a public hearing before the City Council, be revoked one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the Franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding, unless within that one hundred twenty (120) day period:

- (1) Such assignment, receivership or trusteeship has been vacated; or
- (2) Such assignee, receiver or trustee has fully complied with the terms and conditions of this Ordinance and the Franchise agreement and has executed an agreement, approved by a court having jurisdiction, assuming and agreeing to be bound by the terms and conditions of this Ordinance and the Franchise agreement.

(d) In the event of foreclosure or other judicial sale of any of the facilities, equipment or property of a Franchisee, the City may revoke the Franchise, following a public hearing before the City Council, by serving notice upon the Franchisee and the successful bidder at the sale, in which event the Franchise and all rights and privileges of the Franchise will be revoked and will terminate thirty (30) calendar days after serving such notice, unless:

- (1) The City has approved the transfer of the Franchise to the successful bidder; and
- (2) The successful bidder has covenanted and agreed with the City to assume and be bound by the terms and conditions of the Franchise agreement and this Ordinance.

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(e) If the City revokes a Franchise, or if for any other reason a Franchisee abandons the Cable System, terminates or fails to operate or maintain service to its subscribers, the following procedures and rights are effective:

(1) The City may require the former Franchisee to remove its facilities and equipment at the former franchisee's expense. If the former Franchisee fails to do so within a reasonable period of time, the City may have the removal done at the former franchisee's and/or surety's expense.

(2) The City, by resolution of the City Council, may acquire ownership, or effect a transfer, of the Cable System at an equitable price.

(3) If a Cable System is abandoned by a Franchisee, the City may sell, assign or transfer all or part of the assets of the System.

(f) Where the City has issued a Franchise specifically conditioned in the Franchise agreement upon the completion of construction, System upgrade or other specific obligation by a specified date, failure of the Franchisee to complete such construction or upgrade, or to comply with such other specific obligation as required may result in the forfeiture of the Franchise, unless the City, at its discretion and for good cause demonstrated by the Franchisee, grants an extension of time.

(g) Except as provided in subsection (f), no adverse action against a Franchisee may be taken by the City pursuant to this section except after a noticed public hearing at which the Franchisee is given an opportunity to participate.

Section 10-31.1.26. Continuity of Service Mandatory.

Revised June 20, 2000

(a) It is the right of all subscribers to receive all available services from the Franchisee as long as their financial and other obligations to the Franchisee are satisfied.

(b) In the event of a termination or transfer of a Franchise for whatever reason, the Franchisee shall ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances. The Franchisee shall cooperate with the City to operate the System for a temporary period not to exceed one year following termination or transfer as necessary to maintain continuity of service to all subscribers. During such period the Cable System shall be operated under such terms and conditions as the City and the Franchisee may agree, or such other terms and conditions that will continue, to the extent possible, the same level of service to subscribers and that will provide reasonable compensation to the cable operator.

(c) In the event a Franchisee fails to operate the System for seven (7) consecutive days without prior approval of the City or without just cause, the City may, at its option, operate the System or designate an operator until such time as the Franchisee restores service under conditions acceptable to the City or until a permanent operator is selected. If the City is required to fulfill this obligation for the Franchisee, the Franchisee shall reimburse the City for all costs or damages resulting from the franchisee's failure to perform that are in excess of the revenues from the System received by the City. Additionally, the Franchisee will cooperate with the City to allow City employees and/or City agents free access to the franchisees' facilities and premises for purposes of continuing System operation.

Section 10-31.1.27. Rates.

Revised June 20, 2000

(a) At such time as Federal and state Law permit rate regulation, the City reserves all rights to implement and impose such regulation, and may do so by amendment to this Ordinance, by separate ordinance, by amendment to a Franchise agreement, or in any other lawful manner.

(b) Nothing in this Ordinance shall prohibit the City from regulating rates for cable services to the full extent permitted by Law.

(c) Should a Franchisee desire to change any rate or charge, it shall comply with all laws with respect thereto.

(d) Notwithstanding anything to the contrary, a Franchisee shall provide to the City Manager notice of any and all changes to all Subscriber rates no less than thirty (30) days prior to the effective date of such change.

Section 10-31.1.28. Performance Evaluation.

The City may conduct periodic, but not more than once during any twelve (12) month period unless for specific cause, performance evaluations of a Franchisee as the City determines is necessary. A Franchisee shall cooperate with these evaluations reasonably and in good faith. If the City implements a survey of cable subscribers in connection with a performance evaluation, the City may require a Franchisee to distribute the City's questionnaire to its subscribers at the City's expense. Upon request and upon reimbursement of the City's copying costs, the Franchisee may inspect or receive copies of all responses.

Section 10-31.1.29. Administration.

(a) The City Manager, either directly or through a duly appointed designee, shall have the responsibility for overseeing the day-to-day administration of this Ordinance and Franchise agreements. The City Manager shall be empowered to take all administrative actions

Revised June 20, 2000

on behalf of the City, except for those actions specified in this Ordinance that are reserved to the City Council. The City Manager may recommend that the Council take certain actions with respect to the Franchise. The City Manager shall keep the City Council apprised of developments in cable and provide the City Council with assistance, advice and recommendations as appropriate.

(b) To the extent permitted by Federal and state Law, the City Council shall have the sole authority to regulate rates for cable services, grant franchises, authorize the entering into of Franchise agreements, modify Franchise agreements, renew or deny renewal of franchises, revoke franchises, and authorize the transfer of a Franchise.

Section 10-31.1.30. Force Majeure.

In the event a Franchisee's performance of or compliance with any of the provisions of this Ordinance or the franchisee's Franchise agreement is prevented by a cause or event not within the Franchisee's control, such inability to perform or comply shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof, provided, however, that Franchisee uses all reasonable means to expeditiously cure or correct any such inability to perform or comply. For purposes of this Ordinance and any Franchise agreement granted or renewed hereunder, causes or events not within a Franchisee's control shall include, without limitation, acts of God, floods, earthquakes, landslides, hurricanes, fires and other natural disasters, acts of public enemies, riots or civil disturbances, sabotage, strikes, loss of utility service not as a result of any action or inaction by Franchisee and restraints imposed by order of a governmental agency or court (unless such order is procured at franchisee's behest). Causes or events within Franchisee's control, and thus not falling within this section, shall include, without limitation,

Revised June 20, 2000

Franchisee's financial inability to perform or comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of franchisee's directors, officers, employees, contractors or agents.

Section 10-31.1.31. Applicability.

This Ordinance shall be applicable to all cable franchises granted, renewed, modified or transferred after the effective date hereof, and shall apply to all cable franchises granted prior to the effective date of this Ordinance, to the full extent permitted by state and Federal Law.

Section 10-31.1.32. Municipal Cable System Ownership Authorized.

(a) To the full extent permitted by Law, the City may acquire, construct, own, and/or operate a Cable System.

(b) Nothing in this Ordinance shall be construed to limit in any way the ability or authority of the City to acquire, construct, own, and/or operate a Cable System to the full extent permitted by Law.

Section 10-31.1.33. Reservation of Rights.

(a) The City reserves the right to amend this Ordinance as it shall find necessary in the lawful exercise of its police powers.

(b) Any such Law amendments or additional regulations adopted by the City shall be incorporated into this Ordinance and complied with by all franchisees within thirty (30) days of the date of adoption of such additional regulations.

(c) The City reserves the right to the extent permitted by Law to exercise the power of eminent domain to acquire the property of the franchisee's Cable System.

Revised June 20, 2000

(d) The City shall at all times have the right, upon reasonable notice and during normal business hours, to examine and copy a Franchisee's records and to inspect a franchisee's facilities to the extent needed to monitor a franchisee's compliance with and performance under this Ordinance and the Franchisee's Franchise agreement.

Section 10-31.1.34. Repeal of Conflicting Ordinances.

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 10-31.1.35. Severability.

Should any section or provision of this Ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 10-31.1.36. Inclusion in the Code of Laws and Ordinances.

Specific authority is hereby given to codify this Ordinance.

Section 10-31.1.37. Effective Date.

This Ordinance shall become effective immediately upon passage.

Revised June 20, 2000

Passed and approved on first reading this 7th day of June, 2000.

Passed and adopted on second and final reading this 21st day of June, 2000.

APPROVED:



MICHAEL D. BROWN
MAYOR

MUNICIPAL SEAL

ATTEST:



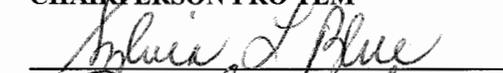
CARRIE E. WARD, CMC/AAE
CITY CLERK



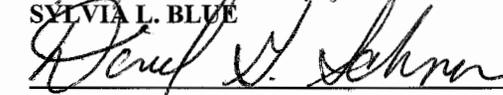
EDWARD RODGERS
CHAIRMAN



ELIZABETH K. WADE
CHAIRPERSON PRO TEM



SYLVIA L. BLUE

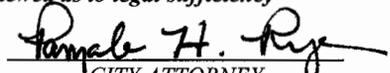


DAVID G. SCHNYER



DONALD R. WILSON
COUNCIL MEMBERS

Reviewed as to legal sufficiency

By: 

CITY ATTORNEY

City of Riviera Beach, Florida
Date: 6/21/00

APPROVED ON FIRST READING:

MOTIONED BY: E. WADE

SECONDED BY: S. BLUE

E. RODGERS AYE

E. WADE AYE

S. BLUE AYE

D. SCHNYER AYE

D. WILSON AYE

PASSED AND ADOPTED ON SECOND & FINAL READING

MOTIONED BY: E. Wade

SECONDED BY: D. Schnyer

E. RODGERS Aye

E. WADE Aye

S. BLUE Aye

D. SCHNYER Aye

D. WILSON Aye

Revised June 20, 2000

CERTIFICATE 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, CMC/AAE
City Clerk

ORDINANCE NO. 2862

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM RAWE ENTERPRISES, INC., WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 2.02 ACRES, LYING WEST OF GARDEN ROAD AND NORTH OF INTERSTATE PARK ROAD NORTH, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.046, FLORIDA STATUTES.

WHEREAS, the City Council of the City of Riviera Beach, Florida, has examined the attached petition and finds the following to be true:

- a. The petitioner is the owner of the property described therein.
- b. The petition bears the notarized signature of the owner of the property proposed for annexation.
- c. The proposed annexed property is in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- d. No part of the proposed annexed property is included within the boundary of another incorporated municipality.
- e. The City has the capability to provide municipal services, e.g. fire and police protection, water and sewer services, garbage and trash collection to the subject property at the same level of service as such services are provided within the rest of the municipality.
- f. This ordinance is pursuant to Section 171.044, Voluntary Annexation, Florida Statutes; and

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, e.g., water and sewer, to the subject property for development purposes upon receipt of the Voluntary Petitions for Annexation; and subject to conditions set forth in the petition.

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

Section 1. Pursuant to Section 171, Florida Statutes, the City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this Ordinance on second and final reading:

Petitioner

RAWE ENTERPRISES, INC.

Property Control Number: 00-43-42-31-00-000-3090 and
00-43-42-31-00-000-3100

Section 2. This Ordinance shall be read by Title on first reading, and shall be published by Title once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida. Thereupon after second reading by Title only, this ordinance shall become effective immediately upon passage and adoption, and the annexations shall become effective.

Section 3. Within thirty (30) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

Section 4. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

Section 5. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal descriptions as follows:

A parcel of land in the Northwest One-Quarter (NW 1/4) of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

FROM the Northwest corner of Section 31, bear S-87° 56' 50"-E, along the North line of Section 31, a distance of 2002.36 feet, thence S-20° 03' 10"-W, a distance of 214.69 feet to the Point of Beginning; thence continue S-02° 03' 10"-West, a distance of 165.0 feet to a point, thence S-87° 56' 50"-East, a distance of 262.63 feet to a point in the West R/W line of Garden Road, thence N-02° 37' 43"-E, a distance of 165.01 feet to a point, thence N-87° 56' 50"-W, a distance of 264.29 feet to the Point of Beginning.

And

A parcel of land in the Northwest Quarter (NW1/4) of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida,

ORDINANCE NO. 2862

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being more particularly described as follows:

Commencing at the Northwest corner of Section 31, thence South 87° 56' 50" East, along the North line of Section 31, a distance of 2002.36 feet to a point, thence South 2° 3' 10" West, a distance of 379.69 feet to the Point of Beginning, thence continue South 2° 3' 10" West, a distance of 170.31 feet to a point, thence South 87° 56' 50" East, a distance of 236.17 feet to a point, thence North 47° 20' 27" East, a distance of 35.18 feet to a point, thence North 2° 37' 43" East, a distance of 145.47 feet to a point, thence North 87° 56' 50" West, a distance of 262.63 feet to the Point of Beginning.

Section 6. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.

Section 7. Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.

Section 8. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

Section 9. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

PASSED AND APPROVED on First Reading this 19th day of July, 2000.

PASSED AND ADOPTED on Second Reading this 02 day of August, 2000.

APPROVED:

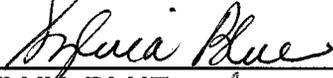

MICHAEL D. BROWN, MAYOR


EDWARD RODGERS, CHAIRPERSON

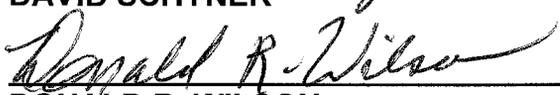
[MUNICIPAL SEAL]


ELIZABETH WADE, CHAIRPERSON PRO-TEM

ATTEST:


SYLVIA BLUE


CARRIE E. WARD, CMC/AE
CITY CLERK


DAVID SCHYNER

DONALD R. WILSON
COUNCIL MEMBERS

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: S. Blue

MOTIONED BY: S. Blue

SECONDED BY: D. Schyner

SECONDED BY: E. Wade

E. RODGERS aye

E. RODGERS aye

E. WADE aye

E. WADE aye

S. BLUE aye

S. BLUE aye

D. SCHYNER aye

D. SCHYNER aye

D. WILSON nay

D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY
City Attorney
City of Riviera Beach

Date PH Rye
7/12/00

ORDINANCE NO. _____
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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 applicable Florida Statutes.

6/15/00

Date



Carrie E. Ward, CMC/AE, City Clerk

ORDINANCE NO. 2863

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, ARTICLE I, SECTION 31-1, DEFINITIONS AND ARTICLE V, SECTION 31-322(b) OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES DESIGNATING THE LOCATION OF BARS, SALOONS, TAVERNS, COCKTAIL LOUNGES, OR NIGHTCLUBS WITHIN THE CITY LIMITS AND ADDING A NEW SECTION 31-552 UNDER ARTICLE VI, SUPPLEMENTAL DISTRICT REGULATIONS AND, PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, no specific regulations exist in the City's zoning code to address the location of bars, saloons, taverns, cocktail lounges, or nightclubs; and

WHEREAS, the City Council of the City of Riviera Beach deems it necessary to promote the orderly growth of the City and to protect the safety, health, and welfare of its citizens by designating the location of bars, saloons, taverns, cocktail lounges, or nightclubs; and

WHEREAS, amending the uses permitted by special exception in the CG (General Commercial) zoning district to include bars, saloons, taverns, cocktail lounges, or nightclubs would be more in keeping with the intent of the district; and

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

Section 1. Article I, Section 31-1 of the City of Riviera Beach Code of Ordinances is hereby amended to include:

Bars, saloons, taverns, cocktail lounges, or nightclubs means any premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the primary use.

Child-care Center means an establishment providing for the care, supervision, and protection of children.

Place of Worship means a special purpose building such as a church, synagogue, temple, or mosque that is used for religious observance by persons of similar beliefs, and that is architecturally designed and particularly adapted for the primary use of conducting, on a regular basis, formal religious services by a religious congregation.

ORDINANCE NO. 2863

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School means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Section 2. Article V, Section 31-322(b) Special Exceptions in CG zoning district, of the City of Riviera Beach Code of Ordinances is hereby amended to include:

- (8) Reserved
Bars, saloons, taverns, cocktail lounges, or nightclubs.

Section 3 Article VI, of the City of Riviera Beach Code of Ordinances is hereby amended to read:

Section 31-552 - Bars, saloons, taverns, cocktail lounges, or nightclubs.

In reviewing an application for these uses, the following requirements must be met:

- (1) Minimum required lot area shall be 10,000 square feet.
- (2) The proposed site shall be at least five hundred (500) feet from the property line of the nearest place of worship, school or child care center.
- (3) The proposed site shall be at least five hundred (500) feet from any other similar use.
- (4) The proposed site shall be at least five hundred (500) feet from a residential district.
- (5) Measurement shall be by a straight line from nearest property line to property line.
- (6) Buffering shall be provided in accordance with the City of Riviera Beach Landscaping Code. Additional site design standards may be required by the City Council to protect neighboring residential districts or uses from negative impact.
- (7) Minimum distance and lot size requirements are exempted for properties located within the Community Redevelopment Agency (CRA).

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 City of Riviera Beach Code of Ordinances, and the sections of this ordinance may be renumbered to accomplish such intentions.

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.

ORDINANCE NO. 2863

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Section 6. That all sections or parts of sections of the City of Riviera Beach 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 7. Specific authority is hereby granted to codify this ordinance.

Section 8. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

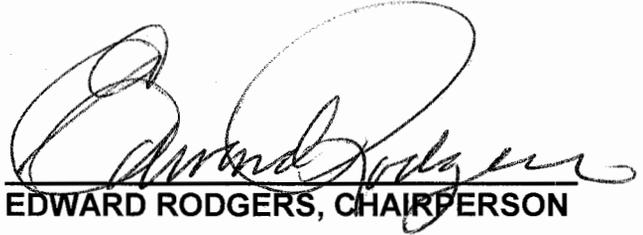
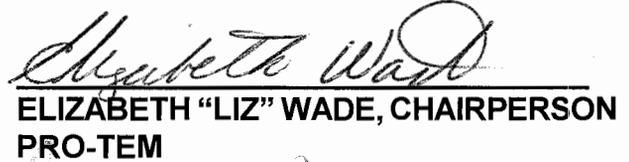
PASSED AND APPROVED on First Reading this ____ day of _____, 2000.

PASSED AND ADOPTED on Second Reading this 03 day of January, 2001.

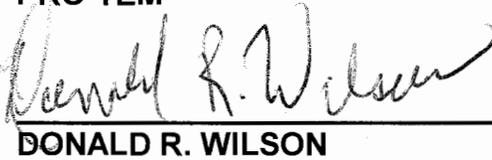
APPROVED:



MICHAEL D. BROWN, MAYOR


EDWARD RODGERS, CHAIRPERSON
ELIZABETH "LIZ" WADE, CHAIRPERSON
PRO-TEM

{MUNICIPAL SEAL}


DONALD R. WILSON

ATTEST:


SYLVIA LEE BLUE
CARRIE E. WARD, CMC/AE
CITY CLERK
DAVID G. SCHNYER
COUNCIL MEMBERS

1ST Reading

2nd & Final Reading

E. Wade
D. Wilson

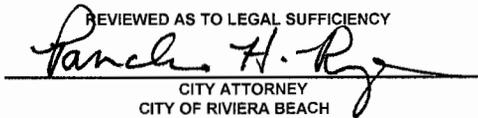
S. Blue
E. Wade

MOTIONED BY
SECONDED BY

E. RODGERS _____
E. WADE _____
D. WILSON _____
S. BLUE _____
D. SCHNYER _____

aye
aye
aye
aye
aye

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 12/12/00

ORDINANCE NO. 2863
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 applicable Florida Statutes.

1/03/01
Date


Carrie E. Ward, CMC/AAE, City Clerk

CD/JET/BARS/November 27, 2000rv

MEMORANDUM

TO: Carrie E. Ward, CMC/AAE

FROM: Mary McKinney 
Director of Community Development

DATE: November 3, 2000

SUBJECT: Request to delete Ordinances 2864 and 2865

Please remove Ordinances 2864 and 2865 from the docket for second reading. These ordinances were initially heard before the City Council on 1st reading at the July 5, 2000, meeting. Palm Beach Maritime Academy has withdrawn their request for a small scale land use amendment and zoning change (see attached letter). Therefore, please do not schedule these ordinances for 2nd reading before the City Council.

If you have any questions, please give me a call.

MMcK\jet

Attachment

cc: Judith Thomas, Planning and Zoning Administrator

ZELLER & ASSOCIATES, L.L.C.

Ronald J. Zeller, Esq.

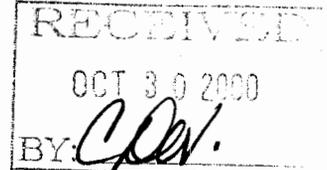
Of Counsel:

James J. Cooney, Esq.
A. Faxon Henderson, Esq.
Richard H. Olsen, Esq.
Jeffrey M. Siskind, Esq.

FIRST UNION BANK BUILDING
411 SOUTH COUNTY ROAD, SUITE 200
PALM BEACH, FLORIDA 33480
TELEPHONE : (561) 802-4480
TELEFAX: (561) 832-1492

Offices In:
Bal Harbour
Palm Beach
Tallahassee

October 27, 2000



Ms. Judith Thomas, Director
Planning and Zoning Department
City of Riviera Beach
600 W. Blue Heron Blvd.,
Riviera Beach, FL 33404

Re: Withdrawal of Applications -
Palm Beach Maritime Academy 3700 Broadway

Dear Ms. Thomas:

As you know we represent the Palm Beach Maritime Academy. This letter shall serve as official notice from the Palm Beach Maritime Academy that the following applications are hereby withdrawn:

- Comprehensive Plan Future Land Use Atlas Amendment - Case No LU-00-07
- Official Zoning Map Amendment - Case No. RZ-00-07
- Site Plan Application - Case No. SP-00-17

The academy has no further interest in this site.

Thank you and your staff for your assistance and support of this application throughout the public review process.

Very truly yours,

A handwritten signature in cursive script that reads "Ronald J. Zeller".

Ronald J. Zeller, Esq.

RJZ:mm

cc: John C. Grant Jon Schmidt
Marv Lamer Steve Yockes
Sara Lockhart

ORDINANCE NO. 2866

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND SALARY SCHEDULE BY REGRADING THE UNCLASSIFIED POSITION OF PUBLIC WORKS DIRECTOR UNDER CLASS TITLE PUBLIC WORKS AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the salary range of Director of Public Works Director is below that of others in surrounding communities; and

WHEREAS, the City would like to increase the salary of Public Works Director to be comparable with other municipalities of comparable size; and

WHEREAS, it is requested that the unclassified position of Public Works Director be regraded from MO-9 (\$42,522 - \$62,934) to MO-12 (\$56,597 - \$83,763);

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

SECTION 1. That the attached pay and classification plan shall be amended by regrading the unclassified position of Director of Public Works.

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 Ordinance 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 and 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. That this ordinance shall not be codified.

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

PASSED and APPROVED on first reading this 5th day of

July, 2000.

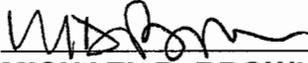
PASSED and ADOPTED on second reading this 19 day

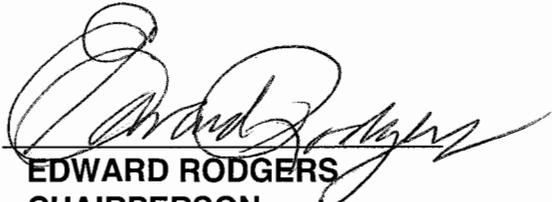
of July, 2000.

ORDINANCE NO. 2866

PAGE 3.

APPROVED:

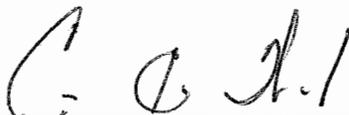

MICHAEL D. BROWN, MAYOR


EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)


ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK


DONALD L. WILSON


SYLVIA L. BLUE

DAVID SCHYNER
COUNCIL MEMBERS

Motion by: S. Blue
Second by: D. Wilson

Motion by: E. Wade
Second by: S. Blue

1st READING

2ND READING

E. RODGERS aye

aye

E. WADE absent

aye

D. WILSON aye

absent

S. BLUE aye

aye

D. SCHYNER aye

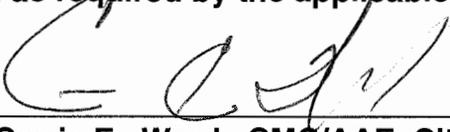
aye

ORDINANCE NO. 2866
PAGE 4.

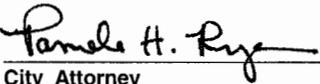
CERTIFICATION OF PUBLICATION:

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.

02/08/00
DATE


Carrie E. Ward, CMC/AAE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


City Attorney
City of Riviera Beach

Date 7/19/00

ORDINANCE NO. 2867

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION PLAN UNDER CLASS TITLE POLICE (NON-SWORN) BY RE-GRADING THE CLASSIFIED POSITION OF EMERGENCY COMMUNICATION OPERATOR AND BY RE-GRADING THE CLASSIFIED POSITION OF EQUIPMENT OPERATOR I UNDER CLASS TITLE PUBLIC WORKS SERVICES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the positions of Emergency Communications Operator and Equipment Operator I salaries are not commensurate with salaries in the surrounding areas; and

WHEREAS, the positions of Emergency Communications Operator and Equipment Operator I salaries should be competitive with other municipalities in the surrounding areas; and

WHEREAS, a salary study was prepared to increase the salaries according to the job market; and

WHEREAS, that the salary and pay ranges be amended accordingly.

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

SECTION 1. That the pay and salary schedule be amended by regrading the classified positions of Emergency Communication Operator from G-25 (\$22,077 - \$32,837) to G-27 (\$24,242 - \$36,093) and Equipment Operator I from G-20 (\$19,657 - \$29,194) to G-22 (\$22,591 - \$30,595).

SECTION 2. That the Ordinance shall take effect upon its passage and adoption by the City Council.

ORDINANCE NO. 2867
PAGE 2.

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 Ordinance 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 and 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. That this Ordinance shall not be codified.

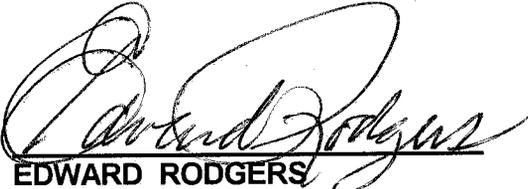
SECTION 7. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this 02 day of August, 2000.

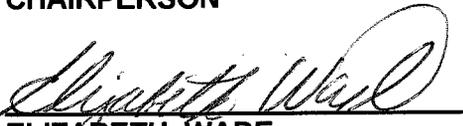
PASSED and ADOPTED on second reading this 16th day of August, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

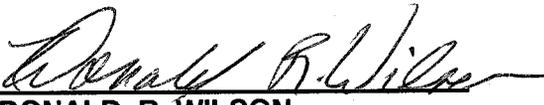

EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

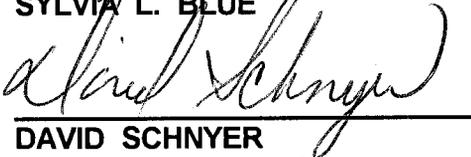

ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST:

CARRIE E. WARD, CMC/AE
CITY CLERK


DONALD R. WILSON


SYLVIA L. BLUE


DAVID SCHNYER
COUNCIL MEMBERS

Motion by: S. BLUE

Motion by: S. BLUE

Second by: E. WADE

Second by: D. WILSON

1st READING

2nd & FINAL READING

E. RODGERS	<u>AYE</u>
E. WADE	<u>AYE</u>
D. WILSON	<u>AYE</u>
S. BLUE	<u>AYE</u>
D. SCHNYER	<u>AYE</u>

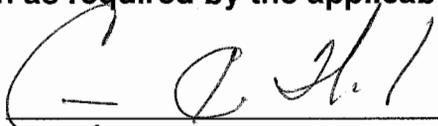
<u>AYE</u>

ORDINANCE NO. 2867
PAGE 4.

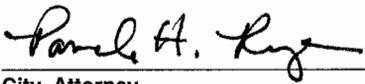
CERTIFICATION OF PUBLICATION:

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.

8/02/00
DATE


Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


City Attorney
City of Riviera Beach

Date 07/10/00

ORDINANCE NO. 2868

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PAY AND SALARY SCHEDULES BY INCREASING THE SALARY OF GENERAL EMPLOYEES REPRESENTED BY THE NATIONAL CONFERENCE OF FIREMEN & OILERS COLLECTIVE BARGAINING AGREEMENT, PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, labor negotiations between the National Conference of Firemen & Oilers and City have concluded; and

WHEREAS, both parties and the City have reached a tentative agreement; and

WHEREAS, the salary of employees represented by the National Conference of Firemen & Oilers be increased by 4% for Fiscal Years 1999-2000 and 2% for Fiscal Year 2000 – 2001; and

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

AMENDING THE PAY & CLASSIFICATION SCHEDULES.

SECTION 1. That the City's Pay & Classification Schedule be amended to read as follows:

That the pay grades for employees covered under NCF&O Bargaining Unit be increased as follows:

4% - 10/01/99 - 9/30/00

2% - 10/01/00 - 9/30/01

SECTION 2. That employees represented by NCF&O Bargaining Unit shall have their salaries increased retroactively according to attached Article 21: WAGES of the NCF&O Contract. To be eligible for retroactivity, an employee must be employed on the effective date of this agreement and on the date the contract is ratified by the parties. All retroactivity will be paid within sixty (60) days of ratification in one check separate from the regular paycheck for Fiscal year '99-'00. Employees hired subsequent to the effective date of this agreement will be eligible for retroactivity from the date they were hired.

SECTION 3. It is the intention of the City Council and it is hereby ordained that the provision 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. That this Ordinance shall not be codified as follows.

SECTION 7. That this Ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED on first reading this 02 day of August, 2000

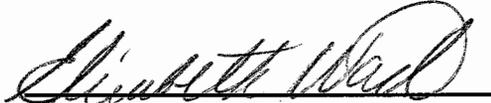
PASSED AND APPROVED on second and final reading this 16TH day of AUGUST, 2000.

APPROVED:

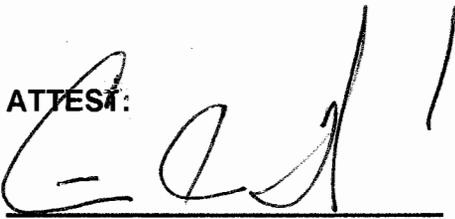

MICHAEL D. BROWN, MAYOR

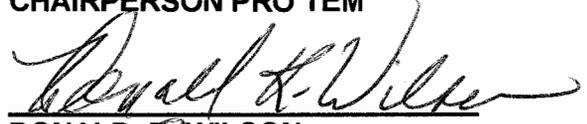

EDWARD RODGERS
CHAIRPERSON

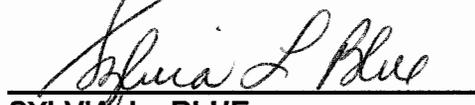
(MUNICIPAL SEAL)

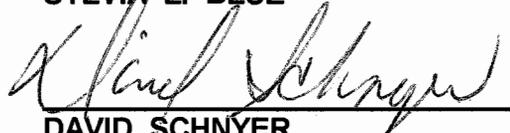

ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK


DONALD R. WILSON


SYLVIA L. BLUE


DAVID SCHNYER
COUNCIL MEMBERS

Motion by: E. WADE
Second by: S. BLUE

Motion by: D. WILSON
Second by: E. WADE

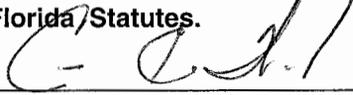
	1 st READING	2 nd READING
E. RODGERS	<u>AYE</u>	<u>AYE</u>
E. WADE	<u>AYE</u>	<u>AYE</u>
D. WILSON	<u>AYE</u>	<u>AYE</u>
S. BLUE	<u>AYE</u>	<u>AYE</u>
D. SCHNYER	<u>AYE</u>	<u>AYE</u>

ORDINANCE NO. 2868
PAGE 4.

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.

8/02/00
Date


Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 7/12/00

ORDINANCE NO. 2869

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF RML-12 LOW DENSITY MULTIFAMILY DWELLING DISTRICT ON 3.06 ACRES OF LAND LOCATED ON THE NORTH SIDE OF LEO LANE EAST OF MILITARY TRAIL; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE ZONING MAP AND PROVIDING AN EFFECTIVE DATE.

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 Agriculture zoning classification; and

WHEREAS, on July 13, 2000, the Planning and Zoning Board reviewed the proposed zoning change from Palm Beach County Agriculture to City of Riviera Beach RML-12 Low Density Multifamily Dwelling District zoning classification, and forwarded a recommendation to the City Council; and

WHEREAS, the proposed zoning classification for 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 Planning and Zoning Board; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance; and

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

Section 1. The Zoning Map in the City of Riviera is hereby amended to assign RML-12 Low Density Multifamily Dwelling District zoning classification on 3.06 acres of land located on the north side of Leo Lane east of Military Trail. The legal description is as follows:

The South 266 feet of the North 636 feet of the East 175 feet of the West 1390 feet of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 25, Township 42 South, Range 42 East, Palm Beach County, Florida.

A parcel of land in the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 25 Township 42 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows:

From the Northeast corner of said Section 25, run thence Southerly on the East line of said Section 25 a distance of 40 feet; thence run Westerly, parallel to the North line of said Section 25, a distance of 1078.69 feet to the Point of Beginning of the parcel conveyed herein; thence continue Westerly on the same course a distance of 146.17 feet; thence run Southerly angling 90 degrees 32 minutes 30 seconds from Northerly right of way line of a road known as Leo Lane; thence run Easterly on said right of way line and parallel to the North line of said Section 25, a distance of 146.17 feet; thence run Northerly a distance of 596 feet to the Point of Beginning.

Section 2. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

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 the Ordinance.

Section 4. The effective date for the enactment of this Ordinance shall be immediately upon the adoption hearing.

PASSED AND APPROVED on First Reading this 02 day of August 2000.

PASSED AND ADOPTED on Second Reading this 16th day of August 2000.

APPROVED:

[Signature]
MICHAEL D. BROWN, MAYOR

[Signature]
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

[Signature]
ELIZABETH "LIZ" WADE,
CHAIRPERSON PRO-TEM

[Signature]
SYLVIA BLUE

ATTEST:

[Signature]
CARRIE E. WARD, CMC/AEE
CITY CLERK

[Signature]
DAVID SCHNYER
[Signature]
DONALD R. WILSON
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>D. WILSON</u>	<u>S. BLUE</u>
SECONDED BY:	<u>S. BLUE</u>	<u>E. WADE</u>
E. RODGERS	<u>AYE</u>	<u>AYE</u>
E. WADE	<u>AYE</u>	<u>AYE</u>
S. BLUE	<u>AYE</u>	<u>AYE</u>
D. SCHNYER	<u>AYE</u>	<u>AYE</u>
D. WILSON	<u>AYE</u>	<u>AYE</u>

Reviewed as to legal sufficiency

[Signature]
City Attorney, City of Riviera Beach

Date: 7/21/00

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.

8/02/00
Date

C. E. Ward
Carrie E. Ward, CMC/AE, City Clerk

ORDINANCE NO. 128701

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING THE FUTURE LAND USE DESIGNATION OF "INDUSTRIAL" ON 2.02 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF GARDEN ROAD AND INTERSTATE PARK ROAD NORTH; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 163.3187 provides procedures to amend the adopted Comprehensive Plan; and

WHEREAS, the subject property is currently assigned Palm Beach County "Industrial" land use on the Future Land Use Map; and

WHEREAS, on August 10, 2000, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change from Palm Beach County "Industrial" to the City of Riviera Beach "Industrial" for property located at the northwest corner of the intersection of Garden Road and Interstate Park Road North, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a public hearing and first reading of this ordinance.

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

Section 1. The Future Land Use Map is hereby amended to assign the Riviera Beach "Industrial" Future Land Use designation to the parcel of land legally described as follows:

A parcel of land in the Northwest One-Quarter (NW ¼) of Section 31, Township 42, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

FROM the Northwest corner of Section 31, bear S-87° 56', 50"-E, along the North line of Section 31, at a distance of 2002.36 feet, thence S-02° 03' 10"-W, a distance of 214.69 feet to the Point of Beginning; thence continue S-02° 03' 10"-W, a distance of 165.0 feet to a point, thence S-87° 56' 50"-E, a distance of 262.63 feet to a point in the West R/W line of Garden Road, thence N-02° 37' 43"-E, a distance of 165.01 feet to a point, thence N-87 degrees 56' 50"-W a distance of 264.29 feet to the point of Beginning.

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, are hereby repealed to the extent of such conflict.

Section 4. The Director of Community Development is hereby authorized and directed to reflect this amendment on the City's Future Land Use Map by designating all changes described by the Ordinance.

PASSED AND APPROVED on First Reading this 16th day of August, 2000.

PASSED AND ADOPTED on Second and Final Reading this _____ day of _____, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

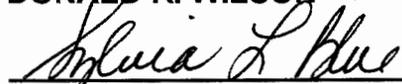

EDWARD RODGERS, CHAIRPERSON

(MUNICIPAL SEAL)

ELIZABETH WADE, CHAIRPERSON
PRO-TEM

ATTEST:


DONALD R. WILSON


SYLVIA L. BLUE



CARRIE E. WARD, CMC/AE
CITY CLERK


DAVID G. SCHNYER
COUNCIL MEMBERS

1ST Reading

2ND & Final Reading

Motioned By: _____
Seconded By: _____

S. BLUE
E. WADE

S. BLUE
D. SCHNYER

E. Rodgers: _____

AYE

AYE

E. Wade: _____

AYE

ABSENT

D. Wilson: _____

AYE

AYE

S. Blue: _____

AYE

AYE

D. Schnyer: _____

AYE

AYE

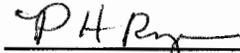
CERTIFICATION OF PUBLICATION

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.

8/16/00
Date


Carrie E. Ward, CMC/AEE
City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 8/7/00

ORDINANCE NO. 2871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF IG "GENERAL INDUSTRIAL" FOR 2.02 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF GARDEN ROAD AND INTERSTATE PARK ROAD NORTH; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

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 a zoning classification of IL (Light Industrial) in Palm Beach County; and

WHEREAS, on August 10, 2000, the Planning and Zoning Board conducted a public hearing and reviewed the proposed zoning change and forwarded a recommendation to the City Council; and

WHEREAS, the City Council on August 16, 2000 sitting as the Local Governing Body conducted a public hearing and first reading of 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. The Zoning Map of the City of Riviera Beach is hereby amended to assign IG (General Industrial) on 2.02 acres of land located at the northwest corner of the intersection of Garden Road and Interstate Park Road North. The legal description is as follows:

ORDINANCE NO. 2871
PAGE -2-

A parcel of land in the Northwest One-Quarter (NW ¼) of Section 31, Township 42, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

FROM the Northwest corner of Section 31, bear S-87° 56' 50"-E, along the North line of Section 31, at a distance of 2002.36 feet, thence S-02° 03' 10"-W, a distance of 214.69 feet to the Point of Beginning; thence continue S-02° 03' 10"-W, a distance of 165.0 feet to a point, thence S-87° 56' 50"-E, a distance of 262.63 feet to a point in the West R/W line of Garden Road, thence N-02° 37' 43"-E, a distance of 165.01 feet to a point, thence N-87 degrees 56' 50"-W a distance of 264.29 feet to the point of Beginning.

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, are hereby repealed to the extent of such conflict.

Section 4. The effective date for the enactment of this Ordinance shall be immediately upon the adoption hearing.

Section 5. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

PASSED AND APPROVED on first reading this 16TH day of AUGUST, 2000.

PASSED AND APPROVED on second and final reading this 6TH day of SEPTEMBER 2000.

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.

8/16/00
Date _____

Carrie E. Ward
Carrie E. Ward, CMC/AE
City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

DH Ryce
CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 8/7/00

APPROVED:


MICHAEL D. BROWN, MAYOR

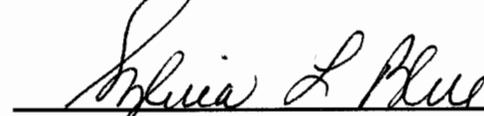

EDWARD RODGERS, CHAIRPERSON

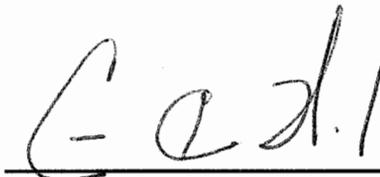
(MUNICIPAL SEAL)

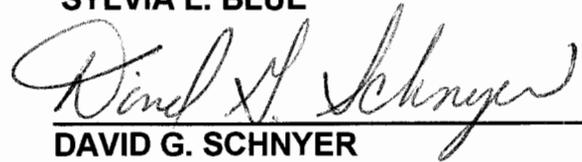
ELIZABETH WADE, CHAIRPERSON
PRO-TEM

ATTEST:


DONALD R. WILSON


SYLVIA L. BLUE


CARRIE E. WARD, CMC/AE
CITY CLERK


DAVID G. SCHNYER
COUNCIL MEMBERS

	1 ST Reading	2 ND & Final Reading
Motioned By: _____	E. WADE	S. BLUE
Seconded By: _____	S. BLUE	D. WILSON
E. Rodgers: _____	AYE	AYE
E. Wade: _____	AYE	ABSENT
D. Wilson: _____	AYE	AYE
S. Blue: _____	AYE	AYE
D. Schnyer: _____	AYE	AYE

ORDINANCE NO. 2872

AN ORDINANCE OF THE CITY OF RIVIERA BEACH PALM BEACH COUNTY, FLORIDA AMENDING THE PAY AND SALARY SCHEDULE BY CREATING THE UNCLASSIFIED POSITION OF NEIGHBORHOOD ORGANIZER UNDER THE CLASS TITLE OF ADMINISTRATIVE, GENERAL AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Manager presented the concept of a Neighborhood Organizer position to the City Council at the last City Council Meeting on Wednesday, August 16, 2000; and

WHEREAS, the position must be created and added to our pay and classification schedule; and

WHEREAS, an employee in this position will promote positive community relations by receiving, assisting and monitoring citizen comments, complaints and suggestions; and

WHEREAS, the employee will also promote community interaction by organizing neighborhood and business communities into cohesive, proactive entities.

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

SECTION 1. That the attached portion of the Pay and Classification Plan be amended by adding the job title of Neighborhood Organizer as follows:

(CREATING)

<u>CLASS TITLE</u>	<u>RANGE</u>	<u>CLASSIFICATION</u>	<u>SALARY</u>
Administrative, General	M-06	Neighborhood Organizer	\$31,948-\$47,283

ORDINANCE NO. 2872

PAGE - 2 -

SECTION 2. That this Ordinance shall take effect upon its passage and adoption by the City Council.

SECTION 3. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and 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 effect the validity of any remaining portions of this Ordinance.

SECTION 5. That all sections or parts of sections, of the Code of Ordinances of 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. That this Ordinance shall not be codified.

SECTION 7. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

PASSED AND APPROVED on first reading this 6th
day of September, 2000.

PASSED AND ADOPTED on second reading this
20th day of September, 2000.

APPROVED:



MICHAEL D. BROWN
MAYOR



EDWARD RODGERS
CHAIRPERSON

ORDINANCE NO. 2872

PAGE - 3 -

(MUNICIPAL SEAL)

ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST:

SYLVIA L. BLUE

CARRIE E. WARD, CMC/AAE

DONALD R. WILSON

DAVID SCHNYER
COUNCIL MEMBERS

Motioned by: D. Wilson

Motioned by: S. Blue

Seconded by: S. Blue

Seconded by: E. Wade

1st Reading

2nd Reading

E. RODGERS aye

aye

E. WADE aye

aye

S. BLUE aye

aye

D. WILSON aye

absent

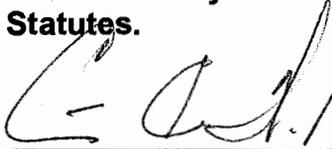
D. SCHNYER aye

aye

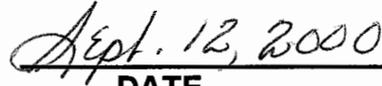
ORDINANCE NO.
PAGE - 4 -

CERTIFICATION OF PUBLICATION

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

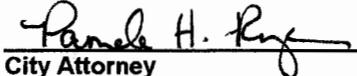


CARRIE E. WARD, CMC/AAE



DATE

Reviewed As to Legal Sufficiency



City Attorney
City of Riviera Beach

Date: 9/1/00

DP/dmk:8/28/00

ORDINANCE NO. 2873

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT IN THE FUTURE LAND USE AND INTERGOVERNMENTAL COORDINATION ELEMENTS OF THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ESTABLISHING SCHOOL SITING CRITERIA FOR THE LOCATION OF SCHOOLS, AND DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY'S COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, and implement a Comprehensive Plan; and

WHEREAS, Sections 163.3177(6)(a) Florida Statutes, requires that the Local Governing Body prepare, adopt, and implement School Siting Policies in their Comprehensive Plan; and

WHEREAS, effective October 1999, all local governments were required to implement new procedures for the location of Schools; and

WHEREAS, on August 10, 2000, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed text amendments at a Public Hearing, and forwarded a recommendation to the City Council; and

WHEREAS, On Sept. 6, 2000, the City Council as the Local Governing Body reviewed and transmitted the proposed text amendments to the Department of Community Affairs for compliance review.

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

Section 1. The City of Riviera Beach Comprehensive Plan, Part I, Plan Recommendations is amended to incorporate the addition of Objective 1.9 and Policy 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5 1.9.6 to the Future Land Use Plan Element of the Comprehensive Plan.

- Objective 1.9** In Coordination with the Palm Beach County School Board, the City has made, and will continue to make, every effort to provide sufficient land on the Future Land Use Map and within the City's Zoning code proximate to residential development to meet the projected needs for schools. This Objective shall be made measurable by its implementing policies, which guide the location of all private, public, and charter educational facilities.
- Policy 1.9.1** Public, Private, and Charter schools shall be allowed in the Community Facility land use category in the Future Land Use Element.
- Policy 1.9.2** The City shall ensure that proposed school sites will be compatible with present and projected use of adjacent property.
- Policy 1.9.3** All proposed school sites shall be located away from industrial uses, major arterial roadways, railroads, airports, seaports, and similar land uses to avoid noise, odors, dust, and traffic impacts and hazards.
- Policy 1.9.4** The City shall continue to coordinate with the Palm Beach County School Board to maintain the historical character of existing schools and to ensure their use as public facilities.
- Policy 1.9.5** The City shall coordinate with Palm Beach County School Board to plan and establish, future school sites throughout the City; ensure adequate lands proximate to urban residential areas, and to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.
- Policy 1.9.6** By August 2001, the City shall adopt Land Development Regulations to include criteria for school siting.

ORDINANCE NO. 2873
PAGE 3

Section 2. The City of Riviera Beach Comprehensive Plan, Part I, Plan Recommendations is amended to incorporate the addition of Policy 1.1.3 to the Intergovernmental Coordination Element of the Comprehensive Plan.

Policy 1.1.3 The City shall coordinate with Palm Beach County School Board to plan and establish, future schools sites throughout the City; ensure adequate lands proximate to urban residential areas, and to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.

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, are hereby repealed to the extent of such conflict.

Section 5. The effective date for the enactment of this Ordinance shall be the date the final order is issued by the Department of Community Affairs, or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, Florida Statutes.

PASSED AND APPROVED on First Reading this 6th day of September, 2000.

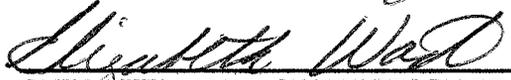
PASSED AND ADOPTED on Second Reading this 1st day of November, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

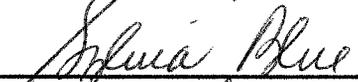

EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]


ELIZABETH WADE, CHAIRPERSON PRO-TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA BLUE


DAVID SCHNYER


DONALD R. WILSON
COUNCIL MEMBERS

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: D. Wilson

MOTIONED BY: D. Wilson

SECONDED BY: S. Blue

SECONDED BY: E. Wade

E. RODGERS aye

E. RODGERS aye

E. WADE absent

E. WADE aye

S. BLUE aye

S. BLUE aye

D. SCHNYER aye

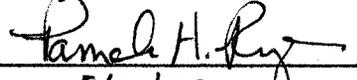
D. SCHNYER aye

D. WILSON aye

D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY

City Attorney
City of Riviera Beach

Date 
8/31/00

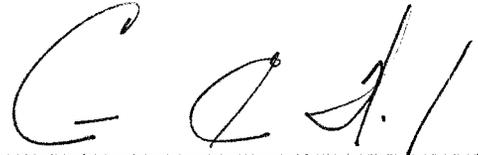
ORDINANCE NO. 2873
PAGE 5

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 applicable Florida Statutes.

Oct. 16, 2000

Date



Carrie E. Ward, CMC/AE, City Clerk

CDEC/AUG 2, 2000

ORDINANCE NO. 2874

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2000 AND ENDING SEPTEMBER 30, 2001; FIXING THE MILLAGE RATE OF 9.5 THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the assessment of ad valorem taxes requires the establishment of a rate of taxation.

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

SECTION ONE

That for the fiscal year beginning October 1, 2000 and ending September 30, 2001, the adjusted valuation on all real property and tangible business personal property within the City of Riviera Beach is hereby determined to be and is fixed as follows:

- (a) Real Property and Tangible Business Personal Property on which tax can be extended, exclusive of homestead property, \$1,557,901,847. *

* **Subject to final approval of the County Equalization Board**

SECTION TWO

That for the fiscal year beginning October 1, 2000 and ending September 30, 2001, a tax of nine point five (9.5) mills, which is greater than the rolled-back rate of 8.8501 mills by 7.34%, on the dollar shall be, and is levied and shall be collected on all real property and tangible business personal property within the City of Riviera Beach, Florida, not specifically designated as homestead property or owned by the municipality and/or expressly exempted by the laws of the Constitution of the State of Florida for the purpose of raising funds for the improvements and government of the City, and for the payment of its obligations and expenses, and for the purpose of carrying out the purpose and duties granted and imposed by the City Charter and Code. Said real property and tangible business personal property being specifically set forth as Items A in Section I hereof and valued in the amount of \$1,557,901,847 subject to final approval of the County Equalization Board.

SECTION THREE

As provided by Section 200.065 (5) Florida Statutes, upon notification from the Property Appraiser of any aggregate change in the certified assessment roll, the City Manager is hereby authorized to certify to the Property Appraiser, within three (3) days of notification, an adjusted millage rate which shall be such that taxes computed by applying the adopted rate against the certified taxable value are equal to the taxable value on the roll to be extended.

SECTION FOUR

The proposed millage rate is 9.5 mills which is greater than the rolled-back rate of 8.8501 mills by 7.34 percent.

SECTION FIVE

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 SIX

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 SEVEN

This ordinance shall be in full force and effect immediately upon its passage and adoption.

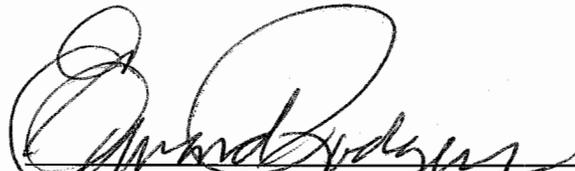
PASSED AND APPROVED on first reading this 6th day of SEPTEMBER, 2000.

PASSED AND ADOPTED on second and final reading this 20th day of SEPTEMBER, 2000.

APPROVED:

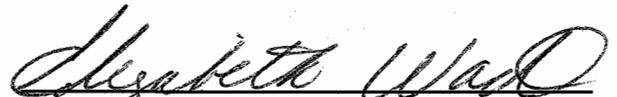


MICHAEL BROWN, MAYOR



EDWARD RODGERS, CHAIRPERSON

(MUNICIPAL SEAL)



ELIZABETH WADE, CHAIR PRO-TEM

DONALD R. WILSON



SYLVIA LEE BLUE



CARRIE E. WARD, CMC/AAE,
CITY CLERK



DAVID G. SCHNYER
COUNCIL MEMBERS

MOTIONED BY: D. Schnyer

MOTIONED BY: S. Blue

SECONDED BY: S. Blue

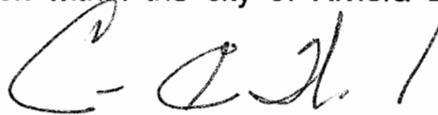
SECONDED BY: D. Schnyer

	1 ST READING	2 ND & FINAL READING
E. RODGERS	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>absent</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. SCHNYER	<u>aye</u>	<u>aye</u>

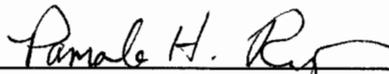
CERTIFICATE OF PUBLICATION

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 Statute.

Sept. 12, 2000
DATE


CARRIE E. WARD, CMC/AE, CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/30/00

NOTICE OF PROPOSED TAX INCREASE

The City of Riviera Beach has tentatively adopted a measure to increase its property tax levy.

Last year's property tax levy:

A. Initially proposed tax levy	<u>\$13,654,139</u>
B. Less tax reductions due to Value Adjustment Board and other assessment changes.....	\$ (35,463)
C. Actual property tax levy.....	<u>\$13,689,602</u>

This year's proposed tax levy \$14,800,068

All concerned citizens are invited to attend a public hearing on the tax increase to be held on

Wednesday, September 20, 2000,
8:00 p.m.
at
600 West Blue Heron Blvd.
City of Riviera Beach, City Council Chambers
Riviera Beach, Florida, 33404

A FINAL DECISION on the proposed tax increase and the budget will be made at this hearing.

BUDGET SUMMARY
CITY OF RIVIERA BEACH - FISCAL YEAR 2000-2001
THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE
CITY OF RIVIERA BEACH ARE 19.7% MORE THAN LAST YEAR'S TOTAL
OPERATING EXPENDITURES.

	GENERAL FUND	SPECIAL REVENUE FD	DEBT SVC. FUNDS	ENTERPRISE FUNDS	CAPITAL PROJECT FD	TRUST FUNDS	TOTALS
BAL. BROUGHT FORWARD	\$3,050,000	\$899,819	\$1,649,663	\$16,799,923	\$258,005	\$677,392	\$23,334,802
ESTIMATED REVENUES:							
Taxes: Millage per \$1000							
Ad Valorem Taxes 9.50	14,060,064						14,060,064
Excise/Local Option Tax	3,862,439						3,862,439
Sales & Use Taxes			2,075,000				2,075,000
Franchise fees	2,040,250						2,040,250
Licenses & Permit fees	1,227,140						1,227,140
Intergov'l revenues	957,880	1,780,796		11,600,221			2,738,676
Charges for services	82,200						82,200
Fines & forfeitures	184,000	41,960					225,960
Interfund transfers	2,923,009	375,000	662,341	3,066,123	1,611,793	2,102,633	10,740,899
Other financing sources	1,027,851	190,040		292,000	254,800	1,200,000	2,964,691
Total revenues and other financing sources	\$26,364,833	\$2,387,796	\$2,737,341	\$14,958,344	\$1,866,593	\$3,302,633	\$51,617,540
REVENUES & BALANCES	\$29,414,833	\$3,287,615	\$4,387,004	\$31,758,267	\$2,124,598	\$3,980,025	\$74,952,342
EXPENDITURES/EXPENSES							
Gen'l governmental svcs.	7,691,226				1,209,000	3,980,025	12,880,251
Public safety	13,332,492	936,796			402,793		14,672,081
Physical environment	2,932,548			13,585,350			16,517,898
Transportation	1,637,272	300,000			254,800		2,192,072
Economic environment		1,504,000					1,504,000
Human services	98,588						98,588
Culture & Recreation	1,472,707			1,267,532			2,740,239
Debt services			662,341				2,996,857
Transfers			2,075,000	4,505,739			6,580,739
TOTAL APPROPRIATED EXPENDITURES & TRANSFERS	\$27,164,833	\$2,740,796	\$2,737,341	\$21,693,137	\$1,866,593	\$3,980,025	\$60,182,725
Reserves	\$2,250,000	\$546,819	\$1,649,663	\$10,065,130	\$258,005	\$0	\$14,769,617
Total Appropriated Expenditures and Reserves	\$29,414,833	\$3,287,615	\$4,387,004	\$31,758,267	\$2,124,598	\$3,980,025	\$74,952,342

The tentative, adopted, and/or final budgets are on file in the office of the above mentioned taxing authority as a public record.

ORDINANCE NO. 2875

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2001; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Manager has prepared and submitted to the City Council a Budget Estimate of the expenditures and revenues of all City departments, divisions, and offices for the fiscal year commencing October 1, 2000 and ending September 30, 2001, copies of such estimates having been made available to the newspapers in the city and to the municipal library that is open to the public; and

WHEREAS, the City Council has met in workshop sessions and held public hearings to ascertain the amount of money that must be raised to conduct the affairs of the municipality for the 2000-2001 fiscal year so that the business of the municipality may be conducted on a balanced budget and on sound business principles and has also determined the amount necessary to be raised by ad valorem taxes and other taxes upon all of the property, real and personal, within the corporate limits of the City of Riviera Beach.

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

Section One

The following appropriations are made for the municipal operations of the City of Riviera Beach, Florida for the fiscal year 2000-01.

FUNDS & DEPARTMENTS

GENERAL FUND

APPROPRIATIONS

Legislative

\$ 251,089

PAGE 2

ORDINANCE NO. 2875

Executive	4,810,229 4,926,138 4,926,142
Finance	922,960
City Clerk	329,509
Human Resources	519,531
City Attorney	363,572
Community Development	1,146,968
Police	8,673,883 8,573,883
Fire	5,086,606 5,193,911
Public Works	2,343,033
Recreation & Parks	1,831,943
Library	485,808
Purchasing	276,484

TOTAL GENERAL FUND

**~~\$27,041,615~~ ~~27,164,829~~
27,164,833**

ENTERPRISE FUND

Water and Sewer Fund	\$9,436,100 11,047,893
Water and Sewer Renewal and Replacement Fund	1,127,430
Water and Sewer Construction Fund	600,000
Water and Sewer Debt Service Fund	1,698,750
Bond Construction Fund	1,720,000
Bond Construction Reserve Fund	2,800,000
Marina Fund	1,876,177
Marina Debt Service Fund	635,766
Marina Renewal and Replacement	85,000
Aquatics Center	102,121

TOTAL ENTERPRISE FUNDS

~~\$20,081,344~~ 21,693,137

OTHER FUNDS

Sales Tax	\$ 2,075,000	
Advance Police Training	2,000	
Community Development Block Grant	300,000	
Universal Hiring Grant	463,861	
Weed Grant	51,928	
Seed Grant	125,000	
Police Interlocal Agreements	197,007	
Fire Safety Fair	7,000	
Law Enforcement Trust	90,000	
Street Improvement Program Debt Service Fund	662,341	
Paving and Drainage Construction	254,800	
Piping Canal RC-4	706,000	
Lot Cleaning	40,000	
Liability Insurance Trust	3,980,025	
Lakeworth Lagoon Stormwater Improvements	608,000	
Housing Trust Fund	150,000	
Capital Improvement Fund		1,611,793
TOTAL OTHER FUNDS	\$ 9,712,962 11,324,755	

Section Two

That the above appropriations are made based on the following anticipated sources of revenue for the 2000-2001 fiscal year:

GENERAL FUND

	<u>REVENUE</u>	
Taxes	\$17,922,499 17,922,503	
Franchise Fees	2,095,250 2,040,250	
Other Fees, Licenses and Permits	1,192,140 1,227,140	
Grants and Other Government Shared Revenues	949,666 957,880	
Fines and Forfeitures	184,000	
Rents and Leases	82,200	
Other Revenues	992,851 1,027,851	
Interfund Transfers	2,923,009	
Fund Balance	700,000 800,000	
TOTAL GENERAL FUND	\$27,041,615 27,164,829	27,164,833

PAGE 4

ORDINANCE NO. 2875

ENTERPRISE FUNDS

Water and Sewer	\$9,436,100	11,047,893
Water and Sewer Renewal and Replacement	1,127,430	
Water and Sewer Construction	600,000	
Water and Sewer Debt Service	1,698,750	
Water and Sewer Bond	1,720,000	
Bond Construction Reserve	2,800,000	
Marina	1,876,177	
Marina Debt Service	635,766	
Marina Renewal and Replacement	85,000	
Aquatics Center	102,121	

TOTAL ENTERPRISE FUNDS

~~\$20,081,344~~ 21,693,137

OTHER FUNDS

Sales Tax	\$ 2,075,000	
Advance Police Training	2,000	
Community Development Block Grant	300,000	
Universal Hiring Grant	463,861	
Weed Grant	51,928	
Seed Grant	125,000	
Police Interlocal Agreements	197,007	
Fire Safety Fair	7,000	
Law Enforcement Trust	90,000	
Street Improvement Program Debt Service	662,341	
Paving and Drainage Construction	254,800	
Piping Canal RC-4	706,000	
Lot Cleaning Fund	40,000	
Liability Insurance Trust	3,980,025	
Lakeworth Lagoon Stormwater Improvement	608,000	
Housing Trust	150,000	
Capital Improvement Fund		1,611,793
TOTAL OTHER FUNDS	\$ 9,772,962	11,324,755

PAGE 5

ORDINANCE NO. 2875

Section Three

This ordinance is an ordinance of precedence and all other ordinances in conflict with it are held null and void insofar as they pertain to these appropriations. The appropriations are the anticipated expenditure requirements for the City, but are not mandatory should efficient administration of City departments, divisions and offices or altered economic conditions indicate that a curtailment in certain expenditures is necessary or desirable for the general welfare of the City.

Section Four

The City Manager is directed to prepare and file with the City Clerk a statement of the proposed expenditures and estimated revenues for the fiscal year 2000-2001, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 2000 through September 30, 2001".

Section Five

The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from fiscal year 1999-2000.

Section Six

The City Manager is hereby authorized to invite or advertise for bids for the purchase of any material, equipment, or service provided by the budget for which formal bidding is required; such bids to be returnable to the City Council or City Manager in accordance with Charter or Code provisions.

Section Seven

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.

PAGE 6

ORDINANCE NO. 2875

Section Eight

This ordinance shall be effective upon its passage by the City Council and shall not be delivered to the Municipal Code Corporation for inclusion in the Code Book.

PASSED AND APPROVED on first reading this 6th day of September, 2000.

PASSED AND ADOPTED on second and final reading this 20th day of September, 2000.

APPROVED:



MICHAEL BROWN, MAYOR



EDWARD RODGERS, CHAIRPERSON

(MUNICIPAL SEAL)


ELIZABETH WADE, CHAIR PRO-TEM

DONALD WILSON



CARRIE E. WARD, CMC/AE
CITY CLERK



SLYVIA LEE BLUE

DAVID G. SCHNYER
COUNCIL MEMBERS

PAGE 7
ORDINANCE NO. 2875

MOTIONED BY: D. Schnyer MOTIONED BY: E. Wade

SECONDED BY: S. Blue SECONDED BY: S. Blue

	1st Reading	2nd & Final Reading
E. RODGERS	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
D. WISLON	<u>aye</u>	<u>absent</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. SCHNYER	<u>aye</u>	<u>aye</u>

CERTIFICATE 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 Statute.

Sept. 12, 2000
Date


Carrie E. Ward, CMC/AEE, City Clerk

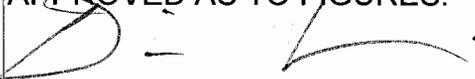
PAGE 8
ORDINANCE NO. 2875

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

APPROVED AS TO FIGURES:



Dennis Widlansky, Finance Director

ORDINANCE NO. 2876

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 22, ARTICLE II, ENTITLED BUILDING AND TECHNICAL CODES OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES BY UPDATING AND REVISING SECTION 22-31, CODES ADOPTED, SECTION 22-32, MODEL COUNTYWIDE AMENDMENTS ADOPTED, SECTION 22-33, SCHEDULE OF PERMIT FEES, AND SECTION 22-34, CONSTRUCTION NOT IN COMPLIANCE WITH CODES PROHIBITED, AND PROVIDING FOR CODIFICATION AND ENFORCEMENT; 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, pursuant to Chapter 90-445, Laws of Florida 1994 Edition; as amended, Palm Beach County has adopted by Ordinance the Standard Building, Plumbing, Mechanical, and Gas Code; and

WHEREAS, pursuant to Chapter 90-445, Laws of Florida and Section 553.73 (a), Florida Statutes, the Building Code Building Advisory Board of Palm Beach County has reviewed local conditions, and based on this review has recommended the adoption of these amendments; and

WHEREAS, it will be in the best interest of the public to strengthen the technical codes for the health, safety, and general welfare of citizens of the City of Riviera Beach, Florida.

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

Section 1. Article II of Chapter 22 is hereby amended and reads as follows:.

ARTICLE II BUILDING AND TECHNICAL CODES

Section 22-31. Codes Adopted.

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

- (1) Standard Building Code, ~~1991, 1994~~ 1997 Edition
- (2) Standard Mechanical Code, ~~1991, 1994~~ 1997 Edition
- (3) Standard Gas Code, ~~1991, 1994~~ 1997 Edition
- (4) Standard Plumbing Code, ~~1991, 1994~~ 1997 Edition
- ~~(5) Standard Fire Prevention Code, 1991, 1994 1997 Edition~~
- ~~(6) Standard Existing Building Code, 1991, 1994 1997 Edition~~
- (5) ~~Standard Housing Code, 1991, 1994~~ Edition
International Property Maintenance Code, 2000 Edition
- (6) National Electrical Code, ~~1990, 1996,~~ 1999 Edition
- (7) Standard Swimming Pool Code, ~~1991, 1994~~ 1999 Edition
- (8) Standard Unsafe Building Abatement Code 1985 Edition
- (9) Standard Excavation and Grading Code, 1975 Edition
- ~~(10) Model Countywide Administrative Code, 1991 Edition~~

(b) 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, deletions, or amendments set out within this Code (Code 1957 Sec.6-1; Ord. No. 2621, Sec.1(6-1), 12-15-93).

Section 22-32. Countywide Amendments Adopted.

(a) The following model 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
- ~~(1)~~ ~~(2)~~ Amendments to the Standard Building Code, 1991, 1994 1997 Edition
- ~~(2)~~ ~~(3)~~ Amendments to the Standard Mechanical Code, 1991, 1994 1997 Edition
- ~~(3)~~ ~~(4)~~ Amendments to the Standard Gas Code, 1991, 1994 1997 Edition
- ~~(4)~~ ~~(5)~~ Amendment 2nd Amendments to the Standard Plumbing Code, 1991, 1994 Edition
- ~~(5)~~ ~~(6)~~ Amendment to the National Electrical Code, 1991, 1996 1999 Edition
- ~~(6)~~ Standard Building Code, Appendices A and D
- ~~(7)~~ Amendments to the Standard Building Code, Appendices 1, 2 and 3.

(b) Three (3) copies of the above referenced amendments shall be kept on file in the Building Division's Office of the City and shall be available for public inspection upon request.
(Code 1957, Sec. 6-2; Ord. No. 2621, Sec. 1(6-2), 12-15-93)

Section 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 applicable 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 Regulation Data as listed in the Southern Building Code publication, quarterly.)

<u>Estimated Permit Value</u>			<u>Percentage Rate</u>
\$0.00	\$ 10,000.00	Plus	-2%
\$10,001.00	\$ 100,000.00	Plus	1%
\$100,001.00	\$ 500,000.00	Plus	.5%
\$500,001.00	\$1,000,000.00	Plus	-.25%
\$1,000,000.00	and up		-.125%

<u>Estimated Permit Value</u>			<u>Percentage Rate</u>
\$0.00	-	\$ 25,000.00	Plus 2%
\$25,001.00	-	\$ 250,000.00	Plus 1%
\$250,001.00	-	\$1,000,000.00	Plus .5%
\$1,000,001.00	-	\$2,000,000.00	Plus .25%
\$2,000,000.00	-	and up	.125%

The minimum permit fee shall not be less than ~~\$30.00~~\$40.00

<u>Street Excavation</u>	\$100.00
Moving Building	\$100.00
Building Demolition	\$100.00
Construction Trailers	\$ 30.00 <u>\$40.00</u>
Copies per page	\$.15
Microfilm per page	\$ 1.00
Building Board of Adjustment	\$100.00
Occupational License Inspection	\$ 30.00 <u>\$40.00</u>
Failure to call for final inspection each permit	\$ 30.00 <u>\$40.00</u>
Re-inspection Fee	\$ 30.00 <u>\$40.00</u>
Temporary Electrical Power Fee	\$ 30.00 <u>\$40.00</u>
City agents assigned as resident inspectors:	
Threshold buildings per hour	\$ 24.00 <u>\$26.00</u>
Residential projects per hour	\$ 20.00 <u>\$22.00</u>

(b) The estimated value shall include the total cost of construction. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can provide a detailed cost estimate, which meets the approval of the building official.

(Code 1957, Sec.6-3; Ord. No. 2621, Sec. 1 (6-3), 12-5-15-93)

Section 22-34. Construction Not in Compliance with Codes Prohibited.

(a) No construction shall be done within the corporate limits of the City except in accordance with the codes adopted in Section 22-31 and the applicable provisions of this Code.

(b) Any person whose construction, or building-related work and work practices, does 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 the Code occurs.

(Code 1957, Sec. 6-5; Ord. No. 2621, Sec 1(6-5), 12-5-15-93)

~~Section 22-35. Use of Aluminum Conductors.~~

~~(a) — The electrical code as referenced herein is amended to omit the use of aluminum conductors in all structures, commercial or residential, in the City, other than U.L. approved bus ways, switch gears and temporary services for construction sites only. This omission of the use of aluminum conductors sites applies to a new construction, fire damaged existing structures major repairs, and remodeling of existing structures requiring a change of service.~~

~~(Code 1957, Sec. 6-6; Ord. No. 2621, Sec 1(6-6), 12-15-93)~~

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 City of Riviera Beach 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 4. Specific authority is hereby granted to codify this ordinance.

Section 5. This Ordinance shall take effect immediately upon its approval.

PASSED and APPROVED this ____ day of _____, 2000.

PASSED and ADOPTED this 4th day of October, 2000.

Ordinance No. 2876

Page -6-

APPROVED:



MICHAEL D. BROWN, MAYOR

{MUNICIPAL SEAL}

ATTEST:



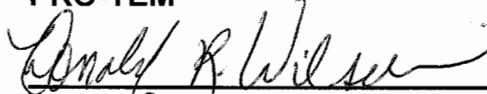
CARRIE E. WARD, CMC/AE
CITY CLERK



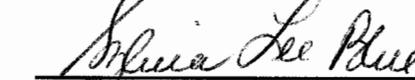
EDWARD RODGERS, CHAIRPERSON



ELIZABETH WADE, CHAIRPERSON
PRO-TEM



DONALD WILSON



SYLVIA LEE BLUE



DAVID SCHNYER
COUNCIL MEMBERS

MOTIONED BY
SECONDED BY:

E. RODGERS: _____
E. WADE: _____
D. WILSON: _____
S. BLUE: _____
D. SCHNYER: _____

1ST Reading

2nd & Final Reading

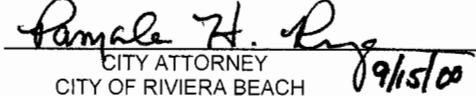
S. Blue
D. Schnyer

E. Wade
D. Schnyer

aye
aye
absent
aye
aye

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH *9/15/00*

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.

10/00/00
Date


Carrie E. Ward, CMC/AE
City Clerk

ORDINANCE NO. 2877

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 21, ARTICLE III, SECTION 21-112 ENTITLED "SCHEDULE OF MAXIMUM FARES FOR TAXICABS" PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Chapter 21, provides regulation on the operation and maintenance of Vehicles for Hire; and

WHEREAS, Section 21-112 establishes a schedule of maximum fares for taxicabs; and

WHEREAS, The maximum fares for taxicabs have not been amended since 1995.

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

Section 1. Chapter 21, Article III, of the City of Riviera Beach Code of Ordinances is hereby amended to read as follows:

Section 21-112. Schedule of maximum fares for taxicabs.

~~(a) Schedule. One dollar and twenty-five cents for the first one-sixth or any part thereof, and twenty-five cents for each additional one-sixth mile or any part thereof. Twenty-five cents for each minute or any part thereof of waiting time.~~

Schedule. One dollar and twenty-five cents (\$1.25) for the first one-seventh (1/7) mile or any part thereof, and twenty-five cents (\$0.25) for each additional one-seventh (1/7) mile or any part thereof.

(b) Twenty-five cents (\$0.25) for each minute, or any part thereof, of waiting time.

(c) Twenty-five cents (\$0.25) per piece of hand luggage in excess of two (2) pieces which are not carried in the passenger's lap.

(d) Said maximum fares shall be applicable to each trip made by such taxicab irrespective of the number of passengers and the point of origin or termination of such trip.

~~(b)~~ (e) Manifests required. Every driver of a taxicab or of an intercity jitney shall maintain a daily manifest upon which is recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare collected. All such complete manifests shall be returned to the certificate holder by the driver at the conclusion of his tour of duty. The forms for such manifests shall be furnished to the driver by the certificate holder on the form prescribed by and approved by the chief of police. An intercity

jitney driver must, at the time a passenger enters his vehicle, enter on his manifest the place and time of origin of the trip and the destination of such trip and the amount of fare to be collected.

(e) (f) Preservation of manifests. Every holder of a certificate for the operation of a taxicab or intercity jitney shall retain and preserve all drivers' manifests in a safe place for at least the calendar year. Such manifests shall be available to the chief of police.

Section 2. The City Clerk is hereby directed to keep the schedule of fares on file in accordance with the provisions of Section 21-112 of Chapter 21, Article III of the City of Riviera Beach Code of Ordinances.

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. 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 *City of Riviera Beach Code of Ordinances*, and the sections of this ordinance may be renumbered to accomplish such intentions.

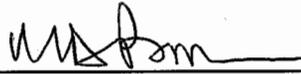
Section 5. Specific authority is hereby granted to codify this ordinance.

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

PASSED AND APPROVED on First Reading this 20th day of September, 2000.

PASSED AND ADOPTED on Second Reading this 4th day of October, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

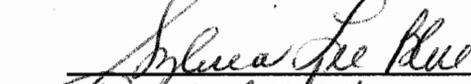

EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]


ELIZABETH WADE, CHAIRPERSON PRO-TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA LEE BLUE

DAVID SCHNYER

DONALD R. WILSON
COUNCIL MEMBERS

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: S. Blue
SECONDED BY: E. Wade
E. RODGERS aye
E. WADE aye
S. BLUE aye
D. SCHNYER aye
D. WILSON absent

MOTIONED BY: D. Wilson
SECONDED BY: E. Wade
E. RODGERS aye
E. WADE aye
S. BLUE aye
D. SCHNYER aye
D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY
City Attorney
City of Riviera Beach

Date 
9/14/00

ORDINANCE NO. 2877
PAGE 4

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 applicable Florida Statutes.

September 21, 2000
Date


Carrie E. Ward, CMC/AAE, City Clerk

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A MORATORIUM ON THE ISSUING OF PERMITS FOR THE SITING AND CONSTRUCTION OF BARS, SALOONS, TAVERNS, AND NIGHTCLUBS (WITH AND WITHOUT ENTERTAINMENT) WITHIN THE CITY LIMITS FOR A 180-DAY PERIOD; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, no specific regulations exist to address issues relating to siting and construction of bars, saloons, taverns, and nightclubs (with and without entertainment); and

WHEREAS, the City Council of the City of Riviera Beach deems it advisable and in the interest of the health, safety, and welfare of its citizens to promote the orderly growth of the City by adopting well-designed criteria for the siting and construction of bars, saloons, taverns (with and without entertainment), and nightclubs.

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

Section 1. No permit shall be issued for the siting and construction of any bars, saloons, taverns (with and without entertainment), and nightclubs for a period of 180 calendar days from the adoption of this ordinance or final adoption of bars, saloons, taverns (with or without entertainment), and nightclubs zoning ordinance.

Section 2. Definitions:

1. *Bar.* Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principle use.
2. *Lounge, cocktail.* An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.

3. *Nightclub.* An establishment dispensing liquor and meals and in which music, dancing or entertainment is conducted.
4. *Saloon, tavern.* An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

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 City of Riviera Beach 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. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

APPROVED:

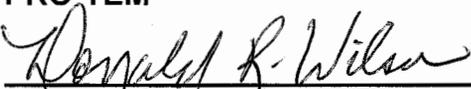

MICHAEL D. BROWN, MAYOR


EDWARD RODGERS, CHAIRPERSON

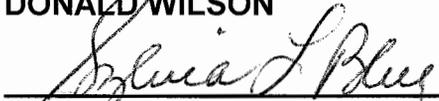
{MUNICIPAL SEAL}


ELIZABETH WADE, CHAIRPERSON
PRO-TEM

ATTEST:


DONALD WILSON


CARRIE E. WARD, CMC/AAE
CITY CLERK

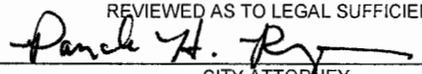

SYLVIA L. BLUE

DAVID SCHNYER
COUNCIL MEMBERS

MOTIONED BY: _____
SECONDED BY: _____

E. RODGERS: _____
E. WADE: _____
D. WILSON: _____
S. BLUE: _____
D. SCHNYER: _____

1 ST Reading	2 nd & Final Reading
<u>D. Schnyer</u>	<u>E. Wade</u>
<u>S. Blue</u>	<u>D. Wilson</u>
<u>aye</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>
<u>absent</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

Ordinance No. 2878

Page -4-

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, CMC/AE
City Clerk

Ordinance Merit/Status

1/20/00 CC Mfg

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 13, ARTICLE IV, SECTION 13-76 ENTITLED "RENTAL RATES AND MISCELLANEOUS CHARGES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city marina has not adjusted its wet slip rates since 1998; and

WHEREAS, to remain competitive with other municipalities and organizations offering storage facilities, it is necessary to increase rates.

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

SECTION 1. Chapter 13, Article IV, Section 13-76 is hereby amended and reads as follows:

Section 13-76. Rental rates and miscellaneous charges

(a) The city marina dry and wet storage rate schedule is as follows:

- (1) The city marina dry storage rate schedule shall be ~~\$6.75~~ 7.09 per foot per month with a minimum length of 20 feet, taking effect on November 1, ~~1995~~ 2000.
- (1) The city marina wet storage rate schedule shall be ~~\$12.56~~ 13.82 regular, and \$14.65 live aboard, per foot per month with a minimum length of 30 feet and ~~\$0.80~~ 0.88 per foot per day, taking effect on November 1, ~~1995~~ 2000.
- (2) *Miscellaneous and other charges.* Miscellaneous charges for services or merchandise may be established from time to time by the city manager or his designee, but final approval of such charges shall be the decision of the city manager.

Ordinance No. 2879

Page 2

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 City of Riviera Beach 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 4. Specific authority is hereby granted to codify this ordinance.

SECTION 5. That Ordinance shall take effect on November 1, 2000.

PASSED AND APPROVED on first reading this 4th day of October, 2000.

PASSED AND APPROVED on second and final reading this 18th day of October, 2000.

Ordinance No. 2879

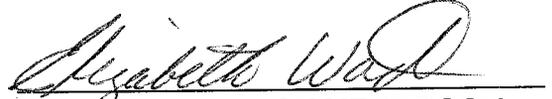
Page 3

APPROVED:


Michael D. Brown, MAYOR

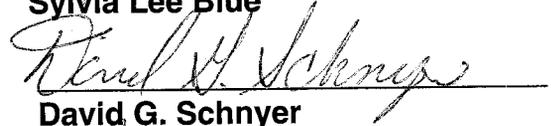

Edward Rodgers, CHAIRPERSON

(MUNICIPAL SEAL)

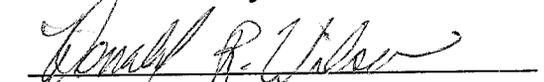

Elizabeth Wade, CHAIRPERSON
PRO-TEM

ATTEST:


Sylvia Lee Blue


David G. Schnyer


CARRIE WARD, CMC/AE
CITY CLERK


Donald R. Wilson
COUNCIL MEMBERS

REVIEWED AS TO LEGAL SUFFICIENCY


Pamela H. Ry
CITY ATTORNEY
CITY OF RIVIERA BEACH

ORDINANCE NO. 2879
PAGE 4

1st Reading

2nd & Final Reading

MOTIONED BY:
SECONDED BY:

S. Blue
E. Wade

E. Wade
D. Schnyer

E. Rodgers _____
E. Wade _____
S. Blue _____
D. Schnyer _____
D. Wilson _____

aye
aye
aye
aye
aye

aye
aye
aye
aye
aye

ORDINANCE NO. 2880

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION PLAN BY CREATING THE CLASSIFIED POSITION OF PLANNER AND DELETING THE CLASSIFIED POSITION OF ASSOCIATE PLANNER FROM THE PAY AND CLASSIFICATION PLAN UNDER CLASS TITLE PLANNING AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Associate Planner position is no longer needed in the Department of Community Development; and

WHEREAS, it is the City's intention to delete the Associate Planner from the City's Pay & Classification Plan; and

WHEREAS, the title of Planner is commensurate with the duties of those needed; and

WHEREAS, the position of Planner must be added to the City's Pay & Classification Plan; and

WHEREAS, the position of Planner was approved in the 2000-2001 budget.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA THAT THE PAY AND CLASSIFICATION PLAN BE AMENDED AS FOLLOWS:

CLASS TITLE	CLASSIFICATION	RANGE	SALARY
Planning	Associate Planner	GS/C-30	\$27,914- \$42,469

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>SALARY</u>
<u>Planning</u>	<u>Planner</u>	<u>GS/C-34</u>	<u>\$33,741-</u> <u>\$50,395</u>

SECTION 1. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this ordinance.

SECTION 2. That all sections or parts of sections of the Code of Ordinances, and all resolutions or part of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 3. This Ordinance shall not be codified.

SECTION 4. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this 18th day
of October, 2000.

PASSED AND ADOPTED on second reading this 1st day
of November, 2000.

ORDINANCE NO. 2880

PAGE - 3 -

APPROVED:



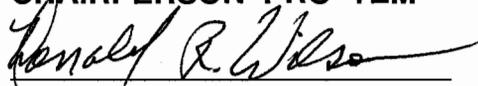
MICHAEL D. BROWN, MAYOR


EDWARD RODGERS
CHAIRPERSON

MUNICIPAL SEAL

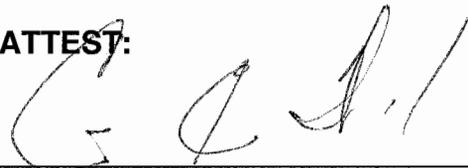


ELIZABETH WADE
CHAIRPERSON PRO TEM

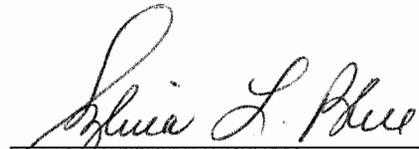


DONALD R. WILSON

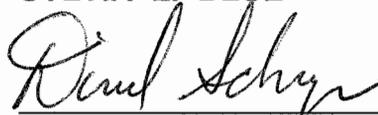
ATTEST:



CARRIE E. WARD, CMC / AAE
CITY CLERK



SYLVIA L. BLUE



DAVID SCHNYER
COUNCILMEMBERS

Motioned by: E. Wade

Motioned by: E. Wade

Seconded by: S. Blue

Seconded by: D. Schnyer

1st READING

2nd READING

E. RODGERS aye

aye

E. WADE aye

aye

D. WILSON aye

aye

S. BLUE aye

aye

D. SCHNYER aye

aye

ORDINANCE NO. 2880
PAGE - 4 -

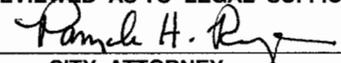
CERTIFICATION OF PUBLICATION

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.

10/18/00
DATE


Carrie E. Ward, CMC/AE
CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 10/13/00

DP/dmk:10/06/00

CITY OF RIVIERA BEACH
 CLASSIFICATION PLAN
 PAGE 15
 EFFECTIVE DATE: 10/01/00

**GENERAL SUPERVISORY/CONFIDENTIAL
 SALARY SCHEDULE - 2000 - '01**

RANGE	CLASSIFICATION		SALARY
GS/C31	Code Enforcement Inspector	29,265.1382	43,737.3993
	Lead Water Plant Operator	562.7911	841.1038
	Librarian II	14.0698	21.0276
	Public Works Supervisor II		
GS/C33	Paralegal/Administrative Asst.	32,173.7352	48,037.4688
	Parks Superintendent	618.7257	923.7975
	Personnel Specialist	15.4681	23.0949
	Public Works Supervisor III		
	Recreation Superintendent Shop Supervisor		
GS/C34	Planner	33,741.0672	50,395.4256
	Senior Buyer	648.8667	969.1428
	Water Plant Operator Supv	16.2217	24.2286
GS/C37	Personnel Analyst	38,903.4716	58,169.9439
	Water/Sewer System Superintendent	748.1437	1,118.6528
		18.7036	27.9663

ORDINANCE NO. 2881

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, AMENDING CHAPTER 14 ARTICLE III ENTITLED "FIREFIGHTERS' PENSION PLAN" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH; AMENDING SECTION 14-46(b), TO PROVIDE FOR CONFORMANCE TO FLORIDA STATE STATUTE CHAPTER 175, AS AMENDED; AMENDING SECTION 14-47, TO MAKE IT GENDER NEUTRAL; AMENDING SECTION 14-48(a), TO DELETE UNNECESSARY LANGUAGE; AMENDING SECTION 14-48(b), TO DELETE UNNECESSARY LANGUAGE; DELETING SECTION 14-49(3) TO DELETE UNNECESSARY LANGUAGE; AMENDING SECTION 14-51(a), TO PROVIDE FOR REFUNDS OF CONTRIBUTIONS AND FOR PAYMENT OF VESTED BENEFITS; AMENDING SECTION 14-54, TO AMEND THE NORMAL RETIREMENT DATE; PROVIDING A CONFLICT CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current language in the Firefighters Pension Ordinance does not conform to Florida State Statute Chapter 175; and

WHEREAS, the amendment has been prepared for conformity; and

WHEREAS, the Firefighter Pension Ordinance addresses a single gender; and

WHEREAS, the amendments have been made to address both genders; and

WHEREAS, some of the language in the Ordinance is unnecessary and is therefore deleted; and

WHEREAS, the Plan is amended to provide for refunds of contributions and for payments of vested benefits; and

WHEREAS, the Plan is amended to include the normal retirement date; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:

SECTION 1: Article III, Chapter 3, entitled "Firefighters' Pension Plan" of the Code of the City of Riviera Beach is hereby amended to read as follows:

Sec. 14-46. Created; administration.

(b) This article is to be administered pursuant to the provisions

of F.S. ch. 175, as it may be amended from time to time, and all of terms thereof are hereby incorporated into this article by reference and made a part hereof.

Sec 14-47. Board of trustees; created, powers, duties.

There is hereby created a board of trustees of the City firefighters' pension trust fund. The board of trustees shall consist of five members, two of whom shall be legal residents of the city who shall be appointed by the city council, and two of whom shall be full-time firefighters as defined in F.S. § 175.032(1), who shall be elected by a majority of the firefighters who are members of the plan. The fifth member shall be chosen by majority of the previous four members as provided for in this section, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board of trustees as its fifth member. The fifth member shall have same rights as each of the other four members appointed or elected as provided in this section and may be succeeded ~~himself~~ in office. Each resident member shall serve as trustee for a period of two years from October 1, 1986, unless sooner replaced by the city council, at whose pleasure ~~he~~ the resident member shall serve, and may be succeeded ~~himself~~ as a trustee. Each firefighter member shall serve as a trustee for a period of two years from October 1, 1986, unless ~~he~~ the firefighter sooner leaves the employment of the city as a firefighter, whereupon the city council shall choose ~~his~~ a successor in the same manner as an original appointment. Each firefighter may be succeeded ~~himself~~ in office. The board of trustees shall be a legal entity ~~with~~ which, in addition to other powers and responsibilities contained in this section, shall have the power to bring and defend lawsuits of every kind, nature and description. The trustees shall by a majority vote elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law. The board of trustees may:

(1) Invest the assets of the firefighters' pension fund as authorized by F.S. ch. 175, except the board of trustees may invest not more than ~~three~~ five percent of its assets in the common stock or capital stock of any one issuing company, nor exceed ~~three~~ five percent of the outstanding capital stock of that company, nor shall the aggregate of its investments in common stock at cost exceed 60 percent of the assets of the fund.

Sec.14-48. Retirement monthly income.

- (a) The amount of the monthly retirement income payable to a firefighter who retires on or after his the firefighter's normal retirement date shall be an amount equal to the number of his the firefighter's years of credited service multiplied by three percent of his the firefighter's average final compensation. ~~If a firefighter has been contributing only three percent of his salary, his monthly income shall be an amount equal to the number of years credited service multiplied by one and one-half percent of his final average compensation.~~
- (b) ~~The retirement income shall be reduced for moneys received under the disability provisions of this article.~~

Sec. 14-49. Disability retirement.

For disability retirement, all of the terms and conditions as set forth in F.S. § 175.191, which are made a part of this article, shall apply with the following exceptions:

- (3) ~~Disability benefits shall not apply to any firefighter who has attained his normal retirement date unless the firefighter is employed by the fire department of the City as a full-time active firefighter.~~

Sec. 14-51. Refund of contributions.

- (a) If a firefighter leaves the service of the City as a firefighter prior to ten years of actual service, ~~Should a firefighter leave the services of the City as a firefighter,~~ such firefighter shall be entitled to a refund of all his contributions paid to the City firefighters' pension trust fund with interest. The rate of interest shall be 5.5 percent per annum, simple interest. A refund of contributions shall be in lieu of any other benefits to which a member may otherwise be entitled.
- (b) This article applies to distributions made on or after January 1, 1993. Notwithstanding any provisions for the plan to the contrary that would otherwise limit a distributee's election under this article, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- (c) Definitions. The following words, terms and phrases, as used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates otherwise:

- (1) *Eligible rollover distribution* means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:
 - (a) Any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;
 - (b) Any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code; and
 - (c) The portion of any distribution that is not includible in gross income.
- (2) *Eligible retirement plan* means an individual retirement account described in section 408(a) of the Internal Revenue Code, an individual retirement annuity described in section 403(a) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.
- (3) *Distributee* includes an employee or former employee. In addition, the employee's or former employee's surviving spouse are distributees with regard to the interest of the spouse.
- (4) *Direct rollover* means a payment by the plan to the eligible retirement plan specified by the distributee.

~~Sec. 14-54. Normal retirement date and amount.~~

~~The amount of the monthly retirement income benefit payable to a firefighter who retired after 20 years of service regardless of age, and the contribution of eight percent of his annual salary to the City firefighters' pension trust fund from the date of October 21, 1981, or from the date of his employment if hired at a later date shall be three percent of the number of years of his credited service time the amount of his final average monthly compensation.~~

Section 14-54. Normal retirement date and amount.

The normal retirement age will be upon completion of twenty years of service regardless of age; or completion of ten or more years of creditable service and attaining age 55. The amount of the monthly retirement income benefit payable to a firefighter on a normal retirement will be three percent of the number of years of his the firefighter's credited service times the amount of the firefighters' final monthly average compensation.

SECTION 2: That all sections or parts of sections of the code in conflict herewith be and the same are hereby repealed to the extent of the conflict.

SECTION 3: That this ordinance shall be made a part of the Riviera Beach City Code and the provisions herein may be renumbered for such purpose.

SECTION 4: This ordinance shall be effective December 31, 1999.

SECTION 5: Special 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 first reading this 15th day of

November 2000.

PASSED and APPROVED on second and final reading this 20th day of

December 2000.

APPROVED:

Michael D. Brown

MICHAEL D. BROWN
MAYOR

Edward Rodgers
EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

Elizabeth Wade
ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST

Carrie E. Ward
CARRIE E. WARD, CMC/AE

Donald B. Wilson
DONALD WILSON

Sylvia Lee Blue
SYLVIA LEE BLUE

REVIEWED FOR LEGAL SUFFICIENCY
Pamela H. Rye
CITY ATTORNEY
CITY OF RIVIERA BEACH

David Schnyer
DAVID SCHNYER
COUNCIL MEMBERS

DATE: 11/7/00

MOTIONED BY: S. Blue

MOTIONED BY: S. Blue

SECONDED BY: D. Schnyer

SECONDED BY: E. Wade

1ST READING

2ND & FINAL READING

E. RODGERS aye

aye

E. WADE absent

aye

D. WILSON absent

aye

S. BLUE aye

aye

D. SCHNYER 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.

12/20/00
DATE


CARRIE E. WARD, CMC/AE, CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: _____

DP/cw/10/11/00

ORDINANCE NO. 2882

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, ARTICLE II, SECTION 31-41 ENTITLED "FEES" AND ARTICLE IX, SECTION 31-692 ENTITLED "LAND DEVELOPMENT APPLICATION FEE SCHEDULE" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.201, Florida Statutes, provides the City Council with the authority to collect fees necessary to conduct municipal government; and

WHEREAS, The City Council finds that the current schedule of fees for development petitions, adopted by Ordinance 2366 in 1988 is outdated and needs to be revised.

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

Section 1. Chapter 31, Article II, Section 31-41 entitled "Fees" of the City of Riviera Beach Land Development Code is hereby amended to read as follows:

Sec. 31-41. Fees.

The city council shall establish by ~~resolution~~ ordinance the appropriate schedule of fees, charges and expenses and a collection procedure for appeals, actions, requests, and other matters pertaining to the board. The board shall have the authority to expend any funds so appropriated by the city council for purposes and activities authorized herein or by any such ~~resolution(s)~~ ordinance(s).

Section 2. Chapter 31, Article IX, Section 31-692 entitled "Land Development Application Fees" of the City of Riviera Beach Land Development Code is hereby amended to read as follows:

Sec. 31-692. Land development application fee schedule.

Application _____ Fee

Site plan review:

Minor, less than 1/2 acre or less than 7 units _____ \$400.00

Major, 1/2 acre or greater, or 7 units or more _____ 700.00

Plus, _____ per acre 50.00

ORDINANCE NO. 2882

PAGE 2

Site plan amendments:

Administrative	75.00
Minor	300.00
Major	500.00

Special exceptions:

Non-PUD, in addition to site plan fee above 250.00

PUDs, R-PUD, I-PUD, C-PUD, IHC-PUD,
in addition to site plan fee 250.00

Plat approval:

Plat: two lots or less 350.00

Subdivision three or more lots 600.00
Plus, per acre over ten acres 50.00

Land use/rezoning:

Five acres or less 750.00
Greater than five acres 750.00
Plus, for each additional acre 50.00

(Ord. No. 2366, § 1, 4-6-88)

Site plan review:

Minor (less than 1 acre)	\$750.00
Major (1 acre or more)	\$1500.00
PUD	\$2000.00

Site plan amendments:

Minor (less than 1 acre)	\$500.00
Major (1 acre or more)	\$750.00
PUD	\$1350.00

Special exception:

All (In addition to site plan fee) \$250.00

ORDINANCE NO. 2882
PAGE 3

Plat approval:

Plat (2 lots or less) \$500.00
Subdivisions (3 or more lots) \$750.00 plus \$50.00 per acre over 5 acres

Land use change: \$1500.00

Small Scale land use change: \$1000.00

Text Change: \$1500.00

Rezoning: \$1000.00

Revision to Land Development Code \$1000.00 (per revision)

Abandonment of Easement:

Single family residential \$250.00

Other \$300.00

Abandonment of Right-of-Way: \$500.00

Variance: \$500.00

Rehearing: \$500.00

Multiple Request \$100.00 (each additional variance)

Appeal of Zoning Determination \$500.00

Legal Advertisement: \$250.00

Certified Mailing: \$250.00

Sign Permit Review: \$25.00

Notification Signs: \$10.00

Zoning verification letter \$35.00

Zoning map (34x22) \$10.00

Zoning map (80x36) \$25.00

Future Land Use Map (34x22) \$10.00

Future Land Use Map (80x36) \$25.00

Custom map \$55.00

All application fees shall be paid in full at time of submittal of application to the Department of Community Development. No development request shall be processed until all application fees are paid.

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. 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 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.

Section 7. This Ordinance shall take effect immediately upon its final passage and adoption.

ORDINANCE NO. 2882
PAGE -5-

PASSED and APPROVED on First Reading this 15th day of November, 2000.

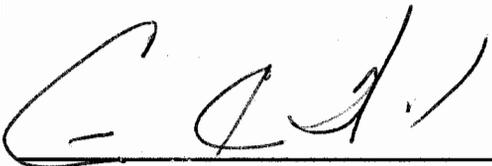
PASSED and ADOPTED on Second and Final Reading this 20th day of December, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

{MUNICIPAL SEAL}

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


EDWARD RODGERS, CHAIRPERSON


ELIZABETH WADE, CHAIRPERSON
PRO-TEM


DONALD WILSON


SYLVIA LEE BLUE


DAVID SCHNYER
COUNCIL MEMBERS

MOTIONED BY
SECONDED BY:

E. RODGERS: _____
E. WADE: _____
D. WILSON: _____
S. BLUE: _____
D. SCHNYER: _____

1 ST Reading	2 nd & Final Reading
<u>S. Blue</u>	<u>E. Wade</u>
<u>D. Schnyer</u>	<u>S. Blue</u>
<u>aye</u>	<u>aye</u>
<u>absent</u>	<u>aye</u>
<u>absent</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 11/9/00

ORDINANCE NO. 2882
PAGE 6

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 applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AAE, City Clerk

CD/SE/FEES/OCT 30, 2000

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CONFIRMING THE CREATION OF THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY BY ORDINANCE NO. 1017, ENACTED AUGUST 7, 1974; DECLARING THAT THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY HAS BEEN IN CONTINUOUS EXISTENCE SINCE ITS CREATION ON AUGUST 7, 1974; APPROVING, RATIFYING AND CONFIRMING ALL PRIOR ACTIONS TAKEN BY THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY SINCE ITS CREATION ON AUGUST 7, 1974; APPROVING, RATIFYING AND CONFIRMING ALL PRIOR ACTIONS TAKEN BY THE CITY COUNCIL OF RIVIERA BEACH PERTAINING TO THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY SINCE ITS CREATION ON AUGUST 7, 1974; RESTATING AND EXPANDING THE POWERS DELEGATED TO THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY; RESERVING CERTAIN REDEVELOPMENT POWERS TO THE CITY OF RIVIERA BEACH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Riviera Beach created the Riviera Beach Community Redevelopment Agency pursuant to Ordinance No.1017 on August 7, 1974; and

WHEREAS, Ordinance No. 2422 enacted September 19, 1974, Ordinance No. 2296 enacted December 18, 1985, Ordinance No. 2376 enacted July 6, 1988 and Ordinance No. 2550 enacted April 1, 1992 made various changes and modifications to the structure and powers of the Riviera Beach Community Redevelopment Agency but did not abolish it; and

WHEREAS, it has always been the intent and purpose of the City of Riviera Beach to maintain the Riviera Beach Community Redevelopment Agency in continuous existence since its creation on August 7, 1974; and

WHEREAS, since its creation on August 7, 1974 it has always been the intent and purpose of the City of Riviera Beach that actions taken by the Riviera Beach Community Redevelopment Agency be lawful and valid; and

WHEREAS, the City of Riviera Beach wishes to restate and expand the powers delegated by the City to the Riviera Beach Community Redevelopment Agency.

NOW, THEREFORE, be it ordained by the City Council of the City of Riviera Beach, Florida that:

Section 1. The Riviera Beach Community Redevelopment Agency was lawfully created by Ordinance No. 1017 on August 7, 1974 and has been in continuous existence since its creation.

Section 2. All actions taken by the Riviera Beach Community Redevelopment Agency since its creation on August 7, 1974 are hereby ratified and confirmed.

Section 3. All actions taken by the City of Riviera Beach pertaining to the Riviera Beach Community Redevelopment Agency, including but not limited to all ordinances enacted by the City of Riviera Beach, are hereby ratified and confirmed.

Section 4. The City Council of the City of Riviera Beach hereby delegates to the Riviera Beach Community Redevelopment Agency the following powers as authorized by Section 163.370, Florida Statutes (2000)

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under Part III of Chapter 163, Florida Statutes (2000);

(b) To disseminate slum clearance and community redevelopment information;

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which redevelopment may include:

1. Acquisition of a slum area or a blighted area or portion thereof.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of Part III of Chapter 163, Florida Statutes (2000) in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise any real property (or personal property for its administrative purposes), together with any improvements thereon; except that the community redevelopment agency may not exercise any power of eminent domain unless the exercise has been specifically approved by the City Council of the City of Riviera Beach.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of Part III of Chapter 163, Florida Statutes (2000).

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by the community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380, Florida Statutes (2000) prior to acquisition of such real property by the community redevelopment agency.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385, Florida Statutes (2000) at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of Part III of Chapter 163, Florida Statutes (2000) and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of Part III of Chapter 163, Florida Statutes (2000).

(h) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of Part III of Chapter 163, Florida Statutes (2000); to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.
2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.
3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of Part III of Chapter 163, Florida Statutes (2000) and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by the community redevelopment agency pursuant to any of the powers granted by Part III of Chapter 163, Florida Statutes (2000).

(m) Within its area of operation, to organize, coordinate, and direct the administration of the provisions of Part III of Chapter 163, Florida Statutes (2000), as they may apply to the community redevelopment agency, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within the community redevelopment agency may be most effectively promoted and achieved and to establish such new office or offices of the community redevelopment agency or to reorganize existing offices in order to carry out such purpose most effectively.

(n) With the approval of the City Council the Community Redevelopment Agency may

1. Develop and implement community-policing innovations.
2. Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in the community redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.
3. Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this section, in the event that the real property is not made part of the community redevelopment area.

Section 5. The City of Riviera Beach retains all powers provided in Section 163.370, Florida Statutes, not specifically dedicated herein to the Riviera Beach Community Redevelopment Agency, including, but not limited to:

(a) The power to zone or rezone any part of the municipality or make exceptions from building regulations.

(b) To close, vacate, plan or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the municipality not specifically provided for in this ordinance.

Section 6. If any word, phrase, clause, subsection, or section of this ordinance is held unconstitutional or invalid for any reason, the invalidity thereof shall not affect the validity of any remaining portion of this ordinance.

Section 7. All sections or parts of sections of the Code of Ordinances of the City of Riviera Beach, all ordinances or parts of ordinances of the City of Riviera Beach and all resolutions or parts of resolutions of the City of Riviera Beach in conflict herewith, be in the same are hereby repealed to the extent of such conflict.

Section 8. Specific authority is hereby granted to codify this ordinance.

Section 9. This ordinance shall be in full force and effect immediately upon its final passage and adoption.

RESERVED

PASSED and APPROVED on First Reading this 15th day of November, 2000

PASSED and ADOPTED on Second and Final Reading this 21st day of February, ~~2000~~ 2001.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

{MUNICIPAL SEAL}

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Edward Rodgers
EDWARD RODGERS,
CHAIRPERSON

Elizabeth K. Wade
ELIZABETH K. WADE, CHAIR
PRO-TEM

Donald K. Wilson
DONALD WILSON

Sylvia Lee Blue
SYLVIA LEE BLUE

Davis Schnyer
DAVIS SCHNYER
COUNCIL MEMBERS

MOTIONED BY:
SECONDED BY:

E. RODGERS: _____
E. WADE: _____
D. WILSON: _____
S. BLUE: _____
D. SCHNYER: _____

1 ST Reading	2 ND Reading
<u>S. Blue</u>	<u>S. Blue</u>
<u>D. Schnyer</u>	<u>E. Wade</u>
<u>aye</u>	<u>aye</u>
<u>absent</u>	<u>aye</u>
<u>absent</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>
<u>aye</u>	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

Samuel H. Ryz
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 11/9/00

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, CMC/AE, City Clerk

ORDINANCE NO. 2884

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF COMMUNITY FACILITY ON 4.37 ACRES OF LAND LOCATED ON THE EAST SIDE OF AVENUE "P" WEST OF AUSTRALIAN AVENUE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE ZONING MAP AND PROVIDING AN EFFECTIVE DATE.

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 RM-15 zoning classification; and

WHEREAS, on October 12, 2000, the Planning and Zoning Board reviewed the proposed zoning change from "RM-15" Multifamily Dwelling District to "CF" Community Facility zoning classification, and forwarded a recommendation to the City Council; and

WHEREAS, the proposed zoning classification for 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 Planning and Zoning Board; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance; and

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

Section 1. The Zoning Map in the City of Riviera is hereby amended to assign CF "Community Facility" zoning classification on 4.37 acres of land located on the east side of Avenue "P" west of Australian Avenue. The legal description is as follows:

Parcel 1

Being a parcel of land lying in Section 32, Township 42 South, Range 43 East, Palm Beach County, Florida and being more particularly described as follows:

BEGINNING at the Northwest corner of PLAT OF RIVIERA BEACH HEIGHTS NO. 8 as recorded in Plat Book 26, Page 170 of the Public Records of Palm Beach County, Florida; thence North along the East line of PLAT NO. 2 LEWIS TERMINALS as recorded in Plat Book 27, Page 42 of the Public Records of Palm Beach County, Florida, a distance of 424.65 feet to a point of intersection with the South line of INLET CITY as recorded in Plat Book 7, page 27 of the Public Records of said Palm Beach County, Florida; thence North 89° 32' 46" East along said South line of INLET CITY, a distance of 476.74 feet; thence South 01° 15' 20" East along line that is 34.00 feet East of and parallel with the West line of GLENWOOD MEMORIAL CEMETERY as recorded in Plat Book 24, Page 238 of the Public Records of said Palm Beach County, Florida, said line also being as shown on survey of Glenwood Memorial Cemetery prepared by James D. Carlton, Inc., job number 87-154a sheet 1 of 2, dated 6/23/87 a distance of 417.88 feet to a point of intersection with the North line of said PLAT OF RIVIERA BEACH HEIGHTS NO. 8; thence South 88° 44' 40" West along said North line, a distance of 486.02 feet to the POINT OF BEGINNING.

Section 2. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

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 the Ordinance.

Section 4. The effective date for this Ordinance shall be thirty-one (31) days after the adoption hearing.

PASSED AND APPROVED on First Reading this 15th day of November 2000.

PASSED AND ADOPTED on Second Reading this 20th day of December 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

Elizabeth Wade
ELIZABETH "LIZ" WADE, CHAIRPERSON
PRO-TEM

Sylvia Lee Blue
SYLVIA LEE BLUE

David Schnyer
DAVID SCHNYER

Donald R. Wilson
DONALD R. WILSON
COUNCIL MEMBERS

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

1st Reading

2nd & Final Reading

MOTIONED BY:

S. Blue

S. Blue

SECONDED BY:

D. Schnyer

D. Wilson

E. RODGERS

aye

aye

E. WADE

absent

aye

S. BLUE

aye

aye

D. SCHNYER

aye

aye

D. WILSON

absent

aye

Reviewed as to legal sufficiency

Pamela H. Ryan
City Attorney, City of Riviera Beach

Date: 11/9/00

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, CMC/AE, City Clerk

CD/JET/RZ10/October 31, 2000

ORDINANCE NO. 2885

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN FROM LOW DENSITY MULTI-FAMILY RESIDENTIAL (UP TO 12 DWELLING UNITS PER ACRE) TO COMMUNITY FACILITY FOR 4.37 ACRES OF LAND LOCATED ON THE EAST SIDE OF AVENUE "P" WEST OF AUSTRALIAN AVENUE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes 163.3187 provides procedures to amend the adopted Comprehensive Plan for small scale development activities; and

WHEREAS, the subject property is currently designated "Low Density Multifamily Residential" (up to twelve [12] dwelling units per acre) on the City of Riviera Beach Future Land Use Map; and

WHEREAS, the applicant Zadak, Incorporated is requesting to amend the City of Riviera Beach Future Land Use Map to designate "Community Facility" on 4.37 acres of land located on the east side of Avenue "P" west of Australian Avenue; and

WHEREAS, on October 12, 2000, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change at a Public Hearing, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body, reviewed the request and recommendations and conducted a Public Hearing and first reading of this ordinance.

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

Section 1. The Future Land Use Map in the Riviera Beach Comprehensive Plan is hereby amended to assign "Community Facility" on 4.37 acres legally described as follows:

Legal Description:

Parcel 1

Being a parcel of land lying in Section 32, Township 42 South, Range 43 East, Palm Beach County, Florida and being more particularly described as follows:

BEGINNING at the Northwest corner of PLAT OF RIVIERA BEACH HEIGHTS NO. 8 as recorded in Plat Book 26, Page 170 of the Public Records of Palm Beach County, Florida; thence North along the East line of PLAT NO. 2 LEWIS TERMINALS as recorded in Plat Book 27, Page 42 of the Public Records of Palm Beach County, Florida, a distance of 424.65 feet to a point of intersection with the South line of INLET CITY as recorded in Plat Book 7, page 27 of the Public Records of said Palm Beach County, Florida; thence North $89^{\circ} 32' 46''$ East along said South line of INLET CITY, a distance of 476.74 feet; thence South $01^{\circ} 15' 20''$ East along line that is 34.00 feet East of and parallel with the West line of GLENWOOD MEMORIAL CEMETERY as recorded in Plat Book 24, Page 238 of the Public Records of said Palm Beach County, Florida, said line also being as shown on survey of Glenwood Memorial Cemetery prepared by James D. Carlton, Inc., job number 87-154a sheet 1 of 2, dated 6/23/87 a distance of 417.88 feet to a point of intersection with the North line of said PLAT OF RIVIERA BEACH HEIGHTS NO. 8; thence South $88^{\circ} 44' 40''$ West along said North line, a distance of 486.02 feet to the POINT OF BEGINNING.

Section 2. The Director of Community Development is hereby authorized and directed to amend the City's Future Land Use Map by designating all changes described by this Ordinance.

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 the effective date of this Ordinance shall be thirty-one (31) days after the adoption hearing.

ORDINANCE NO. 2885
PAGE 3

PASSED AND APPROVED on First Reading this 15th day of November, 2000.

PASSED AND ADOPTED on Second Reading this 20th day of December, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]


EDWARD RODGERS, CHAIRPERSON


ELIZABETH WADE, CHAIRPERSON PRO-TEM


SYLVIA LEE BLUE


DAVID G. SCHNYER


DONALD R. WILSON
COUNCIL MEMBERS

ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK

FIRST READING

MOTIONED BY: S. Blue

SECONDED BY: D. Schnyer

E. RODGERS aye

E. WADE absent

S. BLUE aye

D. SCHNYER aye

D. WILSON absent

SECOND AND FINAL READING

MOTIONED BY: D. Wilson

SECONDED BY: D. Schnyer

E. RODGERS aye

E. WADE aye

S. BLUE aye

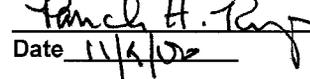
D. SCHNYER aye

D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY

City Attorney

City of Riviera Beach


Date 11/6/00

ORDINANCE NO. 2885
PAGE 4

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 applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AE, City Clerk

CD/JET/October 31, 2000

ORDINANCE NO. 2886

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PAY AND SALARY SCHEDULES FOR EMPLOYEES COVERED UNDER THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE RIVIERA BEACH ASSOCIATION OF FIRE FIGHTERS, IAFF LOCAL 1621, PROVIDING A SEVERABILITY CLAUSE; A CONFLICT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach has concluded labor negotiations and reached an agreement with the Riviera Beach Association of Firefighters, IAFF Local 1621; and

WHEREAS, the bargaining agreement reached shall be effective for Fiscal Years 1998 –1999, 1999 – 2000, and 2000 – 2001; and

WHEREAS, the salary of employees represented by the Riviera Beach Association of Firefighters, IAFF Local 1621 shall be amended based upon the agreement.

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

Section 1: The City's Pay & Classification Schedule for employees covered by the agreement between the City of Riviera Beach and the Riviera Beach Association of Firefighters, IAFF Local 1621 be amended as follows:

Grade	Position	Minimum	Maximum
F29	Fire Fighter	\$24,914.73	\$41,978.51
F31	Driver Engineer	\$27,381.28	\$46,177.61
F32	Lieutenant	\$28,745.80	\$48,495.33
F33	Captain	\$30,103.12	\$50,811.83
F36	Division Chief	\$34,754.51	\$59,167.97

Grade	Position	Minimum	Maximum
F29	Fire Fighter	\$27,500.00	\$43,500.00
F31	Driver Engineer	\$32,025.00	\$48,025.00
F32	Lieutenant	\$33,600.00	\$49,600.00
F33	Captain	\$35,280.00	\$51,280.00
F36	Division Chief	\$41,769.00	\$57,769.00

ORDINANCE NO. 2886

PAGE 2

Section 2: Employees covered by the agreement between the City of Riviera Beach and the Riviera Beach Association of Firefighters, IAFF Local 1621 shall have their salaries amended retroactively according to the provisions of Article 10 of the agreement entitled "Wages". To be eligible for retroactivity, an employee must be employed on the date the parties ratify the contract.

Section 3: It is the intention of the City Council and it is hereby ordained that the provision 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: That this Ordinance shall not be codified.

Section 7: That this Ordinance shall be in full force and effect immediately upon its final passage and adoption of the City Council.

PASSED AND APPROVED on first reading this 20TH day of
DECEMBER, 2000.

PASSED AND ADOPTED on second reading this 03 day of
January, 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

(MUNICIPAL SEAL)

Elizabeth Wade
ELIZABETH "LIZ" WADE, CHAIR PRO-TEM

ATTEST:

Donald R. Wilson
DONALD R. WILSON

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Sylvia Lee Blue
SYLVIA LEE BLUE
David G. Schnyer
DAVID G. SCHNYER
COUNCIL MEMBERS

MOTIONED BY: _____

SECONDED BY: _____

REVIEWED AS TO LEGAL SUFFICIENCY
Pamela H. Ryan
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 4/29/00

1st READING

2nd & FINAL READING

E. RODGERS

E. Wade

D. Schnyer

E. WADE

D. Wilson

D. Wilson

D. WILSON

aye

aye

S. BLUE

aye

aye

D. SCHYNER

aye

aye

ORDINANCE NO. 2886
PAGE 4

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, CMC/AE, City Clerk

ARTICLE 10: WAGES

~~A. For the 19960-'97 fiscal year, employees who were employed by the City on October 1, 1996, for the requisite number of years, as noted below, will receive the following adjustment to their wages retroactive to October 1, 1996:~~

Over 10 years	3.0%
8-9 years	2.5%
6-7 years	2.0%
4-5 years	1.5%
2-3 years	1.0%
1 year or less	0.5%

~~An employee must be employed on the date of ratification and the date payment is made by the City to be eligible for retroactivity. An employee hired subsequent to October 1, 1996, will only receive retroactive pay to the initial date of employment. The minimum of the pay grade will be frozen; however, the maximum of the pay grade will be increased by two (2) percent.~~

~~B. For the 1997-'99 fiscal year, employees who were employed by the City on October 1, 1997, for the requisite number of years, as noted below, will receive the following adjustment to their wages retroactive to October 1, 1997:~~

Over 10 years	3.0%
8-9 years	2.5%
6-7 years	2.0%
4-5 years	1.5%
2-3 years	1.0%
1 year or less	0.5%

~~An employee must be employed on the date of ratification and the date payment is made by the City to be eligible for retroactivity. An employee hired subsequent to October 1, 1997, will only receive retroactive pay to the initial date of employment. The minimum of the pay grade will be frozen; however, the maximum of the pay grade will be increased by two (2) percent.~~

~~C. Effective October 1, 1996, a three percent (3%) wage adjustment will be given annually on the employee's anniversary date during 1996-'97 fiscal year or 1997-'98 fiscal year, if applicable. An employee must be employed on the date of ratification and the date payment is made by the City to be eligible for retroactivity or payment of this adjustment.~~

A. Salary Adjustment

Bargaining unit members shall have their base salaries adjusted as set forth in **Appendix C** of this agreement. The salary adjustment will be effective as of October 1, 1999 and October 1, 2000 where indicated in **Appendix C**. This salary adjustment will occur prior to and in addition to

City's Chief Negotiator: HR
Union's Chief Negotiator: REP

the 3% wage step adjustments that occur on an employee's anniversary date as part of this agreement, longevity pay, paramedic incentive pay, EMT pay, or any other remuneration not specifically specified herein. An employee must be employed on the date of ratification to be eligible for retroactivity or payment of this adjustment.

B. Salary Schedule

The Salary Schedule providing for base salary compensation for employees in the following bargaining unit classifications for fiscal year 1999/2000 and 2000/2001 shall be as follows:

<u>Grade</u>	<u>Position</u>	<u>Minimum</u>	<u>Maximum</u>
F29	Fire Fighter	\$27,500.00	\$43,500.00
F31	Driver Engineer	\$32,025.00	\$48,025.00
F32	Lieutenant	\$33,600.00	\$49,600.00
F33	Captain	\$35,280.00	\$51,280.00
F36	Division Chief	\$41,769.00	\$57,769.00

The City agrees to complete a third party pay and equity study for all bargaining unit employees (including the topics of merit pay, proper salary, salary equity, and longevity pay issues and career plans) by March 1, 2001, so that it may be considered by the parties in the negotiation process for the successive contract.

At no time shall an employee's base salary be below the minimum salary schedule range for the classification. An employee must be employed on the date of ratification to be eligible for retroactivity or payment of this adjustment.

C. Wage Adjustment

Effective October 1, 1998, a three percent (3%) wage adjustment will be given annually on the employee's anniversary date. An employee must be employed on the date of ratification to be eligible for retroactivity or payment of this adjustment. If an employee's wage adjustment results in a wage increase exceeding the maximum salary schedule for the employee's classification, then the amount exceeding the maximum rate of pay for that particular classification will be paid to the employee in a lump sum payment.

D. Paydays

Employee's paydays will be weekly, on Thursday. However, effective on or about October 1, 2001, paydays will be bi-weekly. Biweekly is defined as every two (2) weeks. In the event that a payday falls on a holiday, the City shall have the discretion to pay the employees on the day before or the day after the holiday. The City will provide the option of direct deposit to all employees on or about October 1, 2001.

City's Chief Negotiator: 
Union's Chief Negotiator: 

Ordinance No. 2887

An ordinance of the City of Riviera Beach, Palm Beach County, Florida amending Chapter 27, Article II, Administration, Division 2, Planning Board; Sectionn27-31 entitled created; members; quorum term vacancies; removal; amending Section 27-32 entitled Advisory Status; and amending Section 27-37 entitled Platting Board; providing for codification; and providing for an effective date.

Tabled at December 20, 2000 Meeting

Ordinance No. 2888

An ordinance of the City of Riviera Beach, Palm Beach County, Florida amending chapter 31, Article II Board of Adjustment, Section 31-36(A)(2), entitled "Membership Composition"; amending Section 31-37(B)(1), entitled "Membership Terms & Vacancies"; providing for codification and providing for an effective date.

Tabled at December 20, 2000 Meeting

ORDINANCE NO. 2889

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF IL "LIMITED INDUSTRIAL" FOR 8.79 ACRES OF LAND LOCATED ON THE EAST SIDE OF CONGRESS AVENUE BETWEEN SILVER BEACH ROAD AND BLUE HERON BOULEVARD; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

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 a Palm Beach County zoning classification of IL (Light Industrial); and

WHEREAS, on November 9, 2000, the Planning and Zoning Board conducted a public hearing and reviewed the proposed zoning change and forwarded a recommendation for 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. The Zoning Map of the City of Riviera Beach is hereby amended to assign the zoning classification IL (Limited Industrial) to 8.79 acres of land located on the east side of Congress Avenue between Silver Beach Road and Blue Heron Boulevard. The legal description is as follows:

The North 620 feet of the south 700 feet of the North three-quarters of the East one-quarter of the Northeast quarter of Section 30, Township 42 South, Range 43 East, Palm Beach County, Florida, less and excepting therefrom the East 50 feet thereof.

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.